MINUTES

Ordinary Meeting of Council
18 December 2018
MEETING OF COUNCIL
18 DECEMBER 2018
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14. Closure

1. OPENING

The meeting was declared open by the Presiding Member Mayor Keri Shannon at 6.00 pm. The Presiding Member Mayor Keri Shannon advised that the meeting is being recorded and the recording will be placed on the Town's website.

The Presiding Member, Mayor Keri Shannon read the following statement: "I would like to acknowledge the past and present traditional owners and custodians of land on which this meeting is being held."

2. ATTENDANCE

Present:

Mayor: Keri Shannon (Presiding Member)

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

Officers: John Giorgi, JP, Acting Chief Executive Officer
          Marlaine Lavery, Director Planning & Development (Until 10.22 pm)
          Cam Robbins, Acting Director Corporate & Community Services (Until 10.58 pm)
          Roy Ruitenga, Manager Finance (Until 10.58 pm)
          Lee Gyomorei, Coordinator Governance (Until 10.22 pm)
          Denise Ribbands, Executive Assistant - Council Support Officer (Until 10.22 pm)
          Tess Jackson, Admin Officer - Governance and Contracts (Until 10.22 pm)

Members of the Public:
23 persons

Media:
1 person

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 in accordance with Regulation 11 (e) of the Local Government (Administration) Regulations 1996.

QUESTIONS SUBMITTED TO 18 DECEMBER 2018 ORDINARY COUNCIL MEETING

The Presiding Member Mayor Keri Shannon advised that with regard to Public Question Time, in accordance with the adopted Council Policy, if a person who has submitted a question prior to the meeting is not present at the meeting, then the question will be treated as correspondence and the Town's response will not be read out at tonight's meeting, however, the response will be recorded in the Minutes and a letter will be sent. The questions are available in the Chamber if anyone in the public gallery or any of the Elected Members want to read the questions prior to them being answered in next month's minutes.

The Presiding Member Mayor Keri Shannon asked for the public to come forward and ask their questions.

Verbal Questions - Persons Present

Lynette Jennings, 306 Salvado Road, Floreat

Statement

This is a replacement and amended version of the question I submitted yesterday. Please disregard and discard the prior question. Apologies for any inconvenience this change may cause.

My questions relate to Item DV18.194 about the draft Local Planning Strategy and its amendment as proposed in Clause 1.29 of the recommendation, dealing with 2 areas of existing bushland at the Wembley Golf Course as potential future residential development sites.

The original wording in the draft LPS indicated the Town had identified those areas as future development sites. The new wording apparently seeks to indicate it was the community who identified those sites in previous community consultation, although the amendment does not specify the future purpose for which the community identified that land, ie:

"In the previous community consultation, the community identified two portions of existing bushland within the Wembley Golf Course. The likely rationale of the community being that to identify new portions of developable land would take pressure off the need to increase density in existing traditional single residential needs of the golf facility."

Question 1

Please provide details of the 'previous community consultation' mentioned -

(a) to what it related;
(b) the date it was carried out;
(c) what was the question posed or information provided, that elicited the 'community' response that identified the land etc;
(d) how many people or respondents in that consultation 'identified two portions of existing bushland within the Wembley Golf Course' and what did they identify the bushland as being for, eg 'surplus' or 'as suitable for development' or whatever; and
(e) how many respondents were there in total to that consultation?
Question 2

I request that Mayor Shannon and Councillors Everett and McKerracher who voted at the last Development Committee Meeting for the inclusion of the above amended wording about the 2 golf course sites in the proposed LPS and that the Administration, given its support for that wording, please:

(a) provide their reasons for apparently using previous community consultation to justify including the golf course sites as future development sites in the LPS, despite the more up to date draft LPS survey responses indicating the community does not want those sites used for future housing? And when the logical, and in my opinion, appropriate response is to use the most recent consultation results to determine and support the content of the LPS; and

(b) explain why, in the case of the relevant Elected Members, they voted at the Development Committee and in the case of the Administration, is now recommending an outcome for the golf course sites that is contrary to the survey responses showing more support for retention of those sites as bushland than for using them as future residential development areas?

(NB: I will not read out the following as part of the question, but provide it for information and to assist with preparing answers. Please see the survey response analysis about Q98 showing that there is more support for not developing those sites for housing (44%) than for developing them (43%) and the responses to the following survey questions providing unchallenged support or strong support for preservation of those sites because they are PSO/bushland:

- Q39 about tree canopy expansion - 83% of participants supportive;
- Qs40 and 41 about public realm and open space. For Q40, as to what they most support for the proposed future public realm and open space, 42 respondents out of 262 answered - 'retain/enhance POS and bushland', and for Q41 about issues and concerns or suggestions for the public realm etc 61 answered the same ie 'retain/enhance POS and bushland';
- Q57 about support for the planning principle for Natural Asset Management, 67% of respondents answered this section and 96% of those supported the proposition that "The Town will encourage the preservation and protection of its natural assets and ensure that future land use and development does not compromise the environmental integrity of these assets";
- Q61 about what the respondents were most supportive of regarding proposed future Natural Asset Management - 156 of 193 open ended responses answered 'retaining/enhancing POS and bushland', which was the largest response with returning water to Perry Lakes the next largest at 144 responses.)

Response provided by Director Planning and Development

1. (a) The community engagement related to options for accommodating future development in the Local Planning Scheme (LPS).
   (b) This was carried out between March and April 2017.
   (c) Feedback was sought on what was liked or disliked about three scenarios and to consider if there were additional opportunities to accommodate future development within the Town.
(d) In total, 62 comments were received relating to development opportunities within the Town, which respondents thought worthy of consideration and the Wembley Golf Course was identified as part of these comments.

(e) Including responses to all scenarios, 959 submissions were received.

Further information regarding this consultation is available as an attachment to the LPS report (Appendix 1 of the Background Analysis Report).

2. (a) The early 2017 consultation informed the current draft LPS and the proposed text represents further background to the inclusion of these sites. The mixed level of support for the use of surplus land on the Wembley Golf Course is acknowledged.

(b) A due diligence environmental assessment has been undertaken and it has not identified any environmental considerations which would fundamentally constrain potential future residential development of the site, should this be pursued.

(c) The LPS is a high level document and considerable planning work, including community consultation, is required before the land could be developed.

Donald Lockyer, President Nirvana Social Club (Inc), 27 Bernedale Way, Duncraig

Question 1

What are the Council plans to accommodate parking for up to 50 vehicles on a Saturday night for hirers of the Town Hall and Tango Club?

Response provided by Mayor Shannon

The Town is considering the efficient use of the Leederville Town Hall car park. It won't be at the preclusion of the current users of the Town Hall. The report tonight is basically recommending that we can accommodate the current users as well as having a better efficient use of the car park.

Question 2

So what you are saying is what they are doing now from our point of view, is what is going to continue?

Response provided by Mayor Shannon

That is correct, it is certainly not going to be closed, it is just simply the fact that we had reduced the cost of parking in the car park and it wasn't well known and we probably will make better and more efficient use of that car park. We have just recently resurfaced it and we were only earning what is cost to resurface it, so it is probably better to make more efficient use it.

Liz Davenport, 7 Dorking Road, City Beach

Question 1

a) How much objection has the Council had with regard to heritage listings of private homes?

b) When will this be addressed?

c) Is it possible to get changes of category, when the category that has been assigned to the property causes extreme duress, because we are talking about peoples actual homes not a heritage property?
Response provided by Director Planning and Development

There were a number of objections from people whose properties had been nominated and they did not wish it to be nominated. Individual meetings were set up with the Planning Officers and Manager to talk people through the nomination, what their category entails and what requirements would be needed for Planning. We managed to resolve the majority of them. The Heritage list has now been endorsed but it will be reviewed probably bi-annually, maybe annually. We have not decided yet. There is still a Policy to come out. There are grants and different incentives to go though. It does not mean you cannot develop or extend the property. It is just you will require Planning permission going forward.

Russell Brown, 54 Holland Street, Wembley

Question 1

In relation to Lot 501 Omaroo Terrace, the Town Cambridge has purchased Lot 501 Omaroo Terrace back from Mr Mike Frawley for $4.6 million. Land transaction records show that the transfer date was 15 October 2018. In the November Council papers an amount of $944,000 was listed on page 2.1 of the attachment to Item 10.2 Monthly Financial Statements. This is described as 'cost of $944k for purchase of land held for resale not budgeted for'. Was this $944,000 related to the buy back of Lot 501 Omaroo?

Response provided by Acting Chief Executive Officer

That information is confidential as it was determined by the Council and also the Council was required to, as part of the settlement of this legal action, to sign a Deed of Settlement and Confidentiality.

Question 2

Why is it confidential? Once the land transaction is complete, why can't there be full disclosure of the total amount spent by the Town on buying back Lot 501? All payments in full have to be reported by the Town as required by the Local Government Act. This has not happened for the $944k.

Response provided by Acting Chief Executive Officer

The reasons for confidentiality was that this was a protracted legal dispute in the Supreme Court and as part of the conditions of settlement, that was one of the conditions that Council had to agree to. It is legally binding on both parties. With regards to recording of the information as per the Financial Management Regulations, I sought legal advice on this and what is placed in the Council Agenda meets the requirement of the regulations and also the Supreme Court conditions of settlement.

Question 3

So we know $182k was spent on legal fees related to the buy back but we don't know what the $944k was for? It is ratepayers money.

Response provided by Mayor Shannon

It is confidential. We can't discuss it.
Question 4

What other land has the Town purchased in the last few months?

Response provided by Mayor Shannon

That will have to be taken 'on-notice'.

Question 5

In the November Accounts for Payment E034633 14 November 2018 103321 Squire Patten Boggs 'Professional Services Audit Response Legal Advice Confidential Matters $12,705'. Has something untoward occurred with the Town's Audit? Why has the Town had to obtain costly legal advice on the audit? The Town is spending ratepayers money on costly legal opinion. I want to know why that advice is confidential and no openness or transparency?

Response provided by Acting Chief Executive Officer

There have been several requests for information relating to the invoices for use of Council Solicitors. For a variety of reasons that information is deemed confidential. In some cases it relates to the personal information of an employee. In some cases it relates to the ongoing Department of Local Government authorised Inquiry into the Town which there are strict confidentiality requirements placed on me. At this point in time, the legal advice that I have been given is that information is not to be provided. It may be after the findings of the Inquiry has been released but at this point in time the advice I have received is for the information to remain confidential.

Pamela Van Der Muelen, 21 Jukes Way, Wembley

Question 1

I refer to the November Accounts for Payment. Can I have an explanation for the payments made to the following legal companies: - E034565 6 November 2018 Hall & Willcox re Legal Advice - Employment Matters amounting to $1397.55. Which employment matter is this payment for?

Response provided by Acting Chief Executive Officer

I will reiterate my response which I gave to the previous person in that the information has been deemed confidential. As the Acting CEO I have taken advice. There is a whole range of issues being dealt with by the Council and the Administration. As I mentioned, some of them relate to the Government Inquiry, some of them relate to performance issues, some of them relate to governance issues. So at this point in time that information is deemed confidential and will not be released.

Question 2

This question also relates to finances and legal advice. This is E034682 14 November 2018 Mills Oakley re Legal Advice - Various Matters amounting to $62,119.20. As the amount paid for legal advice is substantial, can you please provide a list of various matters that this payment covers?

Response provided by Acting Chief Executive Officer

I will reiterate my response. As the Acting CEO I have responsibility to give advice to the Council. There is a notice of motion on the agenda for tonight's meeting and a confidential response that goes with that. As the Acting CEO my advice is that this information will not be
released unless determined by the Council. It may be released at a subsequent date but at this stage the advice I have received and my position is that I will not be releasing this information.

Question 3

This is E034855 28 November 2018 Squire Patten Boggs re Legal Advice City Beach Surf Club amounting to $16,248.10. Why are you seeking legal advice on the City Beach Surf Club?

Response provided by Acting Chief Executive Officer

Again this information is deemed confidential and what I can say is that there is legal proceedings in progress between the Town and some of its contractors. At his stage, it is deemed confidential. Council has been fully informed as to why it has been necessary to obtain legal advice but at this stage it is not in the best interest of Council to make it public, particularly with litigation which may be commenced fairly soon.

Hilary Pinerua, 8b 131 Drabble Road, City Beach

Question 1

Whose idea was it to propose opening the library on a Sunday? Was it the ratepayers, a survey, the library staff or the Council?

Response provided by Acting Chief Executive Officer

There is a report on tonight's agenda to approve of Sunday opening and that explains the reasons why the matter is being considered. To my knowledge, there has not been a recent survey.

Question 2

If there is opening on Sunday, will that mean shorter hours for Saturday and if there is no curtailing of the current hours, how will the staffing for Sunday be paid?

Response provided by Acting Chief Executive Officer

That matter is detailed in the report. There is no reduction in the total number of hours that the library is open per week.

Question 3

Why was there a notice of motion for unbudgeted expenditure of $42,000 for a Clipper bus instead of it being considered for the 2018/19 budget?

Response provided by Mayor Shannon

That was a prerogative of Council. That is how it was done.

Question 4

What did it cost for the Clipper Bus last year? How many people used it and what was the per head cost?

Response provided by Mayor Shannon

That question will be taken 'on notice'.
Written Questions - Persons Not Present.

Graham Hornel, 91 Empire Avenue, City Beach  
(Questions 1-5 Received by on line submission AEDT 1:38pm/AWST 10.38am 17.12.2018 - Receipt No QT100115)

Statement

As is shown in the Agenda for the December OCM, in answering a Question Taken on Notice at the November OCM, the A/CEO stated:

The Draft Town of Cambridge Meeting Procedures Local Law 2018 is yet to be gazetted and is therefore not yet law. The proposed Local Law prescribes 'Points of Order' at Clause 8.2, with Clauses 8.1 to 8.7 relating to 'Preserving Order'. The Town of Cambridge Standing Orders Local Law 2007 is the applicable current Local Law pertaining to Town of Cambridge Council Meetings.

Question 1

Since Clause 3.4 of that 2007 Local Law pertains to Public Question Time and the A/CEO has confirmed that this is the applicable current Local Law - and thus has been applicable throughout 2017 - why did Council approve Public Question Time Policy 1.1.13 at the 25 September OCM?

Response


It is noted that Regulation 7 determines that the procedures for the asking of and responding to questions raised by members of the public at a meeting are determined by the presiding at the meeting.

Question 2

Given that this approval was passed at Agenda Item 10.2 for that OCM - long after Public Question Time - and in light of the A/CEO's confirmation, why was Public Question Time at the OCM and again at the October and November OCM's not conducted fully and properly under the pertaining 2007 Local Law?

Response

Refer Response 1 above.

Question 3

Since the A/CEO has also confirmed that the 2007 Local Law is currently applicable, will Public Question Time at tonight's OCM be properly conducted in accordance with that Local Law - and, if not, then why not?

Response

Refer Response 1 above.
Question 4

Agenda Item 10.13 for the December OCM states 'a copy of the proposed Draft Meeting Procedures Local Law, current local law and Comparison Table was provided to all Elected Members on 15 October 2018, seeking comments and feedback by 31 October 2018. No comments were received. Is the collective failure by Elected Members to respond an accurate measure of their lack of genuine interest and commitment to reviewing a Standing Order that should have been reviewed no later than 2 May 2015, when a number of these Members were on Council?'

Response

Refer Response 1 above.

Question 5

Since no comments were received, how can Council then make an objective, collective decision on the proposed changes at Item 10.13 in the December OCM Agenda?

Response

Refer Response 1 above.

Statement

The Receipt Notification sent to those submitting online questions to Council Meetings states: "Thank you for submitting questions to Council using our online Ask Council a Question form. Your question(s) have been received and will be presented to the next Council Meeting".

Question 6

In her capacity as President (sic) of Ordinary Council Meetings - and as repeatedly requested of her and of the A/CEO - can our Mayor please explain clearly and fully how exactly questions that are submitted online are presented to the next Council Meeting, as stated in the Receipt Notification.

Response

The statement provided on the Town's website is correct. Questions submitted are presented to the Council Meeting. The Submitter's details are listed on the Question Register provided to the Presiding Member, and the questions are made available in the Public Gallery and to all Elected Members. Therefore Elected Members and the public are made aware of the questions submitted for the meeting.

In the opening of Public Question Time the Presiding Member advises that written questions have been received and lists those on the Question Register.

In accordance with Policy 1.1.13 - Managing Public Question Time at Council Meetings, the Presiding Member will call each person who has registered to ask a question to come forward to the microphone and ask their questions. If that person is not present in the Public Gallery, the Presiding Member may rule in accordance with Clause 7.2 of Policy 1.1.13 - Managing Public Question Time at Council Meetings, which states:
"7.2 (a) If the person is not present, the Presiding Member may rule that the question is not to be put to the meeting and will be treated as an item of correspondence, which will be referred to the Town's CEO for a written response, at a time other than at the meeting; and

7.2 (b) The question will not be read out and a written response by the CEO will be forwarded to the individual as soon as practicable and will be recorded in the Minutes."

Question 7

Does Council accept that this wording continues to be both erroneous and misleading?

Response

No.

Question 8

Despite our Mayor assuring me some weeks ago now that the ACEO would change that wording, towards presenting the true situation, why has that necessary change not happened as yet?

Response

It is considered that the change is not required.

Michael Jones, 2 Alba Lane, City Beach

Statement

In response to the Town's letter reference 2543881, dated 6 December 2018, regarding the review of parking provisions within Ocean Mia being conducted by the Town, I wish to have the following questions answered at the Council Meeting on 18 December 2018:

Question 1

It was stated the Council decided not to adopt the ODP recommendation to create a visitor space for each lot, please advise the reasons for this decision and if the assumptions behind those reasons are still valid.

Response

The Outline Development Plan (ODP) is a high level statutory planning instrument which acts as a guide for the future zoning and sub-division of an area.

The Town did not choose to have extensive formal indented parking, but allowed for a flexible parking strategy within the subdivision.

In December 2006, the Western Australian Planning Commission (WAPC) granted approval for the Ocean Mia subdivision. The Town constructed the subdivision as per WAPC approval. The approval did not refer to any visitor bays shortfall.
Question 2

There were 30 respondents to the parking survey; mostly comprehensive and mostly constructive, yet there is little difference between the plan submitted before consultation and that submitted after consultation.

(a) What was the assessment process for determining the draft plan?

(b) Has this been done by appropriately qualified personnel?

(c) Has Passage of service and emergency vehicles been considered and the appropriate parties consulted?

Response

(a) The Coordinator Infrastructure Design reviewed each detailed response with a view to identifying key themes and to assess individual suggestions for amendments to the Plan. This was done in collaboration with the Town's Ranger Services, who are responsible for patrolling and enforcing the parking restrictions in Ocean Mia.

One of the reasons major changes have not been made to the original Draft Plan is that feedback was quite varied and often conflicted from neighbour to neighbour. There was no clear consensus on how the Administration should proceed, or if a completely different direction was required. Therefore, the Administration Recommendation is for further engagement to be undertaken with the local residents.

(b) Yes. Cardno (WA) provided professional engineering consultancy services for this assessment.

(c) The passage of service and emergency vehicles has been considered in the Draft Plan. There has been no consultation with the appropriate parties at this stage. If all motorists park in accordance with Plan E336 18 03, and continue to park with two wheels on the semi mountable kerb, a passage of between 3 and 3.5 metres will be maintained for all vehicles, including emergency services.

Question 3

The proposed plan appears to rely on voluntary parking on the verge with a vehicle on each side:

(a) How will this be enforced (since if vehicles on opposite sides only park on the road there will be insufficient space for safe vehicle movement)?

(b) Will the kerbing be modified to fully mountable rather than semi-mountable as it the case now?

(c) Why not just widen the road?

Response

(a) It is not possible for the Town's Rangers to enforce drivers to park with two wheels on the semi mountable verge. However, if all motorists parked with two wheels up on each side of the road, the passage would be between 3 and 3.5 metres.

(b) This would require a decision of Council, given the financial implications.
(c) This again, would require a decision of Council, given the financial implications. Any widening of the roads in Ocean Mia would have significant financial implications. As mentioned in the report being considered tonight, construction of indented bays (which would require widening) would be in the area of $6,000-$11,000 per bay.

Question 4

Lots 501 and 560 are not Multiple Group Dwelling lots, nor are they Multiple Dwelling lots; they are Group Dwelling lots, according to the subdivision approval granted by WAPC, and as such are governed by Part 5 of the R-Codes (not Part 6).

These lots could have a significant effect on parking overall, so why delay, now is the time to develop the parking plan for these lots, not as an afterthought I would have thought?

Response

The future development of Lots 501 and 560 would give the Town of Cambridge Administration the opportunity to develop parking plans for these lots as part of their development approval.

Jennifer Petelczyc, 33 Berkeley Crescent, Floreat

(Question 1 Received by on line submission AEDT 2:06pm/AWST 11.06am 14.12.2018 - Receipt No QT100111)

Statement

I refer to the Council Agenda for 27 November 2018 and Motions of which Notice has been Given 12.1 to 12.8.

Question 1

Why do these motions appear in the Council Minutes without indicating they are Motions of Which Notice has been Given?

Response

The Minutes of the Ordinary Council Meeting of 27 November 2018 lists Items 12.1 through to 12.8 under the heading "12. Motions of Which Notice has been Given" on the second page of the Index. The Minutes then detail Items 12.1 through to and including 12.8 from page 275 to page 293 under the heading "12. Motions of which Due Notice has Been Given". The Minutes therefore correctly indicate that Items 12.1 to 12.8 are Notices of Motion of which previous notice has been given.

(Questions 2, 3 and 4 Received by on line submission AEDT 2:09pm/AWST 11.09am 14.12.2018 - Receipt No QT100112)

Statement

I refer to the Motion of Which Notice submitted by Mayor Shannon concerning the Sunday opening of Cambridge Library.
Question 2

What is your reason for opening the Library on Sunday's?

Response

Almost all of the Local Government Libraries in the Western Suburbs open on a Sunday, with interest having been expressed by Town of Cambridge Library users for this to occur. It is considered that the opening of the Town's Library on a Sunday will better meet ratepayer needs.

Question 3

Was there a ratepayer survey undertaken to provide evidence that there is a demand for the Library to open for Sunday trading, if so, provide a copy of the survey?

Response

No.

Question 4

What is the cost of opening up the Library building for Sunday trading and cost of having to pay staff to work on Sunday's?

Response

The cost is approximately $6,000 per annum (excluding on costs). This matter is the subject of Report 10.1 on the Ordinary Council Meeting Further details are available on the Agenda for the Ordinary Council Meeting of 18 December 2018 (Report 10.1) available on the Town's web site.

(Question 5 Received by online submission AEDT 2:12pm/AWST 11.12am 14.12.2018 - Receipt No QT100113)

Question 5

What is your reason for withholding the November accounts for payment from the December C&R Agenda?

Response

The accounts were not withheld from the December Community and Resources Agenda. The Acting Chief Executive Officer made an administrative decision to submit the Payment of Accounts, Investment Report and Financial Statements to the Ordinary Council Meeting of 18 December 2018, which is in accordance with the Town's Statutory requirements. The reasons for this decision are as follows:

- Competing work priorities.
- Key Finance Employees being on unexpected personal leave.
- Finalisation of the Office of the Auditor General's Annual Audit.
In the November accounts for payment 6.11.2018, Mayor Shannon claimed reimbursement of expenses for an amount of $129.00. All other payment of accounts listed detail what payments are for except for yours.

**Question 6**

What was the claim for?

**Response**

This claim made was for reimbursement of a portion of Council's approved Telecommunications Allowance.

**Question 7**

Why have you failed to declare what the claim is for?

**Response**

The claim was fully declared and detailed in the paperwork submitted to the Town's Administration.

In the November accounts for payment 6.11.2018, Mayor Shannon claimed reimbursement of expenses for an amount of $129.00. All other payment of accounts listed detail what payments are for except for yours.
QUESTIONS TAKEN ON NOTICE AT 27 NOVEMBER 2018 COUNCIL MEETING

Hilary Pinerua, 8b 131 Drabble Road, City Beach

Question 3

This Council has spent an awful lot of money on legal advice, and I just want to know where it has gone?

Response Provided by Acting Chief Executive Officer - John Giorgi, JP

The Town has incurred legal expenses for a wide range of matters, including ‘day-to-day’ operational matters and also ‘one-off’ matters.

Operational Matters

Local governments are required to administer, enforce and comply with numerous Acts, Regulations and Local Laws, and the Town engages a number of law firms with relevant expertise and knowledge in the various statutes to provide advice.

‘Operational matters’ are those required to enable the Town’s Officers to carry out their day-to-day duties and responsibilities in providing the Town’s functions and services. The Officers include the Acting Chief Executive Officer, Directors, Managers, Rangers and other Authorised Persons, Planning Officers, Environmental Health Officers, Building Surveyors, Compliance Officers, Rates Officers, Property Officers and Governance Officers.

Legal advice includes, but is not limited to:

- Planning, health, building, Rangers, parking and compliance advice;
- Land and property advice (including disposal and acquisition);
- Debt recovery;
- Rates and financial matters;
- Prosecutions;
- Employment matters and advice;
- State Administrative Tribunal matters;
- Contract advice; and
- Governance matters.

‘One-off’ Matters

‘One-off’ matters’ are those which occur infrequently as a single occurrence and are usually of a complex and special nature.

Over the past several years ‘one-off’ matters which relate to a specific issue have included:

- Settlement of a long standing land matter concerning Lot 501 Omaroo Terrace City Beach;
- Lawyers engaged by the Council - Hall and Wilcox, who provided an Investigation Report into planning and governance matters at the Town; and
- Contractual/employment matters relating to the former Chief Executive Officer.

The ‘one-off’ matters should not occur again in the future.
Russell Brown, 54 Holland Street, Wembley

Question 1

I refer to my previous question regarding the Town's use of Burgess Rawson to undertaken valuations for land and property in the Town and the response that I received that the Town had used the services of Burgess Rawson for the last 5 years on and off. Can I ask how many times the Town has used Burgess Rawson in the last 5 years, provide the dates of each valuation, what the valuation was for, and what was the cost incurred? In the October 2018 Payment of Accounts, Item CR18.185, it is recorded Burgess Rawson valuation for Meagher Drive of $1,650. What did Burgess Rawson value on Meagher Drive?

Response Provided by Acting Director Corporate and Community Services - Cam Robbins

Meagher Drive is to do with the right of way. We are just seeking advice on it and your question will be taken 'on-notice'.

Further Response

<table>
<thead>
<tr>
<th>Date</th>
<th>Valuation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 September 2012</td>
<td>Ocean Mia GST Valuations</td>
<td>$1,815.00</td>
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<tr>
<td>16 January 2014</td>
<td>GST Valuations on Council Properties</td>
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<td>24 March 2014</td>
<td>Valuation of Phone Tower - Golf Course</td>
<td>$2,200.00</td>
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<tr>
<td>13 July 2018</td>
<td>Valuation of Wembley Community Centre Podiatry Room</td>
<td>$935.00</td>
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<tr>
<td>31 August 2018</td>
<td>Valuation of The Boulevard Centre</td>
<td>$2,200.00</td>
</tr>
<tr>
<td>17 September 2018</td>
<td>Valuation of Lot 231 Meagher Drive</td>
<td>$1,650.00</td>
</tr>
</tbody>
</table>

Pamela Van Der Muelen, 21 Jukes Way, Wembley

Question 4

It is understood that the Town of Cambridge has purchased Lot 501 Omaroo Terrace from Big Deal. As part of the repurchase, the Town has reduced the number of apartments that a would be developer can construct on the property. How much has this reduced the value of the property, and how much do ratepayers stand to lose on this repurchase?

Response Provided by Acting Chief Executive Officer - John Giorgi, JP

The settlement to finalise the matter of Lot 501 Omaroo Terrace is a confidential matter. In the report that I provided to Council, there are details that the matter has been settled in accordance with the Council decision of 14 August 2018. The Council has requested that a further report be submitted to Council by no later than February 2019 on the future use of that lot.

The value of the land will not be known until the Council determines the future use.
Sabrina Klinger, 137 Tower Street West Leederville

Question 3

Can I have some clarification as to where it is stated?

Response provided by the Acting Chief Executive Officer - John Giorgi, JP

I will research the local law and will provide a response to you.

Question 4

I refer to Clause 5.7(8) of the Draft Meeting Procedures 2018. Am I correct that only the Presiding Member can make a call whether a public question may be deemed inappropriate, and if so, could you please ensure that members of the public are not interrupted by anyone other than the Presiding Member?

Response provided by the Acting Chief Executive Officer - John Giorgi, JP

The Draft Town of Cambridge Meeting Procedures Local Law 2018 is yet to be gazetted and is therefore not yet law. The proposed Local Law prescribes 'Points of Order' at Clause 8.2, with Clauses 8.1 to 8.7 relating to 'Preserving Order'.

The Town of Cambridge Standing Orders Local Law 2007 is the applicable current Local Law pertaining to Town of Cambridge Council Meetings.

Section 2.8 of the Local Government Act 1995 determines that the Mayor presides at Council Meetings.

The Presiding Member has the authority to preserve order at a Council or Committee Meeting, in particular under Clause 13.2 of the current Standing Orders Local Law 2007, which states:

"The Presiding Member is to preserve order, and may call any Member or other person in attendance to order, whenever, in the Presiding Member's opinion, there is cause for so doing."

When a Point of Order is raised by an Elected Member under the Standing Orders Local Law 2007, the Presiding Member may seek an explanation of the basis for which a Point of Order is raised, and make a ruling to either uphold or reject the Point of Order.

In relation to Public Question Time, Clause 6 of the Standing Orders Local Law 2007 permits the Presiding Member to reject any question that reflects adversely upon the character and actions, or may be deemed to be offensive towards any Member or Officer of the Council.

Jennifer Petelczyc, 33 Berkeley Crescent, Floreat

Question 7

What is the total number of Motions of which notice has been given that you (Mayor Shannon) have submitted since October 2015, up to and including November Council Meeting 2018?
Response provided by the Acting Chief Executive Officer - John Giorgi, JP

Mayor Shannon has submitted the following Notices of Motion from October 2015 to November 2018 inclusive:

<table>
<thead>
<tr>
<th>Ordinary Council Meetings</th>
<th>Special Council Meetings</th>
<th>Total Number of Notices of Motion Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>114</td>
<td>11</td>
<td>125</td>
</tr>
</tbody>
</table>

Question 8

How many Special Council Meetings have you (Mayor Shannon) called since October 2015, up to and including November Council Meeting 2018?

Response provided by the Acting Chief Executive Officer - John Giorgi, JP

Section 5.4 of the Local Government Act 1995 determines that the Mayor may call a Special Council Meeting, or alternatively at least 1/3 of the Councillors of the Town. Section 5.5 of the Local Government Act 1995 determines that the Chief Executive Officer is to convene the Special Council meeting.

In this context, it is advised that the total number of Special Council Meetings held from October 2015 to November 2018 inclusive is 24. All Special Council Meetings with the exception of one were called by the Mayor and convened by the Chief Executive Officer or Acting Chief Executive Officer in accordance with the requirements of the Local Government Act 1995.

4. PETITIONS

The Acting Chief Executive Officer advised that two petitions have been received and that the subject of both petitions will be dealt with at Items DV18.176 and 10.2.

A petition containing 309 signatures has been submitted by Denise Turner, 57B Marlow Street, Wembley requesting that Council rejects the application for a Automasters/Car Wash Facility at 59 Marlow Street, Wembley.

Moved by Cr McKerracher, seconded by Cr Bradley

That in accordance with Clause 3.7 of the Standing Orders, the petition be received.

Motion put and CARRIED (9/0)

A petition containing 33 signatures has been submitted by Mr Lockyer, President Nirvana Social Club (Inc) requesting that Council cancels the notice of motion to close the Leederville Town Hall carpark to the general public and lease it to an undisclosed commercial company for their sole use.

Moved by Cr Powell, seconded by Cr Bradley

That in accordance with Clause 3.7 of the Standing Orders, the petition be received.

Motion put and CARRIED (9/0)
5. DEPUTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

Moved by Cr Nelson, seconded by Cr Everett

That the Minutes of the Ordinary Council Meeting held on 27 November 2018 be confirmed.

Motion put and CARRIED (8/1)

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

Against: Cr McAllister

8. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

While I acknowledge this has been a challenging year, I believe our trials and tribulations have been for the best.

I would like to acknowledge and thank Mr John Giorgi and all of his staff for all the hard work he and his staff have had to do under time pressure in a significantly difficult culture.

We appreciate all the extra work done by the Administration to right the ship so to speak. I know there has been a lot of governance failures identified so they have had to go back and do a lot of hard work behind the scenes to bring a lot of things to the Council in order to correct the governance and compliance issues.

I have to say that the entire Council is very grateful for all the work that has been done by the Administration. They have been under a lot of pressure and I would like to acknowledge, and I am sure you would all like to also concur. We know that it has been a difficult time but I certainly think that next year is going to be a lot easier because we now have really dealt with all of the governance and compliance issues.

In relation to the Elected Members I think that we all need to remember we are here to serve the interests of all ratepayers and that means we should act with good faith in all of our actions as Elected Members. Loyalty has to be to our ratepayers and the Town first and foremost.

Let's create the best local government for the good of our ratepayers and residents.

The Acting Chief Executive Officer, Mr John Giorgi, JP thanked the Mayor for her comments. On behalf of the Administration, it has been a difficult year but we will work together for the best interests of the Town of Cambridge.
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, require an absolute majority decision or an Elected Member has disclosed an impartiality, financial or proximity interest.

Development:
- Items DV18.183, 184, 185, 186, 187, 189, 190, 191, 192, 193, 194, 196 and 200

Community and Resources:
- Items CR18.189, 192, 194, 195 and 196
- Item DV18.184 - Cr Everett - Financial Interest
- Item DV18.184 - Cr Carr - Impartiality Interest
- Item DV18.194 - Crs Everett and McKerracher - Impartiality Interest
- Item DV18.200 - Cr McKerracher - Impartiality Interest
- Item CR18.195 - Cr Carr - Impartiality Interest
- Item CR18.196 - Cr Carr - Impartiality Interest
- Item 10.2 - Cr McAllister - Financial Interest
- Item 13.1 - Cr McKerracher - Financial Interest
- Item 13.2 - Crs Carr and McAllister - Financial Interest
- Item 13.3 - Cr Carr - Financial Interest
- Item 13.4 - Cr McKerracher - Impartiality Interest
- Item 13.4 - Cr Nelson - Impartiality Interest

Declaration of Interest:
- Item DV18.184 - Cr Everett - Financial Interest
- Item DV18.184 - Cr Carr - Impartiality Interest
- Item DV18.194 - Crs Everett and McKerracher - Impartiality Interest
- Item DV18.200 - Cr McKerracher - Impartiality Interest
- Item CR18.195 - Cr Carr - Impartiality Interest
- Item CR18.196 - Cr Carr - Impartiality Interest
- Item 10.2 - Cr McAllister - Financial Interest
- Item 13.1 - Cr McKerracher - Financial Interest
- Item 13.2 - Crs Carr and McAllister - Financial Interest
- Item 13.3 - Cr Carr - Financial Interest
- Item 13.4 - Cr McKerracher - Impartiality Interest
- Item 13.4 - Cr Nelson - Impartiality Interest

The remainder of the items of the Development Committee and Community and Resources Committee were then carried En-bloc (unanimous decision).
DEVELOPMENT COMMITTEE

The report of the Development Committee meeting held on Tuesday 11 December 2018 was submitted as under:

1. DECLARATION OF OPENING

The Presiding Member declared the meeting of the Development 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>
</tr>
</thead>
<tbody>
<tr>
<td>Members:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayor Shannon (Presiding Member)</td>
<td>6.00 pm</td>
<td>8.15 pm</td>
</tr>
<tr>
<td>Cr Ian Everett</td>
<td>6.00 pm</td>
<td>8.15 pm</td>
</tr>
<tr>
<td>Cr Kate McKerracher</td>
<td>6.00 pm</td>
<td>8.15 pm</td>
</tr>
<tr>
<td>Cr James Nelson</td>
<td>6.00 pm</td>
<td>8.15 pm</td>
</tr>
<tr>
<td>Cr Jane Powell</td>
<td>6.00 pm</td>
<td>8.15 pm</td>
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<tr>
<td>Observers:</td>
<td></td>
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<tr>
<td>Cr Rod Bradley</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cr Louis Carr (until 6.47 pm)</td>
<td></td>
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<tr>
<td>Officers:</td>
<td></td>
<td></td>
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<tr>
<td>John Giorgi, JP, Acting Chief Executive Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marlaine Lavery, Director Planning and Development</td>
<td></td>
<td></td>
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<tr>
<td>Jennifer Heyes, Manager Development Assessment</td>
<td></td>
<td></td>
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<tr>
<td>Brett Cammell, Manager Planning Strategies &amp; Economic Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steve Cleaver, Acting Manager Health, Building and Compliance</td>
<td></td>
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<tr>
<td>Chris Della Bona, Planning Officer</td>
<td></td>
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<tr>
<td>Angela Hargreaves, Executive Assistant - Development &amp; Sustainability</td>
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<tr>
<td>Denise Ribbands, Executive Assistant - Council Support</td>
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<tr>
<td>Members of the Public:</td>
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<tr>
<td>29 persons</td>
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<td>Media:</td>
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<tr>
<td>1 person (until 8.06 pm)</td>
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<tr>
<td>Adjournments:</td>
<td></td>
<td>Nil</td>
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<tr>
<td>Time meeting closed:</td>
<td>8.14 pm</td>
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</tbody>
</table>

APOLOGIES/LEAVE OF ABSENCE

Nil
3. PUBLIC QUESTION TIME

Ross Stevens, 53 Marlow Street, Wembley
Re: Item DV18.176 59 Marlow Street, Wembley

Question

Do you consider the proposed number of parking bays adequate for two businesses on this one site? Without counting the wash bays as parking, there are only 10 bays and much of that will be taken up by staff parking. The Autocare workshop, 59 Pangbourne has a similar amount of parking and that is clearly not enough for one business.

Response provided by Manager Development Assessment - Jennifer Heyes

Advice has been received which confirms that the parking is adequate.

Leisha Aberle, 58A Marlow Street, Wembley
Re: Item DV18.176 59 Marlow Street, Wembley

Question

What would the Town propose to mitigate the added risk to pedestrians crossing Marlow Street on the south side of Grantham Street, particularly children on their way to and from the primary school? Parking in front of the Marlow Street shops obscures the view of the motorists turning left into Marlow Street to access the proposed businesses, with motorists only getting to see pedestrians crossing Marlow Street at the moment. All access to the proposed two businesses is via Marlow Street.

Response provided by Presiding Member - Mayor Keri Shannon

This matter will be discussed at tonight’s meeting.

Theresa Stone, 51A Marlow Street, Wembley
Re: Item DV18.176 59 Marlow Street, Wembley

Question

Does the Committee consider the greater than 50% increase in traffic on Marlow Street a material effect on the already dangerous Marlow/Grantham Street intersection and is it fair to burden the community with the additional risk to safety and loss of amenity?

Response provided by Presiding Member - Mayor Keri Shannon

This matter will be discussed at tonight's meeting.
4. DEPUTATIONS AND PETITIONS

Item DV18.176  Mr Damon Dormer, 56 Reserve Street, Wembley
Ms Abbey Mardon, 47 Marlow Street, Wembley
Ms Denise Turner, 57B Marlow Street, Wembley

Item DV18.178  Mrs Kali Crosby, neighbour
Mr David Price, neighbour

Item DV18.179  Mr Glen Stallard, applicant

Item DV18.183  Mr Lloyd Van Der Schoor, applicant

Item DV18.188  Mr Mike Allen, applicant

5. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of the Development Committee held on 20 November 2018 as contained in the November 2018 Council Notice Paper be confirmed.

6. DECLARATION OF MEMBERS’ INTERESTS

Item DV18.177 - Cr Everett - Proximity Interest
Item DV18.181 - Mayor Shannon, Crs Everett and McKerracher - Impartiality Interest
Item DV18.184 - Cr Everett - Financial Interest
Item DV18.194 - Crs Everett and McKerracher - Impartiality Interest
Item DV18.200 - Cr McKerracher - Impartiality Interest

7. REPORTS
COMMITTEE DECISION:
(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 an 'Industry - Light (Mechanical Workshop) and Motor Vehicle Wash' submitted by Dynamic Planning and Developments at Lot 423 (No. 59) Marlow Street, Wembley as shown on the plans dated 28 August 2018 (including the amended site/elevations plan dated 13 November 2018), for the following reasons:-

1. The proposed development does not satisfy Provision 1, Clause 1.2 and Provision 2 of the Town's Local Planning Policy 4.1 - Design of Non-residential Development, as it is considered it will have an adverse impact on the residential amenity of the locality due to the noise generation and the amount of building bulk to the abutting southern residential lot, No.57B Marlow Street, as well as the streetscape of Marlow Street;

2. The nature of the proposed development is considered to be inconsistent with the Town's Local Planning Policy 6.4 - Precinct P4: Wembley Precinct with respect to the intent of the Local Centre zone, as it will have an adverse impact on the amenity of the adjacent residential lots due to the noise generation and the amount of building bulk to the abutting southern residential lot, No.57B Marlow Street, as well as the streetscape of Marlow Street;

3. The proposed signage for the Industry - Light (Mechanical Workshop) is inconsistent with the aims of the Town's Local Planning Policy 5.2 - Advertising Signs as it will result in a proliferation of signage that will dominate the façades of the workshop building. Accordingly, the proposed signage would be in contrast with the relatively limited scale of existing signage in the streetscape, and thus is considered that it will adversely impact the amenity of the locality; and

4. Having due consideration of sub-clauses 67(m) and (n) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the development is not considered compatible with its setting on the basis of the extent of signage proposed, noise generation and amount of building bulk associated with the development, with those components likely to have a detrimental impact on the amenity of the immediate area.

Advice Note:

1. If an applicant or owner is aggrieved by this determination there may be a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

CARRIED at Committee (5/0)
SUMMARY:

The purpose of this report is for Council to consider a development application for an Industry - Light (Mechanical Workshop) and Motor Vehicle Wash at Lot 423 (No. 59) Marlow Street, Wembley.

In accordance with the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval.

In this instance, the proposed application does not meet the deemed-to-comply provisions for plot ratio and therefore the application is required to be determined by Council. Variations are also sought in relation to signage and landscaping. The application was advertised to the surrounding owners and occupiers. In response, 128 submissions were received; of which 127 objected to the proposal and one raised no-objection.

The Administration recommends that the application should be refused due to the noise generation of the activities, amount of building bulk from the proposed noise attenuation walls and proliferation of signage; all of which will have an adverse impact on the amenity of the locality.

AUTHORITY / DISCRETION

☐ Advocacy

☐ Executive

☐ Legislative

☐ Review

☑ Quasi-Judicial

☐ Information

BACKGROUND:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 423 (No. 59) Marlow Street, Wembley</th>
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<tbody>
<tr>
<td>Report Date:</td>
<td>19 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0240DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Ryan Munyard, Senior Statutory Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plan (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (4 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development application plans (6 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Applicant's Justification (4 pages)</td>
</tr>
<tr>
<td></td>
<td>5. Schedule of submissions (42 pages)</td>
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COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Dynamic Planning and Developments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Nigel Warr and Donna Warr</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Local Centre</td>
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<tr>
<td>Precinct:</td>
<td>Precinct P4: Wembley</td>
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<td>Development Description:</td>
<td>Industry - Light (Mechanical Workshop) and Motor Vehicle Wash</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$650,000</td>
</tr>
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<td>Existing Land Use:</td>
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<td>Proposed Use Classes:</td>
<td>• Industry - Light - 'D' (Discretionary)</td>
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<td></td>
<td>• Motor Vehicle Wash - 'A' (Advertising)</td>
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<td>Lot/Land Area:</td>
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<tr>
<td>Application Received Date:</td>
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</tr>
<tr>
<td>Application Process Days:</td>
<td>105 days</td>
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</table>

DETAILS:

History of application

The subject application was received on 28 August 2018. The proposal is only now being presented to Council as a series of amended plans and accompanying technical reports have been prepared by the Applicant in response to the Town's concerns.

A summary of the processing of the application is as follows:

- 31 October 2018 - Amended plans received (version 1) as well as an acoustic report and light spill concept plan.
- 13 November 2018 - Amended plans received (version 2), additional justification and a revised acoustic report. The Applicant also specifically requested the subject application be presented to the Town's 11 December 2018 Development Committee meeting to seek a determination on the proposal.
- An assessment of the 13 November 2018 amended information revealed numerous deficiencies and a need for further additional information from the applicant.
- There would have been insufficient time for the applicant to address those deficiencies and provide further additional information to the Town for re-assessment and presentation to the Town’s 11 December 2018 Development Committee meeting. Therefore, in accordance with the applicant’s request, the proposal is presented based on the latest information provided to the Town.

Development description

Site Context

The subject site is within the Wembley Precinct and is located on the south-west corner of the intersection of Marlow Street and Grantham Street, approximately 145 metres west of Wembley Primary School. The site is currently vacant as the previous service station on the property was demolished some time ago.

The remaining three corners of the Marlow Street and Grantham Street intersection contain existing commercial units consisting of various shops, a veterinary clinic and an office tenancy. With the exception of the north-west corner, these units are all single-storey in scale.

The subject site is flat and has an approximate 23.3 metres frontage to Marlow Street and an approximate 47.2 metres frontage to Grantham Street. Abutting the western boundary of the
site is the Wembley Jellybeans Child Care Centre. Abutting the southern boundary of the site is a two-storey single dwelling. The remaining property, abutting the south-west corner of the subject site, contains a single-storey residence.

With the exception of the abovementioned commercial uses, the surrounding development consists of a mix of single or two-storey residences.

Proposal

The subject application proposes two businesses for the property; a mechanical workshop with two work-bays (Industry - Light), which is to be branded as "Auto Masters", and a three-stall car wash (Motor Vehicle Wash). These two components are to operate independently of each other.

The details of the proposal are as follows:

- A nil setback to Marlow Street and Grantham Street for the workshop building with an approximate 2 metres wide awning overhanging the abutting footpath.
- The car wash is to be set back 7 metres from Grantham Street. One vacuum bay is proposed (abutting the southern lot boundary) in association with the car wash with the adjacent 'bay' serving as a vehicle access aisle to the car wash.
- A 6.3 metres two-way vehicle crossover from Marlow Street to provide access to the carparking area, workshop bays and the car wash.
- A total of 13 carparking bays (including one bay within each of the three car wash stalls).
- A 4 metres wide exit-only crossover to Grantham Street for vehicles exiting the car wash. The existing bus stop on the Grantham Street frontage of the property is to be relocated to accommodate this crossover.
- Acoustic roller doors on the entry and exit sides of wash bays two and three.
- An approximate 280m² skillion metal canopy over the entrance to the car wash, vacuum bay and carparking area for noise attenuation purposes. The canopy is to contain translucent sheets to provide natural sunlight to the areas underneath it.
- The existing boundary fencing to abutting No.57B Marlow Street is to be modified for its entire 42.27 metres length, for noise attenuation purposes, as follows:
  - The existing approximate 2.4 metres high masonry boundary wall (behind the street setback line of the dwelling) is to be increased to approximately 3.4 metres in height.
  - The existing approximate 1.8 metres high Colorbond fence (forward of the street setback line of the dwelling) is to be replaced by the 3.4 metres high masonry wall.
- The existing boundary fence (to abutting No. 58 Reserve Street, the Child Care Centre) is proposed to be replaced with a masonry fence for noise attenuation purposes for an approximate 20.8 metres portion, which ranges in height between 3.2 metres and 3.8 metres. A 5.2 metre high boundary wall to the car wash is also proposed along this elevation.
- The proposed hours of operation are as follows:
  - Industry - Light (Mechanical Workshop)
    - Monday to Friday, 7am to 6pm
    - Saturday, 8am to noon
  - Motor Vehicle Wash
    - 24 hours, 7 days per week (via a "self-serve" coin-operated manual/handheld arrangement)
- Illuminated signage is to be located on each elevation of the respective buildings to delineate each business.
Community Consultation

The application was advertised for a period of 21 days, from 19 October 2018 to 9 November 2018, in accordance with the requirements of requirements of Local Planning Policy 2.3 - Public Notification and Advertising Procedures due to the proposed variations and Clause 11 of Town Planning Scheme No.1 due to the Motor Vehicle Wash use requiring mandatory advertising.

During the consultation period, the applicant submitted an amended plan to address boundary interface queries with abutting properties. The Town advertised the additional information to the immediate abutting landowners, being Nos. 57 and 58 Reserve Street and 57B Marlow Street and extended the submission deadline for those properties until 15 November 2018 to provide additional time to consider the amended plan.

In response, 128 submissions were received, of which 127 objected to the proposal and one raised no-objection. The main concerns raised during the public consultation period are summarised as follows:

- The proposal is inconsistent with the intent of the Wembley Local Centre zone and inappropriate for a predominately residential area. There is already an existing mechanical workshop and car wash within 1 kilometres of the subject site.
- The impact on the abutting residential lots will be significant due to the excessive solid boundary walls proposed. Those walls will create building bulk concerns and will result in substantial overshadowing of the abutting southern residential lot.
- The nil setback to Marlow Street is not in keeping with the existing residential development in Marlow Street. In conjunction with the overhanging awnings, it also will result in insufficient sight lines near the intersection of Marlow Street and Grantham Street.
- Insufficient carparking for the workshop will result in overflow parking within the surrounding streets.
- The development will significantly increase traffic within the locality. This will create additional safety hazards, especially for children walking to Wembley Primary School, within an already congested area.
- Noise emanating from the development (from a multitude of sources) will disrupt surrounding neighbours, particularly due to the proposed '24/7' operation of the car wash.
- Light spill encroaching into adjoining properties.
- Relocation of the bus stop will cause inconvenience to existing users' and will result in west-bound traffic on Grantham Street 'backing up' behind a stopped bus. That will block the intersection and access to the development from Marlow Street.
- The scale of the signage is not suitable for a predominately residential area.
- The proposal will exacerbate the existing contamination of the site and has the potential to pollute existing ground water sources.
- No details have been provided with respect to deliveries, storage and disposal of chemicals and waste water.
- As a self-serve car wash there will not be any monitoring of the site to ensure no rubbish or anti-social behaviour occurs in the carparking area.

A schedule of submissions that includes a summary of the concerns raised in each submission is attached to this report.
Consultation with other Agencies or Consultants

The application was referred to various Agencies, with the Town's comments and the respective Agency responses tabled below:

<table>
<thead>
<tr>
<th>Agency - Department of Planning, Lands and Heritage (DPLH): Infrastructure Policy and Planning branch</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Town's Comments and Agency Response</strong></td>
</tr>
<tr>
<td>The subject site abuts a Category 2 Other Regional Road Reservation (Grantham Street) under the Metropolitan Region Scheme (MRS) and proposes exit-only access onto Grantham Street. Currently, the subject site has no existing access arrangements to Grantham Street.</td>
</tr>
<tr>
<td>The application was referred to the DPLH who advised that access is not supported to Grantham Street due to the following:</td>
</tr>
<tr>
<td>• The access point is not in accordance with the WAPC Development Control Policy 5.1 - Regional Roads (Vehicular Access), which seeks to minimise the number of new crossovers onto regional roads.</td>
</tr>
<tr>
<td>• Grantham Street accommodates over 20,000 vehicles per day and Marlow Street accommodates approximately 700 vehicles per day according to the Applicant's Traffic Impact Statement; thus safety is enhanced via vehicles entering and exiting Marlow Street (as they would be contending with less traffic and hence less potential conflicts);</td>
</tr>
<tr>
<td>• Potential conflicts between buses and vehicles leaving the site due to the adjacent bus stop, with respect to compromised sightlines.</td>
</tr>
<tr>
<td>The Town, however, is supportive of access to Grantham Street (on the proviso it is restricted to left-out only) as:</td>
</tr>
<tr>
<td>1. It facilitates circulation of vehicles through the carparking area.</td>
</tr>
<tr>
<td>2. Without the exit to Grantham Street it is considered the development will adversely impact on the current service level of the Marlow Street and Grantham Street intersection.</td>
</tr>
<tr>
<td>3. As the subject application provides no statutory mechanism to require the landowner to cede a portion of the site for a truncation, the Town has limited scope for any future intersection modifications in response to the concerns of Point 2 (above).</td>
</tr>
<tr>
<td>4. The inability to accommodate any intersection modifications would then necessitate the likely imposition of further restrictions to Marlow Street, such as islands to limit movements to left-in/left-out only, or traffic light signals to alleviate traffic concerns.</td>
</tr>
<tr>
<td>Those above issues are considered to be applicable for any substantive development on the subject site (ie. not just limited to the specific proposed development) if access to Grantham Street is prohibited.</td>
</tr>
<tr>
<td>The likely result of restricted access to Grantham Street would be that this portion of Marlow Street would likely experience a substantial increase in left and right turn movements onto Grantham Street at the expense of the amenity of users' (including cyclists and pedestrians) of this intersection. Based on the above, the Town considers the DPLH's position to be unacceptable.</td>
</tr>
<tr>
<td>In that regard, the Town sought clarification from the DPLH who advised that in accordance with Part 4(b) of the Notice of Delegation 2017-02, in such an instance, the subject application would ordinarily require referral to the WAPC, for determination under the MRS (the Town would still determine the application under its TPS1).</td>
</tr>
<tr>
<td>However, should Council resolve to refuse the application (as is recommended by the Administration), Table 2 of the Notice of Delegation 2017-02 allows the Town to retain its delegation to also refuse the application under the MRS.</td>
</tr>
<tr>
<td>Should Council resolve to approve the application however, the application would need to be referred to the WAPC for determination under the MRS.</td>
</tr>
</tbody>
</table>
Agency - Department of Water and Environment Regulation (DWER): Contaminated Site branch

Town's Comments and Agency Response
Due to its previous history as a service station, the subject site is classified as 'Contaminated Site - Remediation Required'.

The application was referred to DWER who advised of the following:

- The property is currently in the process of finalising its reclassification to 'Remediated for restricted use'
- The site is considered to be suitable for the proposed development of a mechanical workshop and separate motor vehicle wash facility.

DWER advised of no objection to the proposal and recommended the following advice notes be included on any approval:
1. The site is classified as remediated for restricted use under the Contaminated Sites Act 2003.
2. The site is to be managed in accordance with the site management plan entitled 'Ongoing Site Management Plan, Former Ampol Wembley Service Station' (Coffey, Nov 2017).
3. Due to the nature and extent of groundwater contamination identified to date, the abstraction of groundwater for any purpose other than analytical testing or remediation is not permitted.

It is noted that during public consultation, concern was raised that the development will exacerbate the existing contamination of the site and has the potential to pollute existing ground water sources.

In light of the advice received from DWER, it is considered that the proposal is acceptable from a contamination perspective.

Agency - Public Transport Authority (PTA)

Town's Comments and Agency Response
The existing bus stop on the Grantham Street frontage of the property is to be relocated to accommodate the proposed exit-only crossover.

The application was referred to the PTA who advised of no objection to the relocation of the bus stop 12 metres east, subject to the following:

1. A compliant design for the affected stop location and the new stop location hardstand which is to meet Disability Discrimination Act 1992 compliance is to be supplied.
2. All drawings shall be done on PTA provided templates to PTA design standards and approved and accepted by the PTA.
3. All costs for the moving of the stop, new hardstand area, line marking, signage changes and any other costs are to be borne by the developer/applicant.
4. The PTA is to be notified at least 5 working days prior to any works affecting the bus stop area.
5. Transperth will supply the polyblock required for the new hardstand, as well as remove/install the bus stop post for works to occur and supply and install tactile ground surface indicators.
6. Once completed, PTA will undertake a compliance audit prior to stop being relocated/reopened for services.
7. PTA will also undertake supply and installation of the tactile ground indicator’s after the hardstand has had time to cure.

It is noted that during public consultation, concern was raised that the relocation of the bus stop will cause inconvenience to existing users’ and will result in west-bound traffic on Grantham Street 'backing up' behind a stopped bus, which will block the intersection and access to the development from Marlow Street.

In light of the advice received from the PTA, it is considered that the operational needs (including impacts on other traffic users) and convenience of the bus users' has been contemplated when the PTA provided its conditional support.

Therefore, the relocation of the existing bus stop is considered to be acceptable.
**Agency - Water Corporation**

**Town's Comments and Agency Response**

A sewer main and junction is located abutting the western boundary of the subject site and it is proposed to build the car wash over a portion of that main.

The application was referred to the Water Corporation who advised of no objection to the proposal subject to the developer adhering to the Water Corporation's 'Working Near Our Assets' requirements.

In that regard, it is noted that in the event of Council approval, connection to reticulated sewer will require separate approval from the Water Corporation.

**Agency - Western Power**

**Town's Comments and Agency Response**

The proposed awning within the road reserve is to be located approximately 0.5 metres from the nearest overhead electricity infrastructure.

The application was referred to Western Power who advised the awning would result in a reduced setback to the overhead distribution line which is likely to impact safe clearance from the asset under *Australian Standard 7000:2010 - Overhead line design-Detailed Procedures*.

In addition, construction activities would likely also breach Regulation 3.64 of the *Occupational Safety and Health Regulations 1996* due to the reduced separation.

Accordingly, in the event of Council approval, Western Power recommended the following conditions be imposed:

2. It is the landowner's responsibility to ensure that the design and construction of any new structure on the land complies with all applicable laws including, without limitation, clearance requirements of electrical infrastructure. It is recommended that the proponent engage a suitably qualified independent person (surveyor, architect, engineer) to undertake an assessment of the proposed development to ensure that best methods of construction are utilised and compliance with all applicable laws (including clearance requirements of electrical infrastructure in general and those specified under *Occupational Safety and Health Regulations 1996*).
3. Arrangements being made to the specification of Western Power for the provision of an underground electricity supply to the lot.

**Design Review Panel**

In response to the 13 November 2018 amended plan, the application was considered by the Town's Design Review Panel (DRP) on 19 November 2018 who advised:

- The proposed light industrial use is a discretionary use. If the use is going to be approved, then the proponent should be required to modify the design to reflect a less industrial design aesthetic. Façade articulation and materials and signage should be modified to better suit the local centre zoning.
- Building form and nil setbacks to Grantham Street and Marlow Street are acceptable. The position of the building on the site is logical, although some modifications to introduce soft landscaping should be encouraged (the south east corner of the building is identified as a possible location for modification to allow more landscaping, including a tree).
Whilst the integration of the signage into the building form is noted, including the extension of the corporate yellow colour beyond the signage area is excessive and should be reduced.

Street façades are uninspiring, although the canopy is a positive element. The facades could be further articulated, in particular to Grantham Street, and alternative materials could be considered to respond more appropriately to the Local Centre intent (less industrial). The 'shop-front' glazing to the corner office is a positive design element and could be used as a generator of continued rhythm along the Grantham Street façade. The 'shop-front' could possibly be enlarged on the east elevation to further increase street activation.

The site is intensely developed which reduces opportunities to introduce shade trees. The development exceeds plot ratio allowance when the roofed area is included in the calculation. The proponent should be encouraged to modify the design to increase landscaping, in particular with the intent of including trees.

The high boundary wall to the west is supported (facing the child care centre car park). The high boundary wall to the south blocks sun into the back yard of the adjacent residence, including the swimming pool. Consideration should be given towards lowering the wall height to the proposed canopy roof level (provided it does not compromise the acoustic barrier).

As listed below, the Town considers the submitted development application plans to be inconsistent with some aspects of the DRP's advice:

- There is no articulation of the Grantham Street or Marlow Street elevations of the workshop building.
- The 'corporate' yellow colour extends the full length of each elevation (above the awning line) of the workshop building.
- The proposed building materials, which broadly consist of texture-painted concrete walls, fibre cement facia panels and a zincalume roof, are considered to be (in combination with the size and two-storey scale of the development) better associated with industrial-type development as opposed to typical shop tenancies often found in the Local Centre zone.
- The 'shop front' (i.e. the office/waiting room portion) occupies approximately 14% of the Grantham Street elevation of the workshop building.
- No substantive shade trees are proposed within any of the landscaping areas.
- The proposed metal canopy component over the carparking area exceeds the maximum permitted plot ratio (it is required for noise attenuation purposes).
- The proposed southern boundary wall is to remain for noise attenuation purposes.

**Applicant's justification**

The applicant has provided written justification in support of the proposal, particularly with respect to issues regarding traffic, landscaping, noise and plot ratio. The applicant's justification is included as an attachment to this report.

**Planning assessment**

The subject application has been considered against the relevant matters of c67 of the Planning and Development (Local Planning Schemes) Regulations 2015.

**Town Planning Scheme No.1**

The subject site is zoned "Local Centre" under the Town's Town Planning Scheme No. 1 (TPS1).
Industry - Light

With respect to the proposed mechanical workshop, "Industry" is defined in TPS1 as follows:

"means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:-

(a) the winning, processing or treatment of minerals;
(b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
(c) the generation of electricity or the production of gas; and
(d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include:-

(i) the carrying out of agriculture;
(ii) on-site work on buildings or land; and
(iii) in the case of edible goods the preparation of food for retail sale from the premises" [emphasis added].

An "Industry - Light" use is defined in TPS1 as follows:

"means an industry:-

(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and

(b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services".

An Industry - Light in the Local Centre zone is a "D" use under TPS1, meaning that the use is not permitted unless the Council has exercised its discretion by granting planning approval.

Motor Vehicle Wash

A 'Motor Vehicle Wash' use is defined in TPS1 as follows:

"any land or buildings where vehicles are washed and cleaned by or primarily by mechanical means".

A Motor Vehicle Wash in the Local Centre zone is an "A" use under TPS1, meaning that the use is not permitted unless the Council has exercised its discretion by granting planning approval after advertising the application to surrounding properties.

With respect to the above land uses, those two components are to operate independently of each other.
Local Planning Policies

The subject application meets all deemed-to-comply requirements of the following:

- Local Planning Policy 4.1 - Design of Non-residential Development
- Local Planning Policy 5.1 - Parking
- Local Planning Policy 5.2 - Advertising Signs
- Local Planning Policy 6.4 - Precinct P4: Wembley

with the exemption of those identified in the following tables:

**Local Planning Policy 4.1 - Design of Non-residential Development (LPP4.1)**

The intent of LPP4.1 is to ensure that non-residential development is designed to achieve a high standard of safety and convenience for residents and visitors, and to enhance the amenity of the area.

In that regard, the Policy provides a series of criteria that relate to potential safety, amenity, and convenience concerns within the context of suitably designed buildings that are sympathetic to the existing locality. Those criteria are elaborated upon in the following table:

<table>
<thead>
<tr>
<th>LPP4.1</th>
<th>Criteria</th>
<th>Town's Comments</th>
</tr>
</thead>
</table>
| Safety | The need for safe movement of vehicular traffic and minimisation of conflicts between vehicles, pedestrians and cyclists, with reference to factors such as the volume of traffic (both pedestrian and vehicle) likely to be generated by the proposed development, location of vehicular access points, the design and location of crossovers, public transport stops, and the provision and location of segregated pedestrian walkways and sightlines. | During the consultation period, concern was raised with respect to safety of users of all transport modes. Access for the site is proposed as follows: 
- A 6.3 metres two-way vehicle crossover from Marlow Street
- A 4 metres wide exit-only crossover to Grantham Street

A Traffic Report has been submitted in support of the proposed development.

The suitability of the Traffic Report is discussed in greater detail later in this report, however, in summary, the Town is of the view that there will be minimal impact on the amenity or safety of the surrounding locality. Accordingly, the development is considered acceptable from a safety perspective. |
### Amenity

The impact on the amenity of the adjacent area, which is likely to result from implementation of the proposal with reference to zoning and land use, building height, building setbacks, design, landscaping and any discharges or emissions to the environment from the proposed development.

During the consultation period, concern was raised that the development would have numerous adverse impacts on the amenity of the locality.

In that regard, it is considered that the noise generation will have an adverse impact on the residential amenity of adjoining lots. In particular, the amount of building bulk (and thus resultant overshadowing) to abutting No.57B Marlow Street will have an adverse impact on the amenity of that property.

The subject application is therefore considered unacceptable from an amenity perspective with respect to the above.

That is discussed in greater detail later in this report.

### Convenience and economy

The co-location of facilities, and the more efficient utilisation of infrastructure with reference to factors such as minimisation of travel, reduction in traffic, minimisation of car parking areas through shared use and the potential for improved or more efficient public transport services.

The proposed access and carparking area is to be shared between the two businesses.

It is considered that that is conducive towards increasing convenience to the users of the subject proposal.

The subject application is therefore acceptable from a convenience perspective.

In addition to the above, the following provisions of the Policy are also relevant.

**LPP4.1**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Town's Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design of Non-residential Development</strong></td>
<td>The design of non-residential development and its presentation to the street (eg. windows, awnings, access points), shall be sympathetic to the existing streetscape.</td>
</tr>
</tbody>
</table>
The workshop building to Marlow Street is set back 13.34 metres from the abutting southern residence (ie. 57B Marlow Street) and, from a streetscape interface perspective, that distance is considered acceptable as it will 'offset' the nil building setback against the approximate 6 metres average setback of existing dwellings within this portion of Marlow Street.

Notwithstanding the above, the proposed 3.4 metres high masonry noise wall is to replace the existing approximate 1.8 metres high Colorbond boundary fence (forward of the street setback line of No.57B's dwelling).

This aspect of the subject development, however, is not considered acceptable as it will project solid, blank building bulk up to the street boundary that is inconsistent with the prevailing 6 metres setback of residences within this portion of Marlow Street.

It is therefore considered that the boundary fence component of the development is not sympathetic to the existing streetscape.

<table>
<thead>
<tr>
<th>Traffic Management</th>
<th>A traffic management plan may be required where the proposed facilities are likely to have a significant impact on the surrounding street system or on the amenity of adjacent areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A Traffic Report has been submitted in support of the proposed development.</td>
</tr>
<tr>
<td></td>
<td>The suitability of the Traffic Report is discussed in greater detail later in this report, however, in summary, the Town is of the view that there will be minimal impact on the amenity or safety of the surrounding locality. Accordingly, the development is considered acceptable from a traffic management perspective.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design and Location of Services</th>
<th>The co-location of facilities, and the more efficient utilisation of infrastructure with reference to factors such as minimisation of travel, reduction in traffic, minimisation of car parking areas through shared use and the potential for improved or more efficient public transport services.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The proposed access and carparking area is to be shared between the two businesses.</td>
</tr>
<tr>
<td></td>
<td>The subject application is therefore acceptable from a services location perspective.</td>
</tr>
</tbody>
</table>
With the exception of those aspects of the development that are considered acceptable, the amenity and streetscape concerns identified above (and which are detailed further in this Report) are inconsistent with Provision 1, Clause 1.2 and Provision 2 of LPP4.1 and will have an adverse impact on the residential amenity of the locality.

Local Planning Policy 5.1 - Parking (LPP5.1)

<table>
<thead>
<tr>
<th>Carparking Requirements</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry - Light</td>
<td>4 bays required (rounded up)</td>
<td>4 bays</td>
</tr>
<tr>
<td></td>
<td>• 1 space/75m² net floor area (NFA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• NFA area of workshop building approximately 294.8m²</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Wash</td>
<td>9 bays required</td>
<td>9 bays (including one 'bay' within each of the three car wash stalls)</td>
</tr>
<tr>
<td></td>
<td>• 3 spaces/car wash bay &amp; 1 space/30m² net administration area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The car wash will contain 3 stalls. No administration area is required due to the proposed 'self-serve' coin-operated arrangement</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>13 bays</td>
<td>13 bays</td>
</tr>
</tbody>
</table>

With respect the above, the following is noted:

- A compliant number of line-marked carparking bays are proposed.
- Whilst the two businesses are to operate independent of each other, the carparking area is 'shared' between the two uses. No conflict issues are expected to arise given adequate carparking is provided.
- It is considered appropriate to consider the three wash stalls as carparking bays as users park their vehicles in the stall while they are being washed.
- In addition to the 13 provided bays, the workshop will contain two 'work bays' for vehicles being services. Also, an additional two 'waiting bays' are proposed, within the workshop building, for vehicles that are next in the servicing queue. That will ensure that vehicles to be worked on are not occupying the line-marked bays within the communal carparking area and hence that those bays are always available for customer's use.

As a result of the 'work' and 'waiting' bays, it is considered that the workshop, in effect, provides a parking surplus of four bays.

Notwithstanding, in the event of Council approval, a condition could be imposed requiring the preparation of a Parking Management Plan (PMP) to ensure the work bays, waiting bays and communal line-marked bays are used in this manner.

Based on the above (and subject to the imposition of the PMP condition), the proposed development is considered acceptable from a carparking perspective and it is considered there will be no discernible impact on the locality with respect to parking “overflowing” into surrounding streets.

Local Planning Policy 5.2 - Advertising Signs (LPP5.2)

During the consultation period, concern was raised with respect to the unsuitability of the propose signage. In that regard, signage is proposed to be provided for both the workshop and car wash components.
Workshop

The signage for the workshop is to be 'Auto Masters' branded and is to be situated on the Grantham Street (north) [Sign 1], Marlow Street (east) [Sign 2] and the south elevation of the building [Sign 3]. Each sign meets the "wall sign" definition of the Policy and the following assessment criteria are applicable:

Wall Sign

*Means a sign fixed or painted upon an external wall of a building including a sign located on support pillars and columns or parapets but does not project from the building*

<table>
<thead>
<tr>
<th>Deemed-to-comply Provision</th>
<th>Town's Comments</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The sign is an integral part of the building design and does not project above the roof structure</td>
<td>Signs 1-3 are proposed to be affixed/painted onto the wall of the building and do not project above the roof life.</td>
<td>Yes</td>
</tr>
<tr>
<td>The sign does not adversely affect the character or amenity of the area in which it is to be situated</td>
<td>Four wall signs, one on each elevation of the workshop component. They are to be illuminated via a 'back lit' design.</td>
<td>No</td>
</tr>
</tbody>
</table>

With respect to wall signs, it is noted that LPP5.2 does not prescribe maximum dimensions of signage panels. In addition, the Policy does not specify whether 'corporate colours' (ie. the yellow painted portions above the awning, particularly the 'service checklist' text/graphic) should constitute, in effect, an extension to the 'wall signs'.

Notwithstanding, the Policy does provide a series of aims with respect to signage. Those are as follows:

a) "To ensure that signs only relate to the goods and services on the site and/or provide information directly relating to the site in order to identify the site and the activities which occur on the site.

b) To ensure that signs do not adversely impact on the streetscape and amenity of surrounding land.

c) To minimise the adverse impact that outdoor advertising can cause through proliferation or poorly located or designed signage.

d) To ensure that signs do not detract from the level of safety for drivers, cyclists and pedestrians by obstructing sight lines and distracting road users.

e) To ensure that signs do not dominate the building or site and should only form an incidental component of the development”.

In that regard, the following is considered relevant:

Existing Streetscape and Amenity

- The streetscape at the intersection of Marlow Street and Grantham Street is, with the one exception on the north-west corner, all single storey buildings. The Wembley Jellybeans Child Care Centre is also single storey.
- Generally, the existing signage associated with those commercial tenancies at the intersection is limited to the awnings of each tenancy. Existing signage is, largely, not illuminated. These tenancies typically operate only during normal business hours.
- Whilst there is also some signage on the external walls of those shops, given the relatively small frontage of the tenancies and their predominately single storey scale, this results in an acceptable level of signage that is proportionately incidental to the tenancy.
It is considered that existing signage in the area is of an appropriate scale for the identification of businesses for visitors who are already aware of the location of the business (eg. the Grantham Street Vet Clinic). The existing signage tends to not be illuminated and hence only serves its purpose during normal business hours.

- The surrounding development in the locality (ie. along Marlow Street) consists of a mix of single or two-storey residences. Those residences are a combination of older, character homes and newer contemporary-styled homes. The colour palette of the housing stock in Marlow Street is relatively subdued and neutral.

**Proposed Signage**

- The signs relate to the proposed activities on the site with the exception of the 'great service, guaranteed!' slogan, which does not, as that phrase could be applicable to any type of business.
- It is considered the workshop signage will adversely impact on the streetscape and amenity of the locality as:
  - There will be a proliferation of signage by virtue of approximately 50% of the upper half of the building being 'covered' (ie. the 'Auto Masters' panels themselves and the 'corporate colours') by signage. That strongly contrasts with the relatively limited signage of the existing surrounding commercial tenancies.
  - The corporate colours also extend along the southern boundary, where it faces residential properties and receives no exposure to passing traffic, and the western boundary, where a portion of the building (below the corporate colour) is obscured by the car wash.
  - The bold yellow corporate colour is not consistent with the relatively subdued neutral colour palette of existing housing stock within Marlow Street.
  - The bold yellow corporate colour contrasts significantly with the black corporate colour that occupies approximately 50% of the lower half of the building.
- It is considered that the proposed signage is of a scale that is greater than is necessary to allow for identification of the site to customers. That is on the basis that approximately 27m² (41%) of the Marlow Street elevation is to be occupied by signage. Approximately 95m² (43%) of the of the Grantham Street elevation to be occupied by signage. The extent of proposed signage contrasts sharply with the signage on existing surrounding tenancies.
- The extent of the proposed signage is exacerbated due to the two-storey built form. In addition, the 'sharp', 'boxiness' design of the workshop building emphasises the strong corporate colour palette further (in comparison, the surrounding commercial tenancies contain pitched roofs, awning support architectural features and minor articulation and relief in the building façades).
- The signage does not obstruct sight lines as it is affixed/painted flush to the wall of the building. It is unlikely to distract traffic as it will not be flashing or pulsating. The applicant has also submitted a Light Spill Concept Plan in support of the proposal which is considered to be acceptable (see discussion later in this Report).

Whilst the Town has no in-principle objection to the use of 'corporate colours' to assist with brand recognition of businesses, it is important that they be used minimally to ensure they represent and incidental component of the development. It is considered that the workshop signage does not achieve that and hence does not satisfy the aims of the Policy.

**Car Wash**

The signage for the car wash is to be situated on the awning over the three wash stalls and is to face towards Grantham Street (north) and the south elevation, to indicate the vehicle entrance to the stalls. The two 'Wembley car wash' signs meet the 'Awning sign' definition of the Policy and the following assessment criteria are applicable:
**Awning Sign**

*Means a sign which is painted onto or attached to an awning and faces onto the street but does not include an under awning sign*

<table>
<thead>
<tr>
<th>Deemed-to-comply Provision</th>
<th>Town’s Comments</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The area of the sign shall not exceed the area of the awning</td>
<td>The two signs occupy the entire area of awning</td>
<td>Yes</td>
</tr>
<tr>
<td>The sign shall form an integral part of the awning or shall be flush mounted or painted directly onto the awning</td>
<td>The two signs will be flush mounted/painted onto the awning</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| There is to be a maximum of one awning sign per tenancy | • One sign provided on the northern elevation  
• One sign provided on the southern elevation  
N.B: No awning signs are proposed for the Auto Masters component | Yes       |
| The sign is to have a minimum clearance of 2.75 metres from the finished ground level | 3.1 metres headroom clearance | Yes       |

By virtue of the car wash signage meeting the above tabled deemed-to-comply provisions, it is considered that this aspect of the overall signage for the site is acceptable and consistent with the aims of the Policy.

**Local Planning Policy 5.3 - Landscaping and Water Sensitive Urban Design (LPP5.3)**

The development standards for the Local Centre zone do not prescribe any specific standards for landscaping. LPP5.3, however, does provide some general guidance as to the provision of landscaping for commercial sites, noting in this instance that as the development proposes a nil setback for the majority of its frontage to Marlow Street and Grantham Street (in accordance with the requirements of LPP6.4, discussed in the following section of this report), overall opportunities for landscaping are limited.

Notwithstanding, the following is noted with respect to the subject application:

- A formal landscaping plan has not been prepared in support of the proposal.
- A 1 metre wide landscape strip (approximately 5.5m² in total) is proposed for the portion of the Marlow Street frontage that is not occupied by a building or vehicle access to the site. It is considered that this area, whilst meeting the minimum width requirements of the Policy, is not wide enough to accommodate any shade trees.
- No landscaping is proposed for the portion of the Grantham Street frontage that is not occupied by a building or vehicle crossover (ie. where the six bollards are proposed to segregate the car wash exit hardstand from the existing footpath).
- If landscaping was provided in that location (as is nominally indicated on the north elevation plan), it appears that there would be sufficient space to accommodate an amount that would exceed the 1 metre minimum width requirement of the Policy (which could then accommodate a shade tree), whilst maintaining adequate room for vehicle manoeuvring to exit the site onto Grantham Street.
- Approximately 18m² of landscaping is to be planted underneath the metal carparking area canopy to screen the vacuum cleaner motor and assist in softening the appearance of the carparking hard stand area (translucent sheeting is proposed above this portion to ensure the plants would have access to adequate sunlight).
- The proposed two-way access crossover to Marlow Street is to be located where there is an existing verge tree. Endorsement of this crossover location would necessitate the removal of that tree (refer comment below).
With respect to the above, the following is considered relevant:

(i) The lack of a formal landscaping plan is not considered detrimental as landscaping areas are shown on the submitted development application plans and, in the event of Council approval, a landscaping plan could be secured by the imposition of a condition.

(ii) The 1 metre wide landscaping strip to Marlow Street complies with the Policy requirement.

(iii) The portion of vehicle hard stand near the exit-only access to Grantham Street could be landscaped via a condition of any approval. Such a condition could also require the provision of a shade tree to enhance the quality of the landscaping and to meet Clause 3 of LPP5.3.

(iv) In the event of Council approval, the provision of translucent sheeting could be secured via the imposition of a condition and, subject to appropriate species selection, would not compromise the survivability of the landscaping due to lack of access to sunlight.

(v) The Town has no objection to the removal of the existing verge tree (at the developer’s cost) as it is a relatively immature specimen, subject to the developer also contributing in full to the provision of two new verge trees within the immediate vicinity of the site. That could also be imposed as a condition of any approval.

(vi) The Design Review Panel recommended that additional landscaping be provided that is of sufficient area to accommodate trees. The provision of landscaping near the bollard location could address that recommendation.

Overall, the proposal is generally consistent with the provisions of LPP5.3 subject to the imposition of appropriate conditions in the event the application is approved.

Local Planning Policy 6.4 - Precinct P4: Wembley (LPP6.4)

Intent of Local Centre Zone

LPP6.4 outlines the intent of the Local Centre zone as follows:

- "The existing range of local shopping and community facilities will be consolidated within these areas to serve the day to day needs of the local residents.
- Any new development should be built up to the street boundary and be of a height and scale similar to the majority of existing buildings. Continuous shop fronts and weather protection over the footpath for pedestrians should be provided.
- Careful control will be exercised over the nature of any uses proposed and their design and site layout to ensure minimal impact on any adjacent residential development. Additionally, adequate car parking must be provided to ensure that retail parking does not encroach into residential streets".

During the public consultation period, concern was raised regarding the proposal being inconsistent with the intent of the Wembly Local Centre zone and inappropriate within a predominately residential area.

In that regard, it is accepted that an Industry - Light or Motor Vehicle Wash use are generally perceived to be inconsistent with the types of development typically associated with the Local Centre zone, such as a restaurant or shop. Also, it is accepted that the regular servicing of private vehicles may not necessarily be perceived as a ‘day to day’ need.

However, regular servicing of private vehicles could be considered to be a necessity, particularly as they represent the most common method of travel within the Perth metropolitan region and are typically used on a daily basis. Furthermore, washing and vacuuming of vehicles does tend to occur on a more regular basis, not dissimilar to refuelling a vehicle.
For this reason, the effects of the proposal and any impacts on the amenity of the locality, needs to be considered to ensure the intent of the Local Centre zone is upheld.

With respect to the development's presentation to the public realm, the main portion, being the workshop building, is proposed to be located with a nil setback to Marlow Street and Grantham Street.

The building is to be 6.5 metres high (as viewed from both streets), which is of a similar height to a two-storey flat-roof dwelling. It is considered that the workshop building is of a similar height to the existing two-storey shop and office building at the north-west corner of the intersection.

In addition, an awning overhanging the footpath on Marlow Street and Grantham Street is present.

Notwithstanding the above, it is considered that the subject application is not consistent with the third bullet point and thus will have an adverse impact on the residential amenity of the adjacent lots. That is principally due to the proposed signage, noise generation and the amount of building bulk on the boundary and resultant overshadowing.

<table>
<thead>
<tr>
<th>Development standards</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed/Town's Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plot ratio</td>
<td>0.5:1 (maximum 550m² for the subject site)</td>
<td>0.63 (Approximately 698m²)</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Buildings shall have nil street and side setbacks. Buildings shall face the street; blank walls are not acceptable</td>
<td>A nil setback is provided to Marlow Street and Grantham Street. During the advertising period, concern was raised that the nil setback to Marlow Street is not in keeping with the existing residential development in Marlow Street. In conjunction with the overhanging awnings, it also will result in insufficient sight lines near the intersection of Marlow Street and Grantham Street. As mentioned previously, the nil setback to Marlow Street is in keeping with the existing commercial development at the intersection, is consistent with well-established 'commercial street activation' principles and will be 'offset' by the approximate 13.34 metres separation distance from abutting 57B Marlow Street, which will resolve any interface issues with that residential property.</td>
</tr>
</tbody>
</table>
With respect to the above, the plot ratio variation is considered to be acceptable on the basis that the following assists in minimising building bulk on the site:

- The carparking area underneath the metal canopy is visible from the street (as opposed to it being a solid building portion).
- The canopy is to contain translucent sheets to provide natural sunlight to the areas underneath it. That will minimise the sense of "enclosure" for the carparking area and, when viewed from Marlow Street will give the impression that the canopy is not continuous.
- The canopy is a skillion design and will not be visible from the ground floor of abutting properties as it will be hidden behind the proposed solid noise wall.
- An approximate 10 metres separation distance from Marlow Street to the canopy is proposed. In addition, landscaping is to be planted in front of the canopy (as well as underneath it) to assist in screening portions of the canopy from view.
- From Grantham Street, the canopy will not be visible as it will be screened by the workshop and car wash buildings.
- The canopy assists in screening the vacuum bay area and portions of the car wash stalls from view of surrounding properties. It also serves a noise attenuation function.

Based on the above, the proposal is broadly consistent with the development standards of the Policy and is therefore considered to be acceptable.

**Lighting**

During advertising, concern was raised that light spill, would adversely impact the amenity of the locality, particularly due to the proposed 24/7 operation for the car wash onto the immediate abutting residential lots.

A Light Spill Concept Plan (LSCP) has been prepared in support of the proposal which indicates that light spill can adequately be managed to ensure no adverse impacts onto surrounding properties. That is on the basis of the following:

- Lighting will be designed to ensure compliance with Australian Standard 1158.1.1:2005 - Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Performance and design requirements and Australian Standard 1158.3.1:2005 - Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements for the abutting public roads and footpaths.
- Lighting will be designed to ensure compliance with Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting for surrounding properties.
- The illuminated signage is broadly limited to the 'Auto Masters' Panels, and not the whole exterior elevation of the buildings. The signage will not flash, pulsate or strobe.
- The overhead lighting of the car wash area will predominately be contained underneath the canopy structure. Surrounding the canopy, it is proposed to erect solid masonry noise attenuation walls which will also assist in containing light spill within the subject site.

The Town considers the LSCP to be generally acceptable with respect to light spill containment and elimination of potential amenity impacts, however, notes that the Concept Plan has been prepared with a degree of flexibility to account for any potential changes during the detailed design phase of the development.

Therefore should Council resolve to approve the application, it is recommended that a condition be imposed to ensure the Concept Plan is updated upon lodgement of the building permit application to confirm the precise location, fittings and illumination/lux levels of each lighting component to ensure there will be no adverse impact on surrounding properties. Notwithstanding the above, it is also required that any future operator of the site comply with
the *Town of Cambridge Private Property Local Law 2016* with respect to minimising intrusive effects of any outdoor lighting. 
Based on the above, the proposal is considered acceptable from a lighting perspective.

**Security/Site Management**

Concern was raised during the public consultation period that outside of the operating hours of the workshop, there will be no monitoring of the car wash component, with respect to the cleanliness of the site and potential anti-social behaviour in the car park area as it is intended to operate via a self-serve arrangement with no staff.

In that regard, it is considered that as the car wash will generate minimal refuse as a result of its operation, there is no sufficient nexus to require the preparation of a Site Management Plan in support of the subject application. Notwithstanding, the *Town of Cambridge Private Property Local Law 2016* provides a sufficient enforcement mechanism to ensure rubbish does not remain on the property.

Regarding potential anti-social behaviour, that is a matter for the Police and it is not uncommon for commercial properties to now contain CCTV which is expected to assist in minimising such behaviour.

The subject proposal is therefore considered acceptable with respect to the above.

**Drainage and Waste Water Disposal**

With the exception of those areas to be landscaped, the entirety of the site will consist of impermeable surfaces.

With respect to drainage requirements, the collection and retention of stormwater would be required for 100-year rainfall event. It is considered that there is adequate room within the carpark hard stand areas to accommodate the drainage infrastructure necessary for 100-year events. Details confirming the provision of adequate drainage infrastructure could be provided in a Drainage Plan, and secured via a condition in the event of Council approval.

Subject to the imposition of such a condition, the application is considered acceptable from a drainage perspective.

During the public consultation period, concern was raised regarding waste water disposal. In that regard, waste water from both the workshop and car wash will require a separate Trade Waste Permit from the Water Corporation prior to any discharge into the reticulated sewer network. That may require the installation of oil/grease separation infrastructure to treat the waste water to an acceptable standard before discharge.

It is noted that the Water Corporation did not raise any objection to the proposal during the referrals process and, as the development would be subject to that separate approval from the Water Corporation, it is considered acceptable from a waste water perspective.

**Storage and Disposal of Chemicals**

Concern was raised during the advertising process as to how chemicals will be handled, stored and disposed of. In that regard, it is noted that there are various separate legislative requirements with respect to chemical or combustible materials (including associated occupational health and safety requirements) which, should Council approve the application, the respective operators of the site would need to adhere to.
Waste Management

No specific details have been provided with respect to waste management, however, the following general points are noted:

- The property will be serviced by a commercial contractor with respect to waste disposal.
- There is adequate room within the workshop building to accommodate a bin storage area.
- It is considered that the car wash is unlikely to generate any noticeable volumes of waste, given its waste products relate to waste water only.
- The Town of Cambridge Health Local Law 2016 and the Town of Cambridge Private Property Local Law 2016 prescribes standards for the provision of refuse facilities (including their ongoing maintenance).

Details confirming the provision of adequate refuse infrastructure could be provided in a Waste Management Plan, and secured via a condition in the event of Council approval.

Subject to the imposition of such a condition, the application is considered acceptable from a waste management perspective.

Deliveries

During the advertising process, concern was raised with respect to the lack of information regarding deliveries to the site. In response, the applicant has advised that all deliveries to the site will occur from the shared carparking area, as opposed to from the street, and will be undertaken outside of the customer business hours of the workshop to minimise potential conflicts with customer carparking.

Furthermore, the applicant advises that all deliveries are to occur via 'commercial-type utility vans' and that no deliveries will occur from trucks. The dimensions of a 'utility van' do not exceed that of a small rigid vehicle, which is the smallest classification within Australian Standard 2890.2:2002 - Off-street Commercial Vehicle Facilities and is therefore considered acceptable, particularly as delivery vehicles would be able to exit the site in forward gear. A maximum of two deliveries per day are expected.

As mentioned in the earlier Policy 5.1 - Parking section of this Report, should Council resolve to approve the subject application, it is recommended that a Parking Management Plan (PMP) be imposed as a condition to ensure the work bays, waiting bays and communal line-marked bays are used in this manner. It is considered appropriate that the PMP also confirm the abovementioned delivery details to ensure they occur in the manner outlined above.

Subject to the imposition of such a condition, deliveries to the site are considered acceptable.

Traffic

During the public consultation period, concern was raised that the development will significantly increase traffic within the locality, thus leading to safety hazards within the locality.

A Traffic Report has been submitted in support of the proposed development which details the following:

Workshop Component
- The two workshop service bays are expected to service up to 10 vehicles-per-day (vpd).
- There will be three staff employed by the workshop.
There will be 26 vpd, consisting of vehicles entering and leaving the site associated with the workshop (ie. 10x2 + 3x2).
  - Approximately 60% of drop-offs would occur between 7am-8am (which represents six vehicles) and 40% between 8am and 9am (which represents four vehicles).

Car wash Component
- The three wash stalls are expected to service up to 21 vehicles during the Saturday peak period.
- A trip generation of approximately six vehicles (rounded up) per stall in the week day [ie. total of 18 vehicles] PM peak period and approximately 21 vehicles (rounded up) per stall during the peak period on a Saturday [ie. total of 63 vehicles].
- During weekdays, an overall total 108 trips per wash bay (ie. 324 in total for the three bays) are expected. On Saturdays, 132 trips per wash bay are expected (ie. 396 in total for the three bays).

In addition to the above, the Town also notes the following:
- There is an adequate provision of carparking for both components of the subject development.
- It is considered that access arrangements for the site allow for a relatively even distribution of traffic from the site to the surrounding network as:
  1. Vehicles utilising the workshop (which will generate less traffic than the car wash) obtain access exclusively from Marlow Street.
  2. Vehicles utilising the car wash exit solely to Grantham Street, which is a classified as a 'District Distributor A' Road according to the Town’s Functional Road Hierarchy and can accommodate the volumes of traffic from the car wash.
- A bus stop is located immediately abutting the subject site and will assist in minimising car trips to the site as, once users drop off their vehicle for servicing, can use the bus to travel elsewhere. Then, they can use the same bus service to return to the site to collect their vehicle once servicing is complete.
- The busiest time for the car wash is during Saturdays, during which time the workshop will only operate for a portion of that day will assist in minimising congestion during peak periods.
- If the application were to be approved, the previously mentioned Parking Management Plan (PMP) would be imposed as a condition to ensure appropriate carparking management for the workshop. It is considered appropriate that the PMP also confirm details as to what happens:
  1. if more than two vehicles are waiting to be serviced (thus exceeding the number of proposed "wait bays" within the building); and
  2. Vehicles that have been serviced and are waiting collection by the vehicle owner.

Based on the relatively low volumes of traffic expected to be generated and the availability of alternative transport modes, the Town is of the view that there will only be a modest impact on the amenity or safety of the surrounding locality. Accordingly, the development is considered acceptable from a traffic volume perspective.

Notwithstanding the above, the Town has identified the following issues regarding sight lines of the development.
Vehicle Crossover Sight Lines

Marlow Street

Clause 3.2.4(b) and Figure 3.3 of Australian Standard 2890.1:2004 - Off-street car parking (AS2890.1:2004) specify clear sight line distances for vehicles leaving a car park and pedestrians on an abutting footpath.

The visual truncation required to achieve unobstructed sight lines is 2 metres wide x 2.5 metres deep. The subject application proposes approximately 1.4 metres wide x 2.5 metres deep for the northern side of the Marlow Street vehicle crossover. The southern side contains a compliant truncated area, provided that the landscaping does not exceed the commonly accepted 0.75 metre height threshold. That could be ensured via the imposition of a condition in the event Council resolves to approve the application.

With respect to the northern sight line variation, the applicant contends that the clear window glazing to the office/waiting room portion of the workshop building will provide some sight lines through the building.

The Town however does not consider that to be sufficient due to the following:

- Furniture within the building may block that sight line.
- A pedestrian footpath directly abuts the Marlow Street frontage of the subject site.
- It is understood that children utilise this footpath to access Wembley Primary School and safety concerns were raised during the public consultation period. Children are considered to be more vulnerable users as they may not understand which transport mode has a legal give way obligation. Also, they are not physically as tall as an adult and are unlikely to be able to see potential safety hazards in front of them.
- The exit to Marlow Street is located approximately 10 metres (approximately two car lengths) from the intersection with Grantham Street.

In combination, the above factors are considered to create an environment that warrants the 2 metres wide x 2.5 metres sight line to the northern side of the Marlow Street exit.

Therefore, should Council resolve to approve the subject application, it is recommended that a condition be imposed to ensure the accessway to Marlow Street meets the deemed-to-comply sight line requirement of Clause 3.2.4(b) and Figure 3.3 of AS2890.1:2004.

Grantham Street

For vehicles exiting the car wash to Grantham Street, there is an adjoining 1.8 metres high existing Colorbond fence for the length of the boundary with the abutting Child Care Centre. The accessway leading to the exit-only crossover is to be setback approximately 1 metre (i.e. 1 metre wide x 2.5 metres deep) from that boundary and thus represents a 1 metre deficiency for sight lines to the western side of the exit from the site. Sight lines to the east achieve the requisite 2 metres wide x 2.5 metres deep truncation.

In that regard, the submitted plans do not provide any indication of whether the existing Colorbond fence is to remain although it is noted that dividing fencing between properties is typically a civil matter between landowners.

Notwithstanding, the submitted Acoustic Report modelling was undertaken on the assumption that existing boundary fencing and the proposed noise walls would be in place.
Due to the uncertainty around this issue, it leads to two possible outcomes; either:

1. The existing fencing to the abutting Child Care Centre remains, in which case vehicles existing the car wash will not have sufficient sight lines to the west; OR
2. The existing fencing is removed (which seems to be suggested by the submitted development application plans), in which case there would be adequate sight lines, however, potential noise impacts to surrounding residences would be unknown (and likely to be worse than that modelled on the predication the fence was to remain).

In that regard, however, there is no guarantee that that area would remain clear, given the existing fence serves as a boundary delineation, which is permitted under the *Dividing Fences Act 1961*.

With respect to Point 1, it is considered that the reduced sight lines will increase the safety risk for all transport modes due to the following:

- An approximate 3.5 metres wide footpath abuts the Grantham Street frontage of the subject site. That footpath also abuts the carriageway of Grantham Street with no additional grassed verge separation. It is considered that if a vehicle was exiting the site into Grantham Street, it would need to 'nose out' over a portion of the footpath to ensure no pedestrians are nearby.

  Should that occur, conflicts with pedestrians travelling from the west could occur. In such an instance, there would be minimal room for a pedestrian to escape from the exiting vehicle's path of travel as the footpath is surrounded on two sides by carriageways.

  Furthermore, there may be instances where pedestrians are running along the footpath to ensure they catch any buses waiting at the bus stop. Despite the proposed bus stop relocation 12 metres east of the currently location, it is considered that the volume of pedestrian traffic along this portion of Grantham Street is much higher than a typical suburban street, hence the 2 metres wide x 2.5 metres sight line truncation is required in this instance.

- It is understood that children utilise this footpath to access Wembley Primary School.

- Existing vehicle access to the abutting Child Care Centre is located approximately 5.5 metres west of the proposed exit from the subject development. Due to its close proximity (approximately one car length), it is considered that vehicle conflicts could occur, particularly from vehicles exiting right from the Child Care Centre while vehicles are exiting left from the proposed car wash.

- An existing street tree is located on the verge, between the subject site and the abutting Child Care Centre which inhibits a clear view of Grantham Street, looking west.

- Even if a portion of the existing Colorbond boundary fence was removed, a 'Jellybeans Child Care and Kindy' sign exists within the landscape strip at on the abutting lot which is likely to obstruct sight lines for vehicles exiting the car wash.

Furthermore, it is noted that there is an option available to the applicant to address this safety concern by increasing the car wash exit to 2.5 metres from the western lot boundary. That would meet the relevant deemed-to-comply requirement which would alleviate the safety concern.
Therefore, should Council resolve to approve the subject application, it is recommended that a condition be imposed to ensure the accessway to the exit-only crossover to Grantham Street meets the deemed-to-comply sight line requirement of cl.3.2.4(b) and Figure 3.3 of AS2890.1:2004.

Subject to the imposition of such a condition, the proposal is considered acceptable from a sight line perspective.

**Noise**

During the advertising process, concern was raised with respect to noise generation from the development, particularly due to the proposed 24/7 operation of the car wash.

An Acoustic Report, prepared by Lloyd George Acoustics (dated 13 November 2018, Rev. 1), has been submitted in support of the proposed development which details the following:

- The proposal can comply with the Environmental Protection (Noise) Regulations 1997.
- The underside of the roof of the carparking/wash bay roof is to incorporate acoustic absorption to mitigate reverberant noise build up.
- The walls around the vacuum cleaner engine are to be internally lined with acoustically absorptive material.
- The air compressor for the workshop component is to be located furthest away from the south facing roller doors of the building.
- The workshop building is to incorporate acoustic absorption to the underside of its roof.
- Including translucent sheeting in the roof of the metal canopy (to provide natural light below) will not compromise the roofs ability to attenuate noise.

The submitted application plans have also been amended to include the following:

- An approximate 280m² skillion metal canopy over the entrance to the car wash, vacuum bay and carparking area for noise attenuation purposes.
- Acoustic roller doors on the entry and exit sides of wash bays two and three.
- The existing boundary fencing to abutting No.57B Marlow Street is to be modified for its entire 42.27 metres length, for noise attenuation purposes, as follows:
  - The existing approximate 2.4 metres high masonry boundary wall (behind the street setback line of the dwelling) is to be increased to approximately 3.4 metres in height.
  - The existing approximate 1.8 metres high Colorbond fence (forward of the street setback line of the dwelling) is to be replaced by the 3.4 metres high masonry wall.
- The existing boundary fence (to abutting No.58 Reserve Street, the Child Care Centre) is proposed to be replaced with a masonry fence for noise attenuation purposes for an approximate 20.8 metres portion, which ranges in height between 3.2 metres and 3.8 metres.

The Town has reviewed the Acoustic Report and has the following concerns:

1. Compliance with the *Environmental Protection (Noise) Regulations 1997* ("the Regulations") is not achieved for the receiver at the abutting Child Care Centre, No.57B Marlow Street and Lot 1 (No.60) Reserve Street as tabled below.

   The Child Care opens at 6:30am therefore levels received at this lot (within 15 metres of the building) need to comply with the sensitive noise premises levels for the hours of 10pm to 7am, Monday to Saturday and from 9am for Sundays and Public Holidays.
The noise modelling from Figure 4-3 of the Acoustic Report shows levels up to 52db Lₐ₁₀ being received within 15 metres of the Child Care building, with levels of 47dB being at the building itself at the NE corner whereas the prescribed noise level under the Regulations is 42dB Lₐ₁₀.

2. Compliance with the Regulations is not been achieved for the receiver at the abutting southern residential lot, No.57B Marlow Street as follows:
   - The noise modelling from Figure 4-1 of the Acoustic Report shows noise levels of between 52dB Lₐ₁₀ and 57dB Lₐ₁₀, slightly west of the R1 (west) receiver point. The assigned level for the time period of 7am to 7pm Monday to Saturday is 52dB Lₐ₁₀; therefore compliance is not achieved at this receiver.
   - The noise modelling from Figure 4-3 shows noise levels of 52dB Lₐ₁₀ being received at this noise sensitive premise, slightly west of the R1 receiver point. The assigned level for the time period of 10pm to 7am Monday to Saturday and from 9am Sundays and Public Holidays is 42dB Lₐ₁₀.

3. Compliance with the Regulations is not been achieved for the receiver at Lot 1 (No. 60 Reserve Street, located on the opposite side of Grantham Street).

   The noise modelling from Figure 4-3 of the Acoustic Report shows noise levels of between 42dB Lₐ₁₀ and 47dB Lₐ₁₀ being received at this noise sensitive premises. The assigned level for the time period of 10pm to 7am Monday to Saturday and from 9am Sundays and Public Holidays is 42dB Lₐ₁₀.

4. Cl5.1 of the Acoustic Report (Sunday operations) states "From Table 4-1 it can be seen that the highest predicted noise level is 42 dB Lₐ₁₀ at receivers R3 and R4". It is unclear where this data was taken from as the values are not consistent with Table 4-1 in the Report.

   The Report further states "Based on the modelling, it is noted that noise levels of 49 dB(A) are predicted at R3, and 48 dB(A) at R1 upper floor, with the roller door to wash bay 3 open. As such, compliance outside of the night-time hours would also be marginally achieved if the roller door was left open". It is unclear where this data was taken from as the values are not consistent with Table 4-1 in the Report. The assigned levels for Sundays and Public Holidays 'outside of the night-time hours' is 47 dB Lₐ₁₀, and therefore compliance with the Regulations would not be achieved with the stated values.

5. Cl5.1.1 (LA1 Scenario for 'Sunday Operations') of the Acoustic Report suggests that, for a 'worst case' scenario (i.e. all three wash bays being used simultaneously) the Lₐ₁ values should be used over the Lₐ₁₀ values.

   The Town's own research suggests an average time of use for a car wash bay of between 3.5 and 8 minutes. In that regard, the Regulations refer to a Representative Assessment Period (RAP), which is a period of time of not less than 15 minutes, and not exceeding 4 hours for the assessment of a noise emission, having regard to the type and nature of that emission.

   With respect to the proposed development, the Acoustic Report has nominated a RAP of one hour, however, has not provided details (such as wash duration and the frequency of use) to confirm whether that is an appropriate duration to use for the RAP.
For discussions sake, assuming, however, that a one hour RAP is appropriate, it is likely that the $L_{A10}$ criteria will be triggered given that the car wash may be in operation for greater than six minutes. Should that be the case, all acoustic receivers would be in exceedance of the assigned levels, except for the R5 receiver on abutting No.56 Reserve Street.

In the absence of those details/justifications, it is unclear whether a one hour RAP is appropriate and whether the $L_{A1}$ or $L_{A10}$ levels are to be used for assessment purposes.

In addition to the above:

- The report does not specify whether the noise for the three wash bays being used simultaneously was inclusive of the one vacuum cleaner being used at the same time.
- Even when assessed against the $L_{A1}$ value, Table 4-1 of the Report shows the highest predicted noise level is 54dB $L_{A1}$, which exceeds the assigned value of 52dB $L_{A1}$.
- Cl.5.1.1 states that "while this level would marginally exceed the night-time assigned level by 2 dB, it is noted that compliance will be achieved with doors closed"; however it has not been specified as to whether the modelling was undertaken with doors opened or closed.

6. Cl.5.2 of the Acoustic Report states the car wash bays are "...considered not to contain any annoying characteristics", however, there does not appear to have been any modelling done to confirm that.

7. Cl.5.3 of the Acoustic Report suggests that the vacant residential lots within the immediate vicinity of the subject site (i.e. Nos. 60A and B Marlow Street and No. 60 Reserve Street) will likely incorporate acoustic glazing and/or a noise wall along their boundaries.

In that regard, it is unlikely there would be any specific planning requirements that would impose the provision of such attenuation features and thus their inclusion cannot be assumed by the report.

8. No noise assessment has been included in the Acoustic Report for vehicles idling or starting/stopping before entering the car wash or using the vacuum bay.

9. It is unclear as to whether the noise modelling software used for the Acoustic Report included reflected noise from the buildings before the -2dB adjustment was utilised. That required clarification as the adjustment value is only valid when the reflected noise from surfaces is included within the modelled data.

Based on the above deficiencies of the submitted Acoustic Report, the following is noted:

- There are aspects of the proposed development that are unable to meet the relevant requirements of the Environmental Protection (Noise) Regulations 1997. Accordingly, it is considered that approval of the proposal would have an adverse impact on the amenity of the surrounding properties.
- Those areas of the Report that are unclear may not necessarily be of concern provided that additional information is provided to justify those areas (although the proposal will still need to demonstrate compliance with the Regulations).

In the absence of such information, and in addition to those areas of non-compliance with the Regulations, it is considered appropriate to adopt a 'precautionary principle' and
recommend that the subject application be refused due to the lack of information regarding noise generation.

In that regard, it is noted that the submitted Acoustic Report has already been revised once in an attempt to address the Town's concerns. Furthermore, the applicant has specifically requested the subject application be presented to the Town's December Council meeting to seek a determination on the proposal. That request has not provided adequate time for the applicant to address the outstanding noise issues and for the Town to reassess it.

'24/7' Operation of Car Wash

During the consultation period, concern was raised with respect to the proposed '24/7' operation of the car wash, particularly with respect to noise generation and light spill outside of typical business hours.

In that regard, from a statutory planning perspective there is no in-principle objection to a '24/7' business, however, that is contingent on issues such as noise, traffic and light spill being adequately addressed.

It is noted that the '24/7' operation of the car wash is required to comply with more restrictive noise levels of the Environmental Protection (Noise) Regulations 1997 than if the car wash was to operate only during standard business hours.

Furthermore, to provide noise attenuation measures in an attempt to comply has resulted in a number of interface issues with the abutting properties.

Boundary Interface Issues

The submitted application proposes the following boundary aspects to minimise noise generation from the development:

- The existing boundary fencing to abutting No.57B Marlow Street is to be modified for its entire 42.27 metres length, for noise attenuation purposes, as follows:
  - The existing approximate 2.4 metres high masonry boundary wall (behind the street setback line of the dwelling) is to be increased to approximately 3.4 metres in height.
  - The existing approximate 1.8 metres high Colorbond fence (forward of the street setback line of the dwelling) is to be replaced by the 3.4 metres high masonry wall.
- The existing boundary fence (to abutting No. 58 Reserve Street, the Child Care Centre) is proposed to be replaced with a masonry fence for noise attenuation purposes for an approximate 20.8 metres portion, which ranges in height between approximately 3.2 metres and 3.8 metres.

With respect to the above, of the three abutting properties, those to the immediate south and south-west contain residences. The remaining property to the east is the Child Care Centre (No. 58 Reserve Street).

It is considered that the boundary interface to the Child Care Centre is acceptable as:

- At its highest point of 5.2 metres, the length of that portion is limited to 6 metres.
- The boundary wall component is lower in height compared to the main workshop building which provides a built-form 'transition' between the workshop and the Child Care Centre.
- The building on the boundary will not adversely impact the amenity of the Child Care as the rear portion of the Child Care contains the car park and not the building itself or the outdoor play spaces.
- The boundary wall is to the eastern boundary of No.58 and thus will not result in any overshadowing of the Child Care site
- The boundary wall will assist in capturing any spray drift from the use of the wash bays.

It is considered that the boundary interface to No. 56 Reserve Street is acceptable as it is to the north-east corner of No. 56 and is to a portion of that site where an existing pitched-roof building exists.

The Town's has the following concerns with respect to the proposed boundary interfaces for No.57B Marlow Street, given its southern orientation to the proposed development:

1. Excessive building bulk; and
2. Overshadowing.

With respect to excessive building bulk, the following is considered relevant:

**Existing scenario**

- The masonry portion of the existing boundary fence between the subject site and abutting No.57B Marlow Street (i.e. behind the street setback line of the dwelling) is approximately 34.5 metres long (excluding the existing northern boundary wall component of No.57B) and is approximately 2.4 metres high (approximately 82.8m²) total surface area.
- The Colorbond portion of the existing boundary fence (forward of the street setback line of the dwelling) is approximately 8 metres long and is approximately 1.8 metres high (approximately 14.4m²) total surface area.
  - The total surface area of existing boundary fencing (as viewed from No.57B and excluding the existing northern boundary wall component of No.57B) is approximately 97.2m².

**Proposed Development**

- The existing boundary fencing to abutting No.57B Marlow Street is to be modified for its entire 42.27 metres length as follows:
  - The existing approximate 2.4 metres high masonry boundary wall (behind the street setback line of the dwelling) is to be increased to approximately 3.4 metres in height.
  - The existing approximate 1.8 metres high Colorbond fence (forward of the street setback line of the dwelling) is to be replaced by the 3.4 metres high masonry wall.
- Increasing the height of the existing masonry fence to approximately 3.4 metres (on the side of the proposed development) and replacing the Colorbond fence would increase the height (as viewed from No.57B) to approximately 4.1 metres overall, due to the level differences between the properties.
- That would, in effect, increase the overall surface area of boundary fencing (as viewed from No.57B) from approximately 97.2m² to approximately 174.25m² (approximate 79.2% increase).
- In comparison, a single-storey boundary wall typically has an average height of 3 metres. The approximate 4.1 metres height (as viewed from No.57B) represents an approximate 36.6% variation. Although it is acknowledged that this aspect of the proposal is for a boundary fence, not a boundary wall to a building, it has the same overall effect of projecting building bulk that is taller than a typical single-storey development up to the northern boundary of No.57B.
- The additions to the existing boundary wall are to be solid and flat with no articulation provided.
The additions to the existing boundary wall have not been detailed (eg. face brick or rendered) with respect to its finish to ascertain whether it will complement the existing dwelling on No.57B.

With respect to overshadowing, the following is considered relevant:

- Approximately 218m² of the abutting No.57B will be overshadowed by the proposed additions to the existing boundary fence. That represents approximately 49.5% of the total site area of No.57B.

Although the Residential Design Codes (R-Codes) do not apply to the subject development, they have been given due consideration by the Town to provide a reference comparison as to whether that degree of overshadowing is acceptable.

In that regard, the surrounding residential lots are all coded R20. The R-Codes stipulate a maximum of 25% of an adjoining R20 site can be overshadowed.

- No.57B contains a number of windows along the ground floor of its northern elevation to gain access to direct northern sunlight.
- The main outdoor living area of No.57B is orientated to its northern boundary. In addition an existing swimming pool is located in the north-west corner of No.57B.

Based on the above, it is considered that the proposed development does not protect solar access to No.57B and will also inhibit access to direct ventilation for the outdoor living area of No.57B. In addition, it is considered that the height of the boundary fence projects an undue amount of building bulk to No.57B.

Whilst it is noted that the boundary fence modifications are proposed for noise attenuation measures, the impact on the abutting No.57B will significantly impact the amenity of that site and is therefore unacceptable.

Conclusion

The subject application for a workshop and car wash is not consistent with the relevant planning framework. The proposal will have an adverse impact on the residential amenity of the locality due to the noise generation of the activities, proliferation of signage and the amount of building bulk projecting to the abutting southern residential lot, No.57B Marlow Street, as well as the streetscape of Marlow Street.

Based on the above, it is recommended that the proposed development be refused.

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, and the Town Planning Scheme Policy Manual.

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 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
DV18.177 LOT 2 (1B) ABBOTSFORD STREET, WEST LEEDERVILLE - TWO (2) STOREY GROUPED DWELLING

COMMITTEE DECISION:
(ADMINISTRATION RECOMMENDATION)

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 a Two-storey Grouped Dwelling submitted by MSG Architecture at Lot 2 (No. 1B) Abbotsford Street, West Leederville as shown on the plans dated 30 October 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. The visual privacy screens to the first floor major openings as shown on the approved plan, shall be designed to restrict views to the neighbouring properties to the north and south in accordance with the deemed-to-comply provisions of clause 5.4.1 ‘Visual Privacy’ of the Residential Design Codes of Western Australia and to be installed prior to the occupation of the dwelling;

3. The surface finish of the boundary wall facing the adjoining property to the north and east shall be rendered, painted or face brickwork prior to the occupation of the dwelling/development and to the satisfaction of the Town;

4. All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title; and

5. 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 specific to this approval:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination; and

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

CARRIED at Committee (4/0)
Committee Meeting 11 December 2018

Cr Everett - Proximity Interest

Prior to consideration of the item, Cr Everett, in accordance with Section 5.65 of the Local Government Act 1995, declared a proximity interest in this matter as he owns a property directly opposite.

Cr Everett departed the meeting at 6.47 pm prior to the matter being discussed and voted upon.

Cr Everett returned to the meeting at 6.49 pm.

SUMMARY:

The purpose of this report is for Council to consider a development application for a two storey grouped dwelling.

The application proposes variations to the deemed-to-comply requirements of 5.1.2 Street Setbacks of the R-Codes and Local Planning Policy 3.2: Buildings on the Boundary, however, it is considered the application meets the relevant design principles and, as such, the application is recommended for approval subject to appropriate conditions.

The application was advertised to affected landowners for comment. The plans advertised proposed a building height of 7.15 metres in lieu of 7 metres, however, amended plans were subsequently received showing a building height of 7 metres. These plans are those being presented to Council for consideration.

Under Clause 9.1.2 (1) of the Town's Delegation Register Clause, Council will determine an application where a submission has been received during the advertising period that objects to the application on valid planning grounds. In this instance, two submissions were received; one objection (relating to building height, loss of sunlight and sense of privacy); and one comment.

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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>(No 1B) Abbotsford Street, West Leederville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>30 October 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0255DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Karen Liddell, Senior Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location Plan (1 page)</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Plan (1 page)</td>
</tr>
<tr>
<td></td>
<td>3. Site Photos (3 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Development application plans (7 pages)</td>
</tr>
<tr>
<td></td>
<td>5. Applicant's Justification (1 page)</td>
</tr>
<tr>
<td></td>
<td>6. Summary of Submissions (1 page)</td>
</tr>
<tr>
<td>Applicant:</td>
<td>MSG Architecture</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr DJ Hargreaves</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential R - AC 0</td>
</tr>
<tr>
<td>Precinct:</td>
<td>P5: West Leederville</td>
</tr>
<tr>
<td>Development Description:</td>
<td>Two Storey Grouped Dwelling</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$350,000</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Vacant lot</td>
</tr>
<tr>
<td>Proposed Use Class:</td>
<td>Dwelling (Grouped)</td>
</tr>
<tr>
<td>Lot/Land Area:</td>
<td>168m²</td>
</tr>
<tr>
<td>Heritage Listing:</td>
<td>Nil</td>
</tr>
<tr>
<td>Application Received Date:</td>
<td>12 September 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>90 days</td>
</tr>
</tbody>
</table>

DETAILS:

Development description

Site Context

The subject site is located within the P5: West Leederville Planning Precinct in a street block bounded by Abbotsford Street to the east, Cambridge Street to the north, Kerr Street to the east and Railway Parade to the south. This street block is identified in the Town’s Local Planning Policy 6.5: Precinct 5: West Leederville as a Residential Node intended to accommodate a range of dwelling densities and dwelling types including grouped and multiple dwellings at medium and high densities.

According to the West Leederville Activity Centres Plan, the Kerr Street to Abbotsford Street Residential Area may a three (3) storey building height limit along street frontages with additional height to a maximum of six (6) stories to be set back.

The immediate surrounding land uses include a three (3) storey block of units to the north, a single storey dwelling to the east, common property access leg to the south with single storey dwellings adjoining that (fronting Railway Parade), and a two (2) storey dwelling to the west.

The subject site is currently vacant and is the middle lot of a three (3) grouped dwelling site.
Proposal

An application for the subject site was received by the Town on 12 September 2018 for the construction of a two (2) storey grouped dwelling which proposes:

- A two (2) storey boundary wall on the western (rear) lot boundary which will abut an existing two (2) storey boundary wall on an adjoining lot.
- A single storey boundary wall on the northern (side) and eastern (side) lot boundaries which will not abut a boundary wall on the adjoining lots.

Amended plans were received on 30 October 2018 following advertising, to reduce the height of the proposed dwelling to comply with the 7.0 metres building height as prescribed by the R-Codes.

A final assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the Scheme), relevant deemed-to-comply requirements of the Residential Design Codes (R-Codes) and the Town’s Local Planning Policies. Variations are proposed to the following:

- The ground floor component of the dwelling being proposed to be set back 0.19 metres in lieu of 2.5 metres from the common property access leg (primary street); and
- There being a boundary wall on the western, northern and eastern lot boundaries in lieu of one boundary wall.

Community Consultation

The application was advertised for a period of 14 days, from 11 October 2018 to 25 October 2018, in accordance with the requirements of Clause 4.2.1 (Consultation Procedure) of the R-Codes. Two (2) submissions were received during the advertising period. The table below provides a summary of the comments and issues raised during the community consultation process and an Officer technical response. A full schedule of submissions is attached to this agenda. It should be noted that these comments were in relation to the original submission which proposed a maximum height of 7.15 metres. This height has now been reduced to a maximum of 7.0 metres above natural ground level. Given that the height has been reduced, the amended plans have not been readvertised.

<table>
<thead>
<tr>
<th>Summary of Comments Received:</th>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overshadowing concerns</td>
<td>In accordance with the R-Codes the development is able to overshadow up to 50% of an adjoining lot.</td>
</tr>
<tr>
<td></td>
<td>Based on the plans provided approximately 7% of the nearest residential lot (being 186 Railway Parade) will likely be overshadowed. The majority of the overshadowing will fall within the common property access leg which adjoins the subject lot.</td>
</tr>
<tr>
<td>The visual impact of the northern and eastern boundary walls proposed</td>
<td>The R-Codes permit one lot boundary wall. Three are proposed.</td>
</tr>
<tr>
<td></td>
<td>The two storey boundary wall proposed on the western lot boundary will directly adjoin a boundary wall on the adjoining lot which is similar in dimension.</td>
</tr>
</tbody>
</table>
One single storey boundary wall is proposed on the northern and eastern lot boundaries.

The number and the location of these boundary walls mean that only one will be directly visible from the adjoining lots at any one time.

The walls will not result in any non-compliant amount of overshadowing.

Taking into account the site is located within an R-AC 0 zone which permits high density residential development, together with the above points; it is considered that the walls are unlikely to have a significant impact on the local amenity.

<table>
<thead>
<tr>
<th>The proposed development potentially impacting the rental value of adjoining properties.</th>
<th>In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Council is not required to have regard to such matters when determining a development application.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emphasise the importance of keeping the trees.</td>
<td>There are no Town of Cambridge provisions relating to the retention of trees on private property. The applicant has indicated their intention to retain the tree within the courtyard.</td>
</tr>
<tr>
<td>Construction hours are as per normal working hours due to residential properties nextdoor.</td>
<td>Construction hours are administered under the Environmental Noise Regulations.</td>
</tr>
</tbody>
</table>

**Applicant's justification**

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to buildings on the boundary. A summary of the applicant's justification is attached to this agenda.

**Assessment against the design principles**

**Street Setback (Clause 5.1.2 of the R-Codes)**

<table>
<thead>
<tr>
<th>Clause 5.1.2</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street (access leg) setback</td>
<td>2.5 metres</td>
<td>0.19 metres</td>
</tr>
</tbody>
</table>

The applicant seeks a variation to the primary street setback, however, the site is unique in that it is located in the middle of a three (3) grouped dwelling site and gains its primary access from the common property access leg. Therefore, in this instance, the primary street is taken to be that of the access leg, and not Abbotsford Street. The proposed primary street (access leg) setback can be supported by satisfying the relevant design principles as follows:

- The portion of the building proposed to be set back less than what is permitted is a 5.3m² storeroom which is to be 2.4 metres in height, and located adjoining the common property access leg.

Considering its scale, and that it will be on a middle lot behind an existing dwelling, the variation is unlikely to have a detrimental impact on the established streetscape (Abbotsford Street).
• The location of the storeroom allows the development to maximise its orientation of living areas and the amount of open space to the north, thereby also supporting solar passive design principles.

• The location and setback of the storeroom, together with the proposed site layout, means that landscaping and parking requirements can be accommodated whilst maintaining associated sight lines for vehicles reversing from the lot onto the common property access leg.

• The storeroom will not result in any non-compliant amount of overshadowing onto nearby residential lots.

• The subject site is 168m² and located in a precinct where a variety of dwellings densities and types are encouraged, with an R-Code of R-AC 0. To achieve the intent of the LLP, development of this nature (reduced primary street setback) is likely to be necessary in order to achieved good design outcomes that make efficient use of the available space whilst minimising the impact on adjoining properties.

For these reasons, the proposed variation meets the design principles and is unlikely to have a detrimental impact on site, the adjoining properties and/or the locality/streetscape.

**Buildings on the boundary (LLP 3.2 and Clause 5.1.3 of the R-Codes)**

<table>
<thead>
<tr>
<th>LLP 3.2/Clause 5.1.3</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Boundary Setback</td>
<td>In areas coded R30 or higher, walls not height than 3.5 metres with an average of 3 metres or less, for two-thirds the length of the lot boundary behind the front setback, to one side boundary only. Walls maybe built up to a lot boundary behind the street setback area where the wall abuts an existing wall similar or greater in dimension.</td>
<td>Three boundary walls are proposed. The wall proposed on the western lot boundary will abut an existing boundary wall on an adjoining lot which is similar in dimension. The other boundary walls will not abut an existing boundary wall on an adjoining lot.</td>
</tr>
</tbody>
</table>

The applicant seeks a variation to the lot boundary setbacks and the number of walls built up to boundaries. The proposed setbacks/boundary walls can be supported by satisfying the relevant design principles as follows:

• One boundary wall is proposed on the northern lot boundary and another is proposed on the eastern lot boundary. Both walls are proposed to be approximately 3 metres height above natural ground level. The use of building up to the boundary makes more efficient use of the space given the lot size of only 168m².

• The location of the boundary walls means that only one will be directly visible from the adjoining lots at any one time.
• The walls will not result in any non-compliant amount of overshadowing (affected properties are located to the north and east of the subject walls) or loss of privacy as there are no overlooking issues.
• The subject site is located in a precinct where a variety of dwellings densities and types are encouraged, with an R-Code of R-AC 0. To achieve the intent of the LLP, development of this nature (building up to more than one lot boundary) is likely to be necessary in order to achieve good design outcomes that make efficient use of the available space, meet landscaping requirements and also enhance the quality of indoor spaces for the occupant, whilst minimising the impact on adjoining properties.

For these reasons, the proposed variation meets the design principles and is unlikely to have a detrimental impact on site, the adjoining properties and/or the locality.

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:

The recommendations of this report are consistent with the following aspects of the Town’s Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
DV18.178 LOT 1 (NO.13A) LAKE MONGER DRIVE, WEST LEEDERVILLE - TWO-STOREY DWELLING

COMMITTEE DECISION:

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 'Two Storey Dwelling' submitted by Tony Christopher at Lot 1 (No.13A) Lake Monger Drive, West Leederville as shown on the amended plans dated 30 October 2018, for the following reasons:-

1. The proposal would have a negative impact on future development within the area, and would be inconsistent with the prevailing streetscape due to the significant overhanging building bulk within the primary street setback area, and therefore is not in accordance with orderly and proper planning for the locality; and

2. Having due consideration of sub-clauses 67(m) and (n) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposal is not compatible with its setting on the basis of the scale and building bulk impacts associated with the balcony, with those impacts likely to have a detrimental impact on the existing residential amenity of the locality.

CARRIED at Committee (5/0)

Committee Meeting 11 December 2018

REASON FOR CHANGING THE ADMINISTRATION RECOMMENDATION:

During discussion, Members were not prepared to support the application as it was considered that the incursion of the balcony in the front setback was too significant and added to the bulk and scale of the proposed dwelling.

The Administration recommendation was then voted upon and LOST (0/5)

ADMINISTRATION RECOMMENDATION:

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 a 'Two Storey Dwelling' submitted by Tony Christopher at Lot 1 (No.13A) Lake Monger Drive, West Leederville as shown on the amended plans dated 30 October 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. Accompanying the Building Permit application, the landowner/applicant shall submit amended plans demonstrating that the north-east corner of the front fence meets the deemed-to-comply requirement for sight lines of cl.3.1.7 of the Town's Local Planning Policy 3.1 - Streetscape;

The front fence shall be subsequently constructed in accordance with the amended plans;
3. Water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to landscaped areas, sumps or rainwater tanks within the subject site to retain and dispose of all stormwater on-site;

4. The surface of the boundary wall shall be finished to a professional standard (ie. have raked/rolled joints or an even render finish) to the satisfaction of the Town;
   The parapet wall and footings shall be constructed within the lot boundaries of the subject site;

5. The front area that is forward of the dwelling shall be landscaped in accordance with the approved plans within six months of practical completion of the dwelling and is to be thereafter maintained for the life of the development to the satisfaction of the Town;

6. Any existing crossover not included as part of the approved development shall be removed, and the verge and kerb reinstated at the landowner/developer's cost prior to the commencement of use/occupation of the building to the satisfaction of the Town;

7. Vehicle access for the subject site shall be restricted to that shown on the approved plans; ans

8. The crossover shall be a maximum width of 5 metres (excluding splays) and constructed in accordance with the Town's specifications and thereafter maintained for the life of the development to the satisfaction of the Town.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination;

4. The Town notes that upon completion of development of all three lots utilising the same accessway (ie. Nos.11B, 13A and 13B Lake Monger Drive) there is an intention that the accessway will be paved/sealed with the cost of the works being borne equally between those landowners;

5. This is a development approval of the Town under its Town Planning Scheme No.1. It is not an approval to commence or carry out the development under any other legislation (including any of the Town's local laws);
   It is the responsibility of the landowner/applicant to obtain any other necessary approvals, permits, licences or consent required under any other legislation, and to commence and carry out the development in accordance with all relevant legislation;

6. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct;
7. In accordance with the Building Act 2011 and Building Regulations 2012, a Building Permit application shall be submitted to, and approved by the Town’s Building Services branch prior to any construction or earthworks commencing on the subject site;

8. The landowner/applicant is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the Dividing Fences Act 1961;

9. All works within the road reserve, such as crossovers, verge treatments and landscaping require a separate application and approval by the Town’s Infrastructure branch. All works shall conform to the Town’s specifications;

10. The landowner/applicant is advised that construction within the sewer easement and connection to reticulated sewer requires prior approval from the Water Corporation;

11. Any development on the subject site shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Proponents should refer to https://westernpower.com.au/safety/360-aware/industry-safety/; and

12. It is the landowner’s responsibility to ensure that the design and construction of any new structure on the land complies with all applicable laws including, without limitation, clearance requirements of electrical infrastructure. Western Power recommends that a suitably qualified independent person (eg. surveyor, architect, engineer) is engaged to undertake an assessment of the proposed development to ensure that best methods of construction are utilised and compliance with all applicable laws (including clearance requirements of electrical infrastructure in general and those specified under Occupational Safety and Health Regulations 1996).

SUMMARY:

The purpose of this report is for Council to consider a development application for a two-storey dwelling at Lot 1 (No.13A) Lake Monger Drive, West Leederville.

In accordance with the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval.

The subject application does not meet the deemed-to-comply provisions for street setbacks and building height. Variations are also sought in relation to side setbacks, front fencing, buildings on the boundary and the outdoor living area. Those variations were advertised to the surrounding owners and occupiers. In response, one objection was received.

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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 1 (No.13A) Lake Monger Drive, West Leederville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>19 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0247DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Ryan Munyard, Senior Statutory Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plan (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (3 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development Application Plans (3 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Applicant’s Justification (4 pages)</td>
</tr>
<tr>
<td></td>
<td>5. Schedule of Submissions (1 page)</td>
</tr>
</tbody>
</table>

| Applicant:                | Tony Christopher                                 |
| Owner:                    | Helen Christopher                                 |
| Zoning:                   | Residential R30                                   |
| Precinct:                 | P5: West Leederville                             |
| Development Description:  | Two-storey Dwelling                               |
| Development Value:        | $450,000                                          |
| Existing Land Use:        | Nil - vacant land                                 |
| Proposed Use Class:       | Dwelling (Single) - ’P’ (Permitted)               |
| Lot/Land Area:            | 364m²                                             |
| Heritage Listing:         | No                                                |
| Application Received Date:| 5 September 2018                                  |
| Application Process Days: | 97 days                                           |
DETAILS:

Site History

On 26 November 2013, Council approved a development application for Two Grouped Dwellings at Lot 5 (No.13) Lake Monger Drive, West Leederville. That approval was never enacted by the landowner. In 2014, the Western Australian Planning Commission approved a two lot subdivision to create Nos. 13A and 13B from Parent Lot 5 (No.13).

The subdivision was subsequently enacted however both lots remain vacant.

Development description

The subject site is located within the West Leederville Precinct. The site contains an approximate 0.8 metre slope upwards from Lake Monger Drive (approximately 13.2AHD in the north-east corner), to the south-west rear corner of the site (approximately 14AHD). Vehicle access to the lot is obtained via a vehicle access easement over the accessway of abutting Nos.11B and 13B Lake Monger Drive.

It is proposed to construct a two-storey dwelling on the property that predominately fronts towards Lake Monger. The main entrance to the dwelling is from the access easement abutting the eastern side boundary of the site.

The surrounding development consists of a mix of single or two-storey residences.

Community Consultation

The application was advertised for a period of 14 days, from 1 November 2018 to 15 November 2018, in accordance with the requirements of Local Planning Policy 2.3 - Public Notification and Advertising Procedures due to the proposed variations.

In response, one submission was received that objected to the proposal. The concern raised is that the proposed reduced street setback of the first floor balcony will adversely impact the view of Lake Monger from the abutting dwelling at No.15 Lake Monger Drive and consequently will also negatively impact the value of that property.

In that regard, the design principles for street setbacks do not account for potential property value changes. With respect to the amenity concern, that is addressed in the following relevant sections of this report.

Consultation with other Agencies or Consultants

The application was referred to various Agencies, with the Town’s comments and the respective Agency responses tabled below:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Town's Comments and Agency Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Planning, Lands and Heritage (DPLH): Infrastructure Policy and Planning branch</td>
<td>The subject site abuts a Category 2 Other Regional Road Reservation under the Metropolitan Region Scheme (MRS). The application was referred to the DPLH who advised of no objection to the proposal.</td>
</tr>
</tbody>
</table>
| Water Corporation | A sewer easement is located in the south-west corner of the subject site. A portion of the dwelling is to be constructed within that easement.  

The application was referred to the Water Corporation who advised of no objection to the proposal subject to:  
• A piling method of construction being used for the portion of the dwelling within the easement.  
• A minimum separation distance of 0.6 metre between the western elevation of the dwelling and the sewer pipe itself.  

In that regard, the portion of the dwelling within the sewer easement meets both those Water Corporation requirements and is therefore considered to be acceptable.  

Notwithstanding, in the event of Council approval, separate approval from the Water Corporation will be required for building within the easement. |
| Western Power | The proposed front fence is to be located approximately 0.2 metre from an electricity easement in the north-east corner of the subject site.  

The application was referred to Western Power who advised of no objection to the proposal and recommended two advice notes relating to the protection of electricity supply infrastructure should the development be approved. |

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions which is included as an attachment to this Report.

Assessment against the design principles

The subject application meets all deemed-to-comply requirements of the following:
• State Planning Policy 3.1 - Residential Design Codes  
• Local Planning Policy 3.1 - Streetscape  
• Local Planning Policy 3.2 - Buildings on the Boundary  
• Local Planning Policy 3.3 - Building Height  
with the exception of those identified in the following tables.
State Planning Policy 3.1 - Residential Design Codes (R-Codes)

### 5.1.3 Lot boundary setback

<table>
<thead>
<tr>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Boundary Setback</td>
<td></td>
</tr>
<tr>
<td>1 metre to eastern side boundary (for ground floor)</td>
<td>0.42 metre to eastern side boundary (for entry and living room on ground floor)</td>
</tr>
<tr>
<td>1.9 metres to eastern side boundary (for first floor)</td>
<td>0.21 metre to eastern side boundary (for kitchen and scullery portions on first floor)</td>
</tr>
<tr>
<td>1 metre to rear boundary (for garage)</td>
<td>Nil (for garage)</td>
</tr>
</tbody>
</table>

It is considered that the above variations are consistent with the associated design principles on the basis of the following:

- An adequate degree of articulation to the eastern side boundary is provided, which assists in minimising building bulk along that elevation.
- The extent of overshadowing for the relevant portion of the dwelling is approximately 5m² and is limited to the accessway of the abutting lots. The outdoor active habitable spaces of those lots will not be overshadowed at all.
- The lot boundary setback variations do not result in any visual privacy concerns for abutting properties as the extent of overlooking is limited to the accessway, which is located in front of the setback line for those rear lots.
- Landscaping is proposed along the eastern side boundary to soften the appearance of the dwelling and assist in breaking up sections of blank walls.

Based on the above, the proposed lot boundary setback variations are considered acceptable.

### 5.3.1 Outdoor living areas

<table>
<thead>
<tr>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>A minimum 24m² outdoor living area is to be provided behind the street setback area.</td>
<td>An approximate 3m² portion of the outdoor living area is proposed to be located within the street setback area.</td>
</tr>
</tbody>
</table>

It is considered that the above variation is consistent with the associated design principles on the basis of the following:

- Approximately 12.5% of the requisite outdoor living area is proposed to be located within the street setback area, however, it is noted that the applicant has proposed an overall outdoor living area well in excess of the minimum 24m² requirement.
- The outdoor living area is proposed to be directly accessible from a habitable room (living room) on the ground floor of the dwelling.
- Locating the outdoor living area in front of the dwelling allows it to be open to northern winter sun.
- Having the outdoor living area adjacent to Lake Monger Drive assists in maximising passive surveillance opportunities of the street.

Based on the above, the proposed outdoor living area variation is considered acceptable.
Local Planning Policy 3.1 - Streetscape (LPP3.1)

### Cl 3.1.1 Street Setbacks

<table>
<thead>
<tr>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 metres (to ground floor)</td>
<td>5.23 metres (to ground floor of the dwelling, measured at its smallest point)</td>
</tr>
<tr>
<td>6 metres (to first floor, including to an enclosed balcony)</td>
<td>3.02 metres (to the first floor enclosed balcony, measured at its smallest point)</td>
</tr>
</tbody>
</table>

During the public consultation period, concern was raised that the proposed reduced street setback of the first floor balcony will adversely impact the view towards Lake Monger of the abutting dwelling at No.15 Lake Monger Drive.

It is considered that the first floor setback variation is consistent with the associated design principles on the basis of the following:

- Approximately 50% of the total balcony area is within the street setback area for the first floor. However, it is noted that the 3.02 metre setback is measured at the corner of the balcony (its smallest point) and that otherwise, an average setback of approximately 3.9 metres is proposed for the balcony. It is considered that the proposed variation is in response to the unusual curved frontage of the subject site.
- The ground floor is set back approximately 30% greater than the relevant deemed-to-comply 4 metre requirement and assists in 'offsetting' the first floor balcony street setback variation.
- A number of dwellings facing Lake Monger Drive have street setbacks that are less than the 6 metres deemed-to-comply requirement for an enclosed balcony. For example:
  - No.19 Lake Monger Drive, located approximately 30 metres west of the subject site, contains an enclosed balcony that is set back approximately 3.7 metres from the street.
  - No.3A Lake Monger Drive, located approximately 84 metres east of the subject site, contains an enclosed balcony that is set back approximately 3.5 metres from the street.
  - No.3B Lake Monger Drive, located approximately 78 metres east of the subject site, contains an enclosed balcony that is set back approximately 4.5 metres from the street.

In light of the above examples, it is considered that the subject proposal is broadly consistent with the existing streetscape.

- The presence of the first floor balcony provides additional passive surveillance opportunities and building presentation and thus contributes positively to the streetscape. That is desirable especially given the opposite side of Lake Monger Drive contains no dwellings and hence does not experience the same degree of presentation and surveillance as a typical street.
- The balcony provides additional opportunities for outdoor recreation for the future occupants of the dwelling whilst maintaining privacy to adjoining lots due to the provision of screening to No.15 Lake Monger Drive.
- The reduced balcony setback ensures that portion of the dwelling within the sewer easement is minimised.

Based on the above, the proposed balcony street setback variation is considered acceptable.
Cl3.1.6  Street Surveillance (Windows and Front Doors)

<table>
<thead>
<tr>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front door of dwelling is to be clearly visible from Lake Monger Drive</td>
<td>The front door of dwelling is not visible from Lake Monger Drive</td>
</tr>
</tbody>
</table>

It is considered that the above variation is consistent with the associated design principles on the basis of the following:

- The dwelling provides adequate surveillance to Lake Monger Drive as it contains four major openings on the ground floor and two major openings on the first floor facing the street. In addition, a balcony is proposed at the front of the dwelling to enhance surveillance and presentation to Lake Monger Drive.
- There are a number of windows from the living room and entry/foyer which provide a view of the pedestrian approach to the dwelling to ensure any visitors to the dwelling do not arrive unseen.
- The proposed front fence guides visitors to the accessway which provides rear access to the dwelling.
- There is a side gate and a sliding door from the patio area which provides access to the dwelling. It is, however, expected that that will be utilised by the occupants, rather than any visitors. It is considered that this access provides activation of the side area.

Based on the above, the proposed variation to the front door location is considered acceptable.

Cl3.1.7  Fences and Street Walls

<table>
<thead>
<tr>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual permeability</td>
<td>Minimum 4:1 (80%) open style fence infill panels</td>
</tr>
<tr>
<td>Sight lines</td>
<td>Truncated or reduced to no higher than 0.75 m within 1.5m of where walls and fences adjoin vehicle access points</td>
</tr>
</tbody>
</table>

It is considered that the above visual permeability variation is consistent with the associated design principles on the basis of the following:

- The subject site abuts Lake Monger Drive which is a Distributor road which carries a high volume of vehicle traffic. In addition, the site is located approximately 250 metres south-west of the Mitchell Freeway. Traffic noise is considered to be high for this locality. In addition, headlight glare from vehicles travelling on Lake Monger Drive and those vehicles utilising the communal vehicle accessway abutting the site impacts on the amenity of the property.
- The majority of properties within this immediate portion of Lake Monger Drive contain existing solid front fences such as at Nos.9, 11A, 15, 19 and 21. The proposed fence is offers a balance of maintaining a degree of permeability whilst protecting the occupants of the dwelling from transport noise and headlight glare of vehicles.
- As the outdoor living area is located in front of the proposed dwelling the 50% visually permeable infill panels will also provide a degree of privacy to the occupants of the dwelling to ensure they are still able to use the space for outdoor pursuits.
- The balcony will offset the reduction in surveillance of the streetscape on the ground floor by providing additional opportunities from the first floor.

Based on the above, the proposed front fencing variation is considered acceptable.
With respect to sight lines, the following is noted:

- The subject site abuts Lake Monger Drive which is a Distributor road which carries a high volume of vehicle traffic.
- Vehicles existing from the garage of the dwelling can exit the site in forward gear, however, the crossover exits directly onto Lake Monger Drive, as opposed to the adjoining slip road. This portion of Lake Monger is just after a substantial bend in the carriageway. As such, vehicles travelling west along Lake Monger Drive have a limited view of vehicles exiting the accessway (and vice versa).
- The Town has received some complaints from nearby residents with respect to inadequate sight lines for vehicles exiting the abutting accessway.
- A pedestrian footpath directly abuts the subject site.
- There are a number of obstructions, albeit necessary infrastructure, within the road reserve, including a street light pole, an overhead electricity pole, bollards to restrict carparking with the slip road and a 'Breeding Season - Wildlife Crossing' sign.
- Fencing at the north-west corner of No.11A Lake Monger Drive, whilst visually permeable, is approximately 1.8 metres in height and does obstruct views for vehicles exiting the site of traffic travelling west on Lake Monger Drive (it is noted however that this fencing related to a site that is not part of the subject application).

In addition, Lake Monger Drive is a dual carriageway road with a median strip segregating traffic travelling in each direction. For vehicles exiting the subject site, this means that passing traffic is only coming from the east (ie. travelling in a westward direction).

Although the sight line variation is to the western side of the vehicle accessway (i.e. the opposite side of the accessway to the oncoming vehicles on Lake Monger Drive), it is considered that for the above reasons, drivers will 'bias' the position of their exiting vehicle to the western edge of the accessway to maximise their sight line distance looking eastwards towards oncoming traffic on Lake Monger Drive, rather than exiting the site by driving their vehicle in the middle of the accessway.

It is considered that the effect of that will exacerbate pedestrian and cyclist safety concerns regarding the approximate 0.75 metre separation distance (in lieu of 1.5 metre) between the proposed front fence and the existing accessway. Furthermore, it is noted that there are options available to the applicant to address this safety concern. Those options include:

- Reducing the height of the fence (where it is located within 1.5 metres of the accessway) to no higher than 0.75 metre above NGL.
- Increasing the setback of the proposed 1.8 metres high fence to the edge of the accessway from approximately 0.75 metre to 1.5 metres.

Either of those options would meet the relevant deemed-to-comply requirement which would alleviate the safety concern.

Therefore in the event of Council approval it is recommended that a condition be imposed to ensure the front fence meets the deemed-to-comply sight line requirement of cl.3.1.7 of LPP3.1.

<table>
<thead>
<tr>
<th>Cl3.1.12 Access and Crossovers for Single and Grouped Dwellings</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Leederville Precinct</td>
<td>Garages must be located off a right-of-way where an adequately formed right-of-way is available for use of the relevant lot.</td>
<td>The garage is located off an existing right-of-way, however it is not considered to be adequate as it is not currently sealed/paved.</td>
</tr>
</tbody>
</table>
With respect to the above, it is considered that 'adequate' means an accessway that is paved/sealed and drained. In that regard, the existing accessway has existing drainage infrastructure within it, however, it is not paved/sealed (currently the accessway is comprised of a crushed limestone-type base).

It is considered that the current status of the accessway is not adequate as:

- The limestone-type base creates dust issues as a result of vehicle movement.
- The level of the accessway undulates with the topography of the land which can create safety and convenience issues for vehicles navigating the accessway.
- The accessway also provides pedestrian access to the rear two lots and the uneven level of the accessway can create trip hazards for pedestrians.

The accessway has not been finalised as Nos.13A and 13B are yet to be developed. It is understood that there is concern amongst the landowners that if the accessway was paved/sealed prior to development of those lots, it could get damaged during the construction phase.

In that regard, the applicant has provided a notation on the site plan referencing that the accessway will be finalised once those two lots have been developed. The accessway is to ultimately contain a concrete finish with the intention being that the cost to complete that being equally borne between the landowners of the three lots (including No.11B which is already developed) that obtain access via the right-of-way on the basis that they will all benefit from the formalised accessway to an equal degree.

To ensure landowners/applicants remain aware of that arrangement, in the event of Council approval it is considered appropriate that an advice note be included with respect to the right-of-way.

Based on the above, the proposal is considered acceptable from an access perspective.

Local Planning Policy 3.2 - Buildings on the Boundary (LPP3.2)

<table>
<thead>
<tr>
<th>Buildings on the Boundary</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Walls may be built up to a boundary behind the front setback line where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension.</td>
<td>A 6.7 metres long boundary wall (to the southern boundary) for the proposed garage with an average height of approximately 3.45 metres.</td>
</tr>
<tr>
<td></td>
<td>In the case of a garage or carport which is located off a right-of-way, it will be permitted as of right to be built to the side boundaries, provided parapet walls are no higher than 3 metres with an average height no greater than 2.7 metres and provided the wall is no greater than 6 metres in length along the boundary. Neighbour consultation is not required in this circumstance.</td>
<td></td>
</tr>
</tbody>
</table>
It is considered that the above variation is consistent with the associated design principles on the basis of the following:

- The proposed boundary wall for the garage will not have any adverse impact on the amenity of the abutting southern lot, No.13B lake Monger Drive. That is due to the following:
  - It will not result in any non-compliant amount of overshadowing onto the adjoining property.
  - It will minimise the extent of building bulk to No.13B as, whilst the wall is to be located on the boundary, it is single storey in height. By allowing the ground floor to be located on the boundary, the applicant has increased the setback of a portion of the first floor to 2.8 metres, in lieu of the deemed-to-comply requirements of 1.2 metres for that portion. It is considered that that increased setback 'offsets' the proposed boundary wall to the garage.
  - There are no windows proposed on the garage boundary wall (for fire separation reasons). Accordingly, there will be no loss of privacy to No.13B as a result of building on the boundary.
- The boundary wall are proposed in order to make the most productive use of the site, by improving the amount of internal living space available within each dwelling as well as the amount of outdoor open spaces on the site whilst maintaining visual privacy to the abutting properties.
- The proposed boundary wall will not be visible from the street and hence will not have any detrimental impact on the existing streetscape.

Based on the above, the proposed boundary wall for the garage is considered acceptable.

Local Planning Policy 3.3 - Building Height

On 23 October 2018, the Council decided to amend Local Planning Policy 3.3 - Building Height, however, for the West Leederville Precinct the deemed-to-comply requirements of 6 metres for wall heights and 9 metres for a pitched roof design remain the same.

<table>
<thead>
<tr>
<th>Single Houses and Grouped Dwellings</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top of external wall</td>
<td>6 metres</td>
<td>Approximately 6.15 metres (at its tallest point above NGL) \nThe tallest point is to the top of the main roof, at the north-east corner of the dwelling where the kitchen meets the balcony)</td>
</tr>
<tr>
<td>Top of pitched roof</td>
<td>9 metres</td>
<td>Approximately 9.27 metres (at its highest pitch above NGL)</td>
</tr>
</tbody>
</table>

Those portions of the wall and roof pitch that are over height (above NGL) are highlighted in red and blue respectively on the attached development application plans.

During the public consultation period, concern was raised that the proposed reduced street setback of the first floor balcony will adversely impact the view towards Lake Monger of the abutting dwelling at No.15 Lake Monger Drive.
It is considered that the above variation is consistent with the associated design principles on the basis of the following:

- Overshadowing of the abutting southern site, No.13B Lake Monger Drive is to be approximately 16.5% which is below the maximum 35% deemed-to-comply threshold for overshadowing of adjoining sites.
- No.13B is currently vacant and when it is developed, it is anticipated that the habitable rooms and outdoor spaces of the future dwelling would take into account the design of the subject proposal.
- There is at least 1.5 metres of separation distance (at the closest point) between the first floor of the proposed dwelling and the communal boundary with No.13B. When No.13B is developed, the setbacks of that building, in conjunction with the subject proposal will provide adequate separation that affords sufficient access to daylight sun to No.13B.
- The proposed wall and roof pitch heights represent approximately 2.5% and 3% variations respectively which are considered to be minor.
- The proposed heights are generally consistent with those dwellings within the surrounding area. In that regard the following is noted:
  - With the exception of Nos. 5, 7, 9 and 11, which are all located to the east of the subject site, all dwellings within the surrounding area are two-storey.
  - Those above-mentioned two-storey dwellings contain a mix of pitched and skillion roofs.
- No submissions were received with respect to the proposed building height variation.
- It is not considered that access to views of significance will be compromised given the following:
  - Lake Monger is located to the north-west of the subject site. No. 15 is situated to the immediate west of the subject site and currently enjoys views of the Lake itself. In comparison, the proposed development is to be located to the east of No.15. Despite the proposed balcony of the subject development being set back closer to the street than the main building line of No.15, this will not affect any views from No. 15 as the significant focal point is considered to be the Lake itself, rather than a view north-east towards the Mitchell Freeway.
  - The proposed 31 degree roof pitch is at the lower end of the range for required roof pitches in West Leederville (ie. between 30 and 40 degrees) which assists in minimising any potential disruption of views.
  - The site does have a slight slope upwards towards the rear of the site (sloping from approximately 13.2AHD at its frontage to approximately 14AHD (+0.8m) at its rear). The effect of that is the abutting southern property, No.13B Lake Monger Drive, is situated higher relative to the subject site (its NGL ranges from approximately 14AHD to 16.83AHD (+2.83m)). Situated behind No.13B is a Commercial zoned property, No.434 Vincent Street West, containing a series of commercial businesses.
  - The subject site is located south-east of Lake Monger and is separated from the Lake by Lake Monger Drive. It is noted that of those dwellings within reasonable proximity to the Lake, 14 of those are located on the western side of the proposed development and thus will not experience any interrupted views.
- Those properties to the east of the subject site (including No.11A), with the exception of No.11B, are all orientated towards an existing "slip" road from Lake Monger Drive. That orientation broadly faces north-east, towards the grassed Reserve area, rather than north-west towards Lake Monger.
With respect to No.11B, this dwelling is located on a site that is situated slightly higher than the NGL of the subject site (No.11B ranges in height from approximately 14.41AHD to approximately 16.7AHD). No.11B is also two-storey in design and it is considered, by virtue of its located at the rear of a vehicle accessway and being surrounding on all sides by other residential lots, that access to any views of significance is limited to principally a "view corridor" looking down the vehicle accessway.

- The proposed dwelling responds to the natural topography of the site by virtue of the minimal amount of fill being proposed and the lack of any extensive retaining.

The building height variation is therefore supported based on the above.

**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:**

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

**Our Neighbourhoods**

**Goal 4:** Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

**Strategy 4.3:** Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character

**Strategy 4.4:** Enhance and respect our existing streetscapes, setbacks and green spaces.

**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.
COMMITTEE DECISION:

That Council DEFERS, at the request of the applicant, the item relating to Lot 1576 (No.12) Johnson Street, Wembley until February 2019.

CARRIED at Committee (5/0)

Committee Meeting 11 December 2018

During discussion, Members agreed to the applicant's request that the item be deferred.

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 Garage submitted by Custom Residential Design at Lot 1576 (No. 12) Johnson Street, Wembley as shown on the plans dated 11 September 2018, for the following reasons:

1. The garage does not meet the Design Principles of Clause 5.2.5 Sightlines of the Residential Design Codes as the proposed reduced sightlines are considered to restrict safe egress to the site and is considered to have a detrimental impact on the safety of the locality; and

2. The garage wall located to the east is not considered to meet the Design Principles of Clause 5.1.3 Lot Boundary Setbacks of the Residential Design Codes, as the proposed wall is considered to have a bulk impact on the adjoining property.

SUMMARY:

The purpose of this report is for Council to consider a development application for a garage at Lot 1576 (No. 12) Johnson Street, Wembley.

Under Clause 9.1.2 (1) of the Town of Cambridge Delegation Register, Council will determine an application for planning approval where an objection has been received during the advertising period. In this instance, the proposed application has received an objection from a neighbouring property.

The application proposes a variation to the deemed-to-comply requirements of 5.2.5 Sightlines of the R-Codes and Local Planning Policy 3.2: Buildings on the Boundary. It is considered the application does not meet the relevant design principles due to the bulk impact of the proposed garage and the reduced sightlines proposed. As such, the application 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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 1576 (No. 12) Johnson Street, Wembley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>16 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>DA18/0261</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Chris Della Bona, Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (2 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development application plans (3 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Applicant's Justification (1 page)</td>
</tr>
<tr>
<td></td>
<td>5. Schedule of Submissions (1 page)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Custom Residential Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Michael Terrence Gallagher &amp; Lana Marie Gallagher</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential R20</td>
</tr>
<tr>
<td>Precinct:</td>
<td>P4 - Wembley</td>
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<tr>
<td>Development Description:</td>
<td>Garage</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Single Dwelling - 'P' Permitted</td>
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<tr>
<td>Proposed Use Class:</td>
<td>Single Dwelling - 'P' Permitted</td>
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<tr>
<td>Lot/Land Area:</td>
<td>670 m²</td>
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<tr>
<td>Heritage Listing:</td>
<td>None</td>
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<tr>
<td>Application Received Date:</td>
<td>11 September 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>90 days</td>
</tr>
</tbody>
</table>

DETAILS:

Development description

The subject site is located within the P4 - Wembley Planning Precinct in a block bound by Yates Lane to the north, Lund Lane to the east, Johnson Street to the south and Tyrie Lane to the west. The site currently comprises a single storey brick and tile dwelling with a carport located to the front of the dwelling accessed from an existing crossover on Johnson Street. The Johnson Street streetscape consists predominately of two-storey brick and tiled dwelling. Yates Lane is an unsealed right of way, with some dwellings on Johnson Street and Drew Street accessing garages from this right of way.
The development application proposes a double garage to the rear of the dwelling, with access from Yates Lane. The proposed garage is proposed to be built on the eastern boundary and set back 1.0 metres from the laneway.

Community Consultation

The application was advertised for a period of 14 days, from 23 October 2018 to 6 November 2018, in accordance with the requirements of Local Planning Policy 2.3: Public Notification of Planning Proposals.

One submission was received by the Town during the advertising period. The table below provides a summary of the comments and issues raised during the community consultation process and Officer technical response. A full schedule of submissions is attached to this agenda.

<table>
<thead>
<tr>
<th>Summary of Comments Received:</th>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Bulk</td>
<td>The proposed building bulk is likely to have an impact on the adjoining property. The proposed building bulk is not considered to meet the design principles as outlined below.</td>
</tr>
<tr>
<td>Overshadowing</td>
<td>The proposed building on the boundary is located on the eastern boundary, the shadow will predominately fall on to the subject site, and as such is not considered to have a detrimental impact on the adjoining property.</td>
</tr>
</tbody>
</table>

Applicant's justification

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

Assessment against the design principles

Clause 5.2.5 Sight Lines (R-Codes)

<table>
<thead>
<tr>
<th>Walls, fences and other structures</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls and fences adjoin vehicle access points</td>
<td>Adjoining boundary fence greater than 0.75 metres in height obstructing sightlines</td>
</tr>
</tbody>
</table>

Where there is a variation to the deemed-to-comply provisions, the application is required to be considered against design principle 5.2.5 of the R-Codes. An assessment against the design principle is provided below:

- The proposed sight lines are insufficient and are not considered to allow for safe access to the site.

For this reason, the proposed variation is not considered to meet the design principles and is considered to have a detrimental impact on the safety of the locality. Other parking structures accessing this laneway do provide truncations to allow for sightlines. It is considered that the applicant has sufficient space on site to accommodate sight lines that meet the deemed-to-comply requirement.
Clause 2 Buildings on the Boundary (LPP3.2)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
</table>
| Right/West (Side) - Shade-Sail Post | Buildings on the boundary may be built up to a boundary behind the front setback line where the wall is for a garage accessed from a right of way and is:  
• 6.0 metres in length;  
• 3.0 metre maximum wall height;  
• 2.7 metre average wall height | 7.4 metres in length;  
• 2.9 metre maximum wall height;  
• 2.9 metre average wall height |

Where there is a variation to the deemed-to-comply provisions, the application is required to be considered against design principle 5.1.3 of the R-Codes. An assessment against the design principle is provided below:

- The proposed garage is considered to create more effective use of space for the occupants by providing additional covered car parking. Additionally, it is considered that the privacy of the adjoining properties is not compromised by the variation as the garage is not a habitable room.
- The proposed building on the boundary is a consistent 2.9 metres tall and 7.4 metres in length. Overall, it is considered that the combined bulk of the existing dwelling (23 metres in length and set back 1.0 to 1.5 metres) and the garage will have an adverse and unnecessary bulk impact on the adjoining property. Additionally, a neighbouring property has objected to the bulk impact that the proposed variation will create.
- The proposed building on the boundary is located on the eastern boundary, while on the winter solstice there will be minimal overshadowing impact on the adjoining property. The proposed building on the boundary will reduce access to direct afternoon sun to the adjoining property’s outdoor living area and, as such, is considered to have an adverse impact on the adjoining property.
- As there are no buildings located in close proximity to the garage wall on the adjoining property, there is considered to be adequate ventilation between the garage and the adjoining property.
- As the structure is located to the rear of the dwelling and not visible from the street, there is not considered to be a detrimental impact on the Johnson Street streetscape.

For these reasons, the proposed variation is not considered to meet the design principles, as it is considered to have a detrimental impact on the adjoining property.

Conclusion

While it is acknowledged there is a need for formalised covered car parking on residential properties, the subject site has existing covered parking accessed from Johnson Street. Furthermore, the proposed garage has an internal length of 7.0 metres long car parking spaces, while the Australian Standards only require a car space length of 5.4 metres, this additional internal dimension creates a total wall parapet wall length of 7.4 metres. This increased length combined with the increased average height results in a building bulk and overshadowing impact on the adjoining property. Overall, the Administration would likely support the proposal with the following changes:
• The wall length to be reduced to 6.0 metres, with the remainder of the garage set back 1.0 metre from the southern lot boundary to allow for sufficient articulation of the garage wall to reduce the bulk impact of the increased average height limit.

• Sufficient sight lines to be accommodated on site, this could be achieved by making the southern portion of wall adjoining the garage door 1.5 metres, in lieu of 0.6 metres proposed.

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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COMMITTEE DECISION:
(ADMINISTRATION RECOMMENDATION)

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Committee APPROVES the application for a Two Storey Dwelling submitted by Oswald Homes (1972) Pty. Ltd. at Lot 1681 (No. 100) Holland Street, Wembley as shown on the plans dated 12 November 2018, subject to the following conditions:

1. The surface finish of the boundary wall facing the adjoining property to the south shall be rendered, painted or face brickwork prior to the occupation of the dwelling and to the satisfaction of the Town;

2. A minimum of 60% of the front setback area shall be landscaped to the satisfaction of the Town. The landscaping in the front setback area shall be installed within six (6) months of the completion of the dwelling and to be maintained to the satisfaction of the Town;

3. The redundant vehicle crossover outside the subject site shall be removed and the kerbing, verge and footpath to be reinstated to the specifications and satisfaction of the Town prior to the occupation of the dwelling;

4. No retaining walls shall be constructed higher than 500mm above natural ground level;

5. 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

6. The tree located on the verge directly adjacent to the subject site shall be retained.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination;

4. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct;
5. 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; and

6. In relation to any fencing proposed to be constructed along the side property boundaries, the applicant is advised to liaise with the owners of the adjoining properties in accordance with the Dividing Fences Act;

7. All air-conditioning units are to be screened from the street, and are to be located in a position to minimise the impact on adjoining properties. Applicants are reminded that air conditioners generate noise that may be unacceptable to neighbours;

8. A protective fence to be installed around all street trees within the affected building development area. This protective fencing is to be maintained in good order at all times;

   The fence around the trees to be 2 metres x 2 metres x 2 metres, with installation prior to commencement of any demolition or site works. The builder to provide access for inspection and watering of street trees as and when required by the Town; and

9. Gaynor Lane has been constructed and your driveway (including kerbing) should be constructed to ensure no stormwater enters the garage.

CARRIED at Committee (5/0)

SUMMARY:

The purpose of this report is for Council to consider a development application for a two-storey dwelling at Lot 1681 (No. 100) Holland Street, Wembley.

Under the Town’s Delegation Register Clause 9.1.2 (1), Development Committee will determine an application for planning approval which does not comply with a standard or requirement of the R-Codes and the Town’s Local Planning Policies, where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval. In this instance, the proposed application does not meet the deemed-to-comply provisions of Local Planning Policy 3.2 (Buildings on the Boundary), and an objection has been received, therefore the application is required to be determined by Development Committee. A variation is also sought in relation to surveillance of the street.

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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 1681 (No. 100) Holland Street, Wembley</th>
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</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>15 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0229DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaune Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Ciara Slim, Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
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<td></td>
<td>2. Site Photos (3 pages)</td>
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<td></td>
<td>4. Applicant Justification (2 pages)</td>
</tr>
<tr>
<td></td>
<td>5. Adjoining Owner Submissions (1 page)</td>
</tr>
</tbody>
</table>

Applicant: Oswald Homes (1972) Pty. Ltd.
Owner: Ms S Fairbrother and Mr P Wallman
Zoning: Residential R12.5
Precinct: P4 – Wembley
Development Description: Two Storey Dwelling
Development Value: $964,335
Existing Land Use: Dwelling (single)
Proposed Use Class: Dwelling (single)
Lot/Land Area: 645m²
Heritage Listing: Not applicable
Application Received Date: 13 August 2018
Application Process Days: 127 days

DETAILS:

Development description

An application has been received for a two-storey dwelling at the above site. The subject site is located within the Wembley Precinct (P4) and is bound by Scaddan Street to the north and Grantham Street to the south. The primary street is to the east, with Gaynor Lane (which is sealed) to the west.
The site is located within the City Beach Precinct (P1), and currently comprises of a single storey dwelling with carport and low brick wall to the front. A garage with a nil setback to the northern boundary currently exists, partially abutting the adjoining parapet wall to the north. The site is generally level, with a slope of approximately 1.4 metres upwards from the western (front) boundary to the rear (eastern) boundary.

The existing dwelling has a brick build up with the finished floor level approximately 0.9 metres above the level of the footpath. The proposed dwelling has a finished floor level approximately 0.6 metres above the level of the footpath.

The street consists of predominantly circa 1960’s single storey dwellings with red tiled pitched roofs. A two-storey dwelling is located directly to the south of the subject site.

The development application proposes the following:

- A two-storey dwelling, with a ground floor set back of 6.0 metres, and an upper floor set back of 11.8 metres from the primary street boundary.
- A contemporary styled pitched roof is proposed with a minimum pitch of 22 degrees in accordance with the Town’s Streetscape Policy (Clause 3.1.10 – Roof Pitch).
- A double width garage is located to the rear of the site, with access from Gaynor Lane. The garage is set back 1.5 metres from the laneway.
- The upper floor section is 7.2 metres in depth, with the remainder of the dwelling being single storey, with greater setbacks to the northern boundary to maximise access to the winter sun.
- All ground floor and upper floor setbacks have been amended to meet the deemed-to-comply requirements of the R-Codes with the exception of the portico wall.
- The proposed finished floor level has been reduced to comply with the Town’s Building Height Policy (Policy 3.3).
- No vehicular access is proposed from the primary street (Holland Street).

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

- 3.1 – Streetscape;
- 3.2 – Buildings on the Boundary;
- 3.3 – Building Height; and
- 6.4 – Wembley Precinct

A design principle assessment has been undertaken with regards to the variations to Street Surveillance (Clause 3.1.6 of LPP 3.1 – Streetscape) and Buildings on the Boundary (LPP 3.2). The development demonstrates compliance with the relevant design principles.

Community Consultation

The application was advertised for a period of 15 days, from 25 October 2018 to 10 November 2018, in accordance with the requirements of Local Planning Policy 2.3: Public Notification of Planning Proposals.

The application was advertised to the eight (8) surrounding property owners and occupiers in relation to lot boundary setbacks, roof pitch, building height and visual privacy. Two (2) submissions were received during the advertising period.

As a result of neighbour comments, the applicant submitted amended plans bringing the application into compliance with roof pitch, building height and visual privacy. The application
was re-advertised in relation to the variation to the lot boundary setback of the portico. One (1) submission was received.

The table below provides a summary of the comments and issues raised during the community consultation process and an Officer technical response. A full schedule of submissions is attached to this agenda.

<table>
<thead>
<tr>
<th>Summary of Comments Received:</th>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The impact of the building bulk on the northern side of our house is a concern due to the portico wall being on the boundary.</td>
<td>The impact of building bulk has been minimised as the wall is 2.74 metres in length, and primarily abuts a blank wall on the adjoining property. The remainder of the dwelling meets or exceeds minimum deemed-to-comply requirements of the R-Codes. The reduced setback is to the side boundary and will not affect any outdoor living areas.</td>
</tr>
<tr>
<td>Loss of sunlight to property. Overshadowing of home and garden</td>
<td>The reduced setback to the portico increases the overshadowing to the adjoining property by 0.5%. The shadow cast to the adjoining property to the south meets the deemed-to-comply requirements of the R-Codes.</td>
</tr>
<tr>
<td>Overlooking and visual privacy concerns.</td>
<td>The proposed portico wall provides screening between properties and reduces overlooking between the dwellings.</td>
</tr>
<tr>
<td>The proposed design of the house is out of character with the streetscape.</td>
<td>Whilst it is acknowledged that the home design is not consistent with those in the immediate locality, the proposal meets the deemed-to-comply requirements of the Town’s Streetscape Policy in relation to Roof Pitch (Clause 3.1.10). No other policies are in place to guide design.</td>
</tr>
</tbody>
</table>

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to Lot Boundary Setbacks and Street Surveillance. A summary of the applicant’s justification is attached to this agenda.

Assessment against the design principles

Lot Boundary Setback (LPP 3.2 – Buildings on the Boundary and Clause 5.1.3 of the R-Codes)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback of portico from southern (right) boundary</td>
<td>Minimum 1.0 metre</td>
</tr>
</tbody>
</table>
The applicant seeks a variation to the setback of the portico wall from the southern side boundary. The reduced setback can be supported by satisfying the relevant design principles, as follows:

- The proposed portico wall is 2.74 metres in length, and a maximum height of 2.9 metres from the natural ground level. Whilst the location of the portico does abut a small section of window of the dwelling to the south, the wall primarily abuts a blank wall and will have minimal impact on sunlight to the adjoining property.
- The remainder of the southern elevation of the dwelling has been articulated and set back in accordance with the deemed-to-comply requirements of the R-Codes, which reduces the overall bulk as viewed from the adjoining dwelling.
- The reduced setback of the portico wall from the southern side boundary will increase shadow on the adjoining property by 0.5% of the overall lot area.
- Parapet walls are evident along the existing streetscape, with nil setbacks being evident to both adjoining properties to the north and south. A nil setback to the portico is considered to be consistent with the established streetscape.
- The parapet wall is set back 11.2 metres from the front boundary and will be behind the line of the adjoining carport which is located on the boundary.
- The proposed portico is open style, with a permeable gate to the east of the portico, which will reduce the overall bulk of the parapet wall as viewed from the street.

For the above reasons, the proposed variation is considered to meet the relevant design principles as it is considered that there will be little impact on the amenity of the adjoining property to the south or the prevailing streetscape. The variation is therefore recommended for approval.

**Street Surveillance (Clause 3.1.6 of LPP 3.1 – Streetscape, and Clause 5.2.3 of the R-Codes)**

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Location of front door</td>
<td>The front door of a dwelling is to be clearly visible from the street (either the primary or secondary street).</td>
<td>Front door does not face the street</td>
</tr>
</tbody>
</table>

The applicant seeks a variation to street surveillance as the front door is not visible from the street. This variation can be supported by satisfying the relevant design principles, as follows:

- The front door is articulated by the proposed portico, steps and pathway, and is clearly identifiable as viewed from the street.
- The front door is recessed by 0.5 metres, which ensures that visitors to the site are still within view of the street and minimises the opportunities for concealment or entrapment.
- Extensive glazing is provided to the front elevation, and to the music room which directly abuts the entrance. This provides clear views of the approach to the dwelling.

For the above reasons, the proposed variation is considered to meet the relevant design principles as it is considered that there will be clear views of the approach to the dwelling, and the design clearly articulates the entrance to the dwelling. The variation is therefore recommended for approval.

**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:

The recommendations of this report are consistent with the following aspects of the Town’s Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COMMITTEE DECISION:
(ADMINISTRATION RECOMMENDATION)

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 Grouped Dwelling submitted by Webb & Brown-Neaves Pty Ltd T/A apg Homes at Lot 415 (No.43) Marlow Street, Wembley as shown on the amended plans dated 29 October 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. Water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to landscaped areas, sumps or rainwater tanks within the subject site to retain and dispose of all stormwater on-site;

3. The surface of the boundary walls shall be finished to a professional standard (ie. have raked/rolled joints or an even render finish) to the satisfaction of the Town;

   The parapet wall and footings shall be constructed within the lot boundaries of the subject site;

4. The front area that is forward of the dwelling shall be landscaped in accordance with the approved plans within six months of practical completion of the dwelling and is to be thereafter maintained for the life of the development to the satisfaction of the Town;

5. Any existing crossover not included as part of the approved development shall be removed, and the verge and kerb reinstated at the landowner/developer's cost prior to the commencement of use/occupation of the building to the satisfaction of the Town;

6. Vehicle access for the subject site shall be restricted to that shown on the approved plans; and

7. The crossovers shall each be a maximum width of 3 metres (excluding splays) and constructed in accordance with the Town's specifications and thereafter maintained for the life of the development to the satisfaction of the Town;

   The crossovers shall be set back a minimum of 1.5 metres from the base of any street tree.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of two years after the date of the determination (or another period specified in the approval), the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without further approval of the Town of Cambridge having first been sought and obtained;
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination;

4. This is a development approval of the Town under its Town Planning Scheme No.1. It is not an approval to commence or carry out the development under any other legislation (including any of the Town's local laws or by-laws);

It is the responsibility of the landowner/applicant to obtain any other necessary approvals, permits, licences or consent required under any other legislation, and to commence and carry out the development in accordance with all relevant legislation;

5. The landowner/applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct;

6. A Demolition Permit shall be obtained from the Town prior to any demolition work commencing on the subject site;

7. In accordance with the Building Act 2011 and Building Regulations 2012, a Building Permit application shall be submitted to, and approved by the Town's Building Services branch prior to any construction or earthworks commencing on the subject site;

8. The landowner/applicant is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the Dividing Fences Act 1961; and

9. All works within the road reserve, such as crossovers, verge treatments and landscaping require a separate application and approval by the Town's Infrastructure services. All works shall conform to the Town's specifications.

CARRIED at Committee (4/1)

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

Committee Meeting 11 December 2018

Mayor Shannon - Impartiality Interest

Prior to consideration of the item, Mayor Shannon disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.181, I declare that I know Ms Snooks and as a consequence there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Cr Everett - Impartiality Interest

Prior to consideration of the item, Cr Everett disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.181, I declare that I have had occasional social contact with owner in her high profile role as a local real estate agent and as our daughters both attend the same year at St Marys. As a consequence there may be a perception that my
impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Cr McKerracher - Impartiality Interest

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.181, I declare that I have an association in the form of a social friendship with one of the Applicant's in this matter and as a consequence there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

SUMMARY:

The purpose of this report is for Council to consider a development application for two grouped dwellings at Lot 415 (No. 43) Marlow Street, Wembley.

In accordance with the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval.

The subject application does not meet the deemed-to-comply provisions for boundary walls. Variations are also sought in relation to side setbacks, open space and garage frontage occupancy. Those variations were advertised to the surrounding owners and occupiers. In response, two objections were received.

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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 415 (No. 43) Marlow Street, Wembley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>19 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0163DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Ryan Munyard, Senior Statutory Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plan (1 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (2 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development Application Plans (5 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Streetscape Perspective (1 page)</td>
</tr>
<tr>
<td></td>
<td>5. Applicant's Justification (4 pages)</td>
</tr>
<tr>
<td></td>
<td>6. Schedule of Submissions (2 Pages)</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Webb &amp; Brown-Neaves Pty Ltd T/A apg Homes</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms NJ Snooks &amp; Macordle Pty Ltd</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential R20</td>
</tr>
<tr>
<td>Precinct:</td>
<td>Precinct P4: Wembley</td>
</tr>
<tr>
<td>Development Description:</td>
<td>Two Grouped Dwellings</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$636,256</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Duplex with communal party wall - 2x Dwelling (Grouped)</td>
</tr>
<tr>
<td>Proposed Use Class:</td>
<td>Dwelling (Grouped) - 'D' (Discretionary)</td>
</tr>
<tr>
<td>Lot/Land Area:</td>
<td>1,075m²</td>
</tr>
<tr>
<td>Heritage Listing:</td>
<td>No</td>
</tr>
<tr>
<td>Application Received Date:</td>
<td>12 June 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>182 days</td>
</tr>
</tbody>
</table>

DETAILS:

History of application

The subject application was received 12 June 2018. The proposal is only now being presented to Council as a series of amended plans have been prepared by the applicant to address areas of non-compliance with the relevant planning framework. A summary of the processing of the application is as follows:

- 30 August 2018 - Amended plans received (version 1);
- 11 September 2018 - Amended plans received (version 2);
- 12 October 2018 - Amended plans received to minimise the extent of variations proposed (version 3);
- 29 October 2018 - Amended plans received to clarify finished levels of backyard of each dwelling (version 4).

Development description

The subject site is located within the Wembley Precinct, between Grantham Street and Ruislip Street, and currently contains an older duplex development consisting of two dwellings in a 'side-by-side' configuration attached together by a communal party wall.

The site is relatively flat and it is proposed to construct two new dwellings on the property in a similar 'side-by-side' configuration to the existing development. Both dwellings are to be single
storey in height and propose boundary walls to each side boundary to accommodate the main habitable portion of the dwelling as well as an associated double garage.

The surrounding residential development generally consists of a mix of single or two storey dwellings.

**Community Consultation**

The application was advertised for a period of 14 days, from 30 October 2018 to 13 November 2018, in accordance with the requirements of *Local Planning Policy 2.3 - Public Notification and Advertising Procedures* due to the proposed variations.

In response, two submissions were received which both objected to the proposal. The concerns raised during the public consultation period are summarised as follows:

- Lot boundary setbacks should meet all deemed-to-comply requirements.
- The proposed boundary walls will encourage a feeling of "enclosure" to surrounding properties.
- The width of each vehicle crossover should not exceed 4.5 metres.

Those concerns are addressed in the following relevant sections of this report and are also included as an attachment.

**Applicant's justification**

The applicant has provided written justification for the variations to the deemed-to-comply provisions which is included as an attachment to this report.

**Assessment against the design principles**

The subject application meets all deemed-to-comply requirements of the following:

- *State Planning Policy 3.1 - Residential Design Codes*
- *Local Planning Policy 3.1 - Streetscape*
- *Local Planning Policy 3.2 - Buildings on the Boundary*

with the exception of those identified in the following tables.

**State Planning Policy 3.1 - Residential Design Codes (R-Codes)**

<table>
<thead>
<tr>
<th>5.1.3 Lot boundary setback</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1 and 2</td>
<td>Dwelling to be set back 1.5 metres</td>
<td>Unit 1 and 2 to be set back 1.05 metre (at smallest point, ie. to the media and living area) to the northern side boundary of the subject site.</td>
</tr>
</tbody>
</table>

During the public consultation period, concern was raised regarding Unit 2's proposed lot boundary setback variation tabled above.
It is considered that the above variations are consistent with the associated design principles on the basis of the following:

- Unit 1 and 2 both present an adequate degree of articulation to their respective northern side boundaries which assists in minimising building bulk along that elevation.
- The northern side of Unit 1 is ‘internal’ to the overall development and hence will not impact on any properties outside of the subject site.
- The northern side of Unit 2 is situated along the southern boundary of the abutting property, No. 45 Marlow Street. Accordingly, No. 45 will not experience any overshadowing as a result of the reduced setback.
- The finished floor level of Unit 2 will be less than 0.5 metres higher than the natural ground level on the subject site. Additionally, the living room and media room portions of Unit 2 that seek the setback reduction do not contain any major openings and therefore will not result in any visual privacy concerns to abutting No. 45.

Based on the above, the proposed lot boundary setback variation for Units 1 and 2 are considered acceptable.

<table>
<thead>
<tr>
<th>5.1.4 Open space</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1 and 2</td>
<td>Minimum 50% of each lot</td>
<td>49.47% for both Unit 1 and 2 (approximately 5.5m²)</td>
</tr>
</tbody>
</table>

It is considered that the above variations are consistent with the associated design principles on the basis of the following:

- Such a variation for a development of this scale is unlikely to be evident when the development is viewed from the street and the adjoining properties.
- The variation still enables sufficient access to natural sunlight for the proposed dwellings.
- The side elevation building articulation, single storey built form and architectural features on the street elevation will assist in minimising building bulk on the site.
- The development provides landscaping opportunities at the front of the property that will be visible from the street.
- Each dwelling contains an adequate outdoor living area at the rear which allows sufficient room for the outdoor pursuits of the future residents.
- The proposal complies with the outdoor living area, building height and primary street setback requirements therefore building bulk is unlikely to have a detrimental impact on the local amenity.

Based on the above, the proposed open space variations for Units 1 and 2 are considered acceptable.

Local Planning Policy 3.1 - Streetscape (LPP3.1)

<table>
<thead>
<tr>
<th>Cl3.1.3 Garages</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>At least two-thirds (ie. 66%) of the ground floor of the dwelling must be in line or forward of the garage, subject to all other setbacks being met.</td>
<td>Approximately 49.76% of the ground floor of Unit 1 and 2 is forward of the garage</td>
</tr>
</tbody>
</table>
It is considered that the above variations are consistent with the associated design principles on the basis of the following:

- The frontage of the dwelling for each Unit contains a major opening which provides adequate surveillance to the street.
- The dwelling is located approximately 1 metre forward of the garage door for each Unit.
- Architectural features walls have been proposed which assists in minimising the blank façade of the solid garage door for each Unit.
- Landscaping opportunities in front of each dwelling assists in softening the street façade of each Unit.

Based on the above, the proposed garage frontage occupancy variation for Units 1 and 2 are considered acceptable as they contribute towards ensuring the streetscape is not dominated by the garage doors of the dwellings.

<table>
<thead>
<tr>
<th>Cl3.1.12 Access and Crossovers for Single and Grouped Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Deemed-to-comply Provision</strong></td>
</tr>
<tr>
<td>Wembley Precinct</td>
</tr>
</tbody>
</table>

It is considered that the above variations are acceptable on the basis of the following:

- The driveway of each dwelling is tapered to reduce the amount of paving within the street setback area.
- The main portion of each respective crossover is 3 metres wide (the width variation is a consequence of the splays).
- The proposed width, even when accounting for the splays and location of the crossovers, ensures adequate separation distance is maintained to the two existing street trees abutting the subject site.
- Each crossover is orientated at 90 degrees to the carriageway to minimise conflicts for vehicles accessing the subject site.
- The inclusion of the splays assists with vehicle manoeuvring when accessing the site and will not require any modification to any side entry drainage pits within Marlow Street.
- The provision of splays will not result in the loss of any on-street carparking opportunities.

Based on the above, the proposed crossover widths are considered acceptable from a vehicle access perspective.

Local Planning Policy 3.2 - Buildings on the Boundary (LPP3.2)

<table>
<thead>
<tr>
<th>Buildings on the Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Deemed-to-comply Provision</strong></td>
</tr>
<tr>
<td>Unit 1:</td>
</tr>
<tr>
<td>1. Walls may be built up to a boundary behind the front setback line where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension.</td>
</tr>
<tr>
<td>2. In the case of a garage or carport which is located off a right-of-way, it will be permitted as of right to be</td>
</tr>
</tbody>
</table>

An overall boundary wall length of 9.19 metres, which consists of the following:

- A 7.79 metres garage length
- A 1.4 metres meter box length (approximately 2 metres high)
It is considered that the above variations are consistent with the associated design principles on the basis of the following:

- There is a high degree of difficulty developing lots with narrow frontages without building on the boundary. This is due to having to accommodate two parking spaces as well as a habitable room forward of any garage for surveillance opportunities.
- The main portion of the boundary wall for Unit 1 is proposed to be 7.79 metres in length, have an average height of approximately 2.97 metres and be for a garage. It will abut the driveway of No. 41 Marlow Street which services a rear battleaxe lot. The visual impact of the wall is therefore unlikely to have a significant impact on that landowner’s amenity.
- The boundary wall for Unit 2, on its northern boundary, is proposed to be 8.49 metres in length, have an average height of 3.04 metres and be for a bedroom. It will abut an area of No. 45 Marlow Street that contains a driveway and carport. The visual impact of the wall is therefore unlikely to have a significant impact on that adjoining landowner’s amenity.
- The boundary walls will not result in any non-compliant amount of overshadowing onto the adjoining properties.
- The location and the scale of the proposed boundary walls are not dissimilar to two other examples within 100 metres of the subject site on Marlow Street. Those two examples are a result of ‘narrow lot’ development with frontages similar in size to the subject proposal. Within that context, the proposed variations are unlikely to have a detrimental impact on the streetscape as:
  - They are single-storey in height.
  - They are located behind the front setback area.
  - The two boundary walls abutting each other are of the same configuration as the existing duplex building which the development is to replace.
- The boundary walls are proposed in order to make the most productive use of the site, by improving the amount of internal living space available within each dwelling whilst maintaining visual privacy to the abutting properties.

Based on the above, the proposed boundary walls for Units 1 and 2 are considered acceptable.

**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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COMMITTEE DECISION:
(ADMINISTRATION RECOMMENDATION)

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 Single Storey Dwelling submitted by Plunkett Homes Pty Ltd at Lot 50 (No.236A) Selby Street, Wembley as shown on the plans dated 28 June 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval;

2. The surface finish of the boundary wall facing the adjoining property to the south to be rendered, painted or face brickwork prior to the occupation of the dwelling/development and to the satisfaction of the Town;

3. The crossover to Selby Street to be no wider than 6.0 metres (excluding splays);

4. 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

5. External fixtures (such as antennas, pipes, solar collectors, aerials and air conditioning units) shall be designed to integrate with the building so that they are not visible from the primary street and are not visually obtrusive.

Advice Notes:

1. If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination; and

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

CARRIED at Committee (4/1)

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

The purpose of this report is for Council to consider a development application for a single storey dwelling at No. 236A Selby Street, Wembley.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39) and the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme or where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval.

In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme due to a proposed landscaping planter in the front setback area. Variations are also sought in relation to lot boundary setbacks, front fencing and site works.

The proposed variations are assessed in this report and the application is recommended for approval.

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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 50 (No. 236A) Selby Street, Wembley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>16 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0181DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Petar Mrdja, Senior Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Development application plans (3 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Schedule of submissions (2 pages)</td>
</tr>
</tbody>
</table>

Applicant: Plunkett Homes (1903) Pty Ltd
Owner: C Zhang & J Meng
Zoning: Residential R20
Precint: Wembley Precinct
Development Description: Single Storey Dwelling
Development Value: $298,715.45
Existing Land Use: Vacant Lot
Proposed Use Class: Residential
Lot/Land Area: 565.0000 m²
Heritage Listing: No
Application Received Date: 28 June 2018
Application Process Days: 110 days

DETAILS:

Development description

An application for a proposed single storey dwelling at No. 236A Selby Street, Wembley was submitted to the Town on 28 June 2018. Amended plans were submitted by the applicant on 1 November 2018.

The amended plans have resolved a number of issues in relation to street setbacks, lot boundary setbacks, vehicle access, site works, retaining walls and open space.

The subject site is located within the Wembley Precinct in an area which is characterised predominately by one and two storey dwellings, with a number of carport structures located within the front setback area. The property is situated in a street block bound by Grantham Street to the north, Keane Street to the east and Ruislip Street to the south.

A final assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the Scheme), relevant deemed-to-comply requirements of the Residential Design Codes (R-Codes) and the Town’s Local Planning Policies. Variations are proposed to the following:

- Clause 5.1.4 of the R-Codes 'Open Space';
- Clause 5.1.3 of the R-Codes 'Lot Boundary Setbacks' and Local Planning Policy 3.2 Buildings on Boundary; and
- Clause 5.2.2 of the R-Codes 'Garage Width'.

Community Consultation

The application was advertised for a period of 14 days from 4 October 2018 to 18 October 2018, in accordance with the requirements of the Town’s Local Planning Policy 2.3: Public Notification of Planning Proposals. Two objections were received in relation to the proposed development.

Following the submission of amended plans, one of the objections has been withdrawn as the objections were addressed. A summary of the comments and issues raised during the community consultation process is provided below.

<table>
<thead>
<tr>
<th>Summary of Comments Received:</th>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over development of the site and reduced lot boundary setbacks.</td>
<td>The deemed-to-comply requirements are one approval pathway. An application is capable of approval without meeting the deemed-to-comply requirements, provided that it meets the relevant design principles, which in this instance it is considered the development has achieved, as outlined in the report.</td>
</tr>
</tbody>
</table>
Primary street setback.

The proposal includes a primary street setback of 6 metres to the dwelling and 5 metres to the portico. The variation is addressed below.

Requests no damage to the objector’s driveway/crossover and that no materials or parking of vehicles on the objector’s adjacent verge.

Noted. This will be addressed as part of the construction management plan typically conditioned in the building permit approval process.

Applicant's justification

The applicant has amended their plan in response to the variations received and provided email notification of these changes.

Assessment against the design principles

<table>
<thead>
<tr>
<th>Clause 5.1.4</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space</td>
<td>50% of the site to be open space</td>
<td>49.2% proposed</td>
</tr>
</tbody>
</table>

It is considered that the proposed lot boundary setback variations to the north boundary can be supported by satisfying the design principles of 5.1.4 of the R-Codes. An assessment against the design principles is provided below:

- The proposed open space provision is considered to be sufficient and the variation minor in nature;
- The development incorporates sufficient open space and the proposed variation does not detract from the streetscape or desired character of the area;
- The building provides external open space to the dwelling which provides opportunity for recreation and outdoor pursuits;
- Access for natural sunlight into the dwelling is not restricted by the open space variation and sufficient open space is provided so that the building is compatible and consistent with the existing Selby Street streetscape; and
- Given the above, the proposed variation is considered to be capable of being supported.

Clause 5.1.3 of the Residential Design Codes – Lot Boundary Setbacks and Local Planning Policy 3.2 Buildings on Boundary

<table>
<thead>
<tr>
<th>Clause 5.1.3 and LPP 3.2</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Boundary Setbacks and Buildings on Boundary</td>
<td>1.5 metres required to ground floor north lot boundary</td>
<td>1 metre - 1.5 metres</td>
</tr>
<tr>
<td></td>
<td>A boundary wall to one lot boundary</td>
<td>Two boundary walls located on the northern and southern lot boundaries</td>
</tr>
</tbody>
</table>
Walls may be built up to a boundary behind the front setback line where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension.

Wall abuts a boundary where there is no existing wall.

It is considered that the proposed lot boundary setback variations to the north boundary can be supported by satisfying the design principles of 5.1.3 of the R-Codes. An assessment against the design principles is provided below:

- The site is narrow at only 10.43 metres wide which makes it difficult to achieve a fully compliant lot boundary setback. Notwithstanding, it is considered that the variation will not impact on any future outdoor living area as the setback relates to a single storey development and provides articulation in this length of wall;
- The development satisfies the other deemed-to-comply criteria relating to building height, and solar access; and
- Given that the overall design aesthetic, bulk and scale is single storey it is considered that the proposed development complies with the design principles for lot boundary setbacks and should be therefore be supported.

It is considered that the proposed lot boundary setback (boundary walls) variations to the northern and southern lot boundaries can be supported by satisfying the design principles of 5.1.3 of the R-Codes. An assessment against the design principles is provided below:

- The proposed boundary walls facilitate more effective use of internal space for future residents of the dwelling and increased privacy for adjoining residents;
- The site is only 10.43 metres wide and narrow and the lot boundary walls will provide greater living area;
- The boundary wall on the southern boundary abuts a vehicle access leg and will therefore not adversely impact the amenity of the adjoining property. The dwelling to the north has not yet been approved, however, the boundary wall will enable a future development to be built up to the boundary. Notwithstanding, the boundary wall is unlikely to impact any future adjoining development;
- The boundary wall will be separated by a vehicle access leg to the south and will not impact on access to direct sunlight and ventilation to the adjoining dwellings.
- The boundary wall to the north is unlikely to impact a future dwelling by way of access to nature sunlight and ventilation as the length of wall is only 6.19 metres; and
- The boundary walls are setback behind the front setback area and will therefore not impact the streetscape or prevailing development context.

Clause 5.2.2 of the Residential Design Codes – Garage width

<table>
<thead>
<tr>
<th>Clause 5.2.2</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage Width</td>
<td>50%</td>
<td>51.2%</td>
</tr>
</tbody>
</table>
It is considered that the proposed lot boundary setback variations to the north boundary can be supported by satisfying the design principles of 5.2.2 of the R-Codes. An assessment against the design principles is provided below:

- The garage is set back behind the main building line and the portico to ensure the garage door does not dominate the street;
- The dwellings design includes a habitable room facing the street with window treatments and a portico. This also aids in ensuring the garage does not have dominance on the streetscape;
- The garage width is considered a minor variation and it will not impact the streetscape.

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:

The recommendations of this report are consistent with the following aspects of the Town’s Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.183 LOT 701 (NO. 25) DILKARA WAY, CITY BEACH - PROPOSED SECONDARY STREET FENCING, RETAINING WALL AND SITE WORKS

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr McKerracher, seconded by Cr Bradley

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES BY AN ABSOLUTE MAJORITY the application for the proposed secondary street fencing, retaining wall and site works submitted by Broadway Homes Pty Ltd at 701 (No. 25) Dilkara Way, City Beach as shown on the plans dated 13 December 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. 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

3. One (1) tree/shrub, being a maximum 12 litre bag, shall be provided within the secondary street setback area as highlighted on the approved plans to the Town's satisfaction (refer Advice Note 3).

Advice Notes:

1. If the development, the subject of this approval, is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. In reference to Condition 3, the following species would be considered acceptable to the Town's satisfaction:
   - Cotton Wood Hibiscus Tiliaceus;
   - Grevillea Olivacea;
   - Westringia Fruiticosa; or
   - Bottlebrush Crimson Little John;

4. The landowner/applicant is advised that the infill panels shall meet the requirements of the Building Regulations 2012 and Australian Standard AS1926.1:2012 - Swimming pool safety - Safety barriers for swimming pools as follows:

   4.1 Accordingly, the infill panels shall contain vertical, in lieu of horizontal, slats to prevent opportunities for children to use any horizontal slats as a climbing aid; and
4.2 The No Climb Zone shall be maintained at 0.9 metres from the top on the inside of the boundary wall. The rendered brick screen wall (the fence portion above the retaining wall and below the infill panels) shall be flush on the inside in accordance with the *Swimming Pool Regulations*;

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

6. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination; and

7. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application must be submitted to, and approved by the Town prior to any construction of earthworks commencing on site.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

**REASON FOR CHANGING THE COMMITTEE RECOMMENDATION:**

The revised plans are considered to meet the objectives of the Town's Planning Policy Streetscape 3.1 and the design principles of Clause 5.4.2 Front Walls and Fences of the Residential Design Codes and as such is not considered to significantly impact the streetscape.

**COUNCIL DECISION:**

(COMMITTEE 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 by an ABSOLUTE MAJORITY the application for the proposed secondary street fencing, retaining wall and site works submitted by Broadway Homes Pty Ltd at Lot 701 (No. 25) Dilkara Way, City Beach as shown on the plans dated 22 November 2018, for the following reasons:-

1. The proposal does not meet the requirements of Clause 39(3)(a)(i) of the Town's Planning Scheme, as the development is not considered to address the slope of the land and therefore is not in line with the orderly and proper planning of the locality;

2. The proposal does not meet the requirements of Clause 39(3)(a)(ii) of the Town's Planning Scheme, as the development is not considered to be consistent with the established prevailing streetscape, therefore impacting the conservation of the amenities of the locality; and

3. The proposal is not considered to meet the objectives of the Town's Planning Policy Streetscape 3.1 or the design principles of Clause 5.4.2 Front Walls and Fences and Clause 5.3.8 Retaining Walls of the Residential Design Codes in respect to building height and visual permeability respectively.

**Advice Note:**

1. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Motion put and LOST (0/9)
FURTHER REPORT (Post Committee Meeting 11 December 2018)

The proposed development application for secondary street fencing, retaining wall and site works for Lot 701 (No. 25) Dilkara Way, City Beach was presented to the 11 December 2018 Development Committee meeting.

The Development Committee recommended refusal of the application (3/2) as it was considered the height and nature of the fence detrimentally impacted on the streetscape.

In response, the applicant submitted revised plans on 13 December 2018 to address the concerns raised by the Development Committee meeting. The applicant has requested the plans be submitted at the Ordinary Council meeting on 18 December 2018 for the Councillor's consideration. Please find attached a copy of the revised plans.

The changes to the revised plans submitted on 13 December 2018 are as follows:

- The portion of solid fence directly adjacent of the swimming pool has been revised to include 0.6 metres of visually permeable fencing at a height of 1.2 metres above the retaining wall.

The revised 0.6 metres of visually permeable fencing is located at the highest point of the fence to reduce the appearance of building bulk on the surrounding streetscape. The revised plans are considered to meet the objectives of the Town's Planning Policy Streetscape 3.1 and the design principles of Clause 5.4.2 Front Walls and Fences of the Residential Design Codes and as such is not considered to significantly impact the streetscape.

Committee Meeting 11 December 2018

REASON FOR CHANGING THE ADMINISTRATION RECOMMENDATION:

During discussion, Members were not prepared to support the application due to the height of the wall and its impact on the streetscape.

The Administration Recommendation was then voted upon and LOST (2/3).

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

ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES BY AN ABSOLUTE MAJORITY the application for the proposed secondary street fencing, retaining wall and site works submitted by Broadway Homes Pty Ltd at 701 (No. 25) Dilkara Way, City Beach as shown on the plans dated 22 November 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. 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
3. One (1) tree/shrub, being a maximum 12 litre bag, shall be provided within the secondary street setback area as highlighted on the approved plans to the Town's satisfaction (refer Advice Note 3).

Advice Note:

1. If the development, the subject of this approval, is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. In reference to Condition 3, the following species would be considered acceptable to the Town's satisfaction:
   • Cotton Wood Hibiscus Tiliaceus;
   • Grevillea Olivacea;
   • Westringia Fruiticosa; or
   • Bottlebrush Crimson Little John.

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

5. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination; and

6. In accordance with the Building Act 2011 and Building Regulations 2012, a Building Permit application must be submitted to, and approved by the Town prior to any construction of earthworks commencing on site.

SUMMARY:

The purpose of this report is for Council to consider a development application for proposed secondary street fencing, retaining wall and site works at Lot 701 (No. 25) Dilkara Way, City Beach.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39), Council is required to determine an application by absolute majority if a proposal does not comply with a standard or requirement of this Scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1) (a) of the Scheme.

Additionally, under Clause 9.1.2 (1) of the Town's Delegation Register Clause, Council will determine an application where a submission has been received during the advertising period that objects to the application on valid planning grounds. In this instance, 3 (three) objections to the application were received in relation to building height/bulk, public safety/sightlines and consistency with the established streetscape character.

Additionally, the application does not meet the deemed-to-comply requirements of the Residential Design Codes and the Town’s Local Planning Policy 3.1 Streetscape, it is considered the proposed development satisfies the relevant design principles, and as such it is recommended for approval 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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 701 (No. 25) Dilkara Way, City Beach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>25 October 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0185DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Mackenzie Walmsley, Planning Officer</td>
</tr>
</tbody>
</table>

- **Attachment(s):**
  1. Location/Aerial Plans (2 pages)
  2. Site Photos (5 pages)
  3. Development application plans (2 pages)
  4. Justification (10 pages)
  5. Schedule of submissions (4 Pages)

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Broadway Homes Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Mr LL Van Der Schoor &amp; Ms JP Zlendich</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential R20</td>
</tr>
<tr>
<td>Precinct:</td>
<td>P1- City Beach</td>
</tr>
<tr>
<td>Development Description:</td>
<td>Secondary Street Fencing, Retaining Wall and Site Works</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$25 000.00</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Two Storey Dwelling</td>
</tr>
<tr>
<td>Proposed Use Class:</td>
<td>Incidental works associated with Two Storey Dwelling</td>
</tr>
<tr>
<td>Lot/Land Area:</td>
<td>424.0000 m2</td>
</tr>
<tr>
<td>Heritage Listing:</td>
<td>No</td>
</tr>
<tr>
<td>Application Received Date:</td>
<td>2 July 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>116 days</td>
</tr>
</tbody>
</table>

DETAILS:

Development description

The Town approved the construction of a two-storey dwelling on the subject lot in November 2017 (0201DA-2017). The approved plans showed the boundary fence on the secondary street boundary with an approved height of 2.2 metres on the north-western end and 2 metres at the north-eastern end (inclusive of the retaining walls). The area between the two-storey dwelling
and secondary street boundary fence was identified as an outdoor living area on the approved plans, not a swimming pool.

Condition 2 of the planning approval noted the retaining walls were to be constructed no higher than 0.5 metres above natural ground level. Condition 4 of the planning approval noted the fencing in the secondary street setback area was to be visually permeable and meet the deemed-to-comply provisions of Clause 3.1.7 of the Town's Planning Policy 3.1 Streetscape.

The proposal now seeks a height of 2.828 metres at the north-western end and 2.057 metres at the north-eastern end (inclusive of the retaining walls). The area between the two-storey dwelling and secondary street boundary fence is now identified as a swimming pool area, which received building approval 19 April 2018. The retaining wall seeks a maximum height of 0.942 metres at the north-western end. The secondary street fence does not meet the deemed-to-comply requirements of the Town's Planning Policy 3.1 Streetscape in relation to the height and visually permeable open to solid ratio.

The proposal seeks changes to the height of the retaining walls, fencing and site works approved. The western end of the secondary street area is where the extent of height variations is. The western end was previously identified as an outdoor living area on the approval, taking into account the natural steep slope of the land by providing stepping.

Since the planning approval, the owners have gained building approval for a swimming pool in this outdoor living area, wishing to now increase the levels of the retaining wall to the north-west of the pool to the same floor level of the pool. The increase in fence height is also associated with the swimming pool as pool fencing legislation requires a 1.8 metre minimum high fence above any outdoor living area within the pool area.

An application for the subject site was received by the Town on 2 July 2018 for the proposed secondary street fencing, retaining wall and site works. Several versions of amended plans were received by the Town between August until November 2018. The proposal was prepared as a November 2018 Development Committee item, in which a deferral was requested by the applicant to submit amended plans for Town administration to consider for recommended support.

The latest amended version of plans was received by the Town on 22 November 2018, with the following changes noted in the below table:

<table>
<thead>
<tr>
<th>Provision</th>
<th>16 October 2018 Plans (Previous)</th>
<th>22 November 2018 Plans (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Maximum Fence Height (inclusive of fence, wall and retaining wall)</td>
<td>2.892 metres</td>
<td>2.828 metres (1 millimetre height reduction)</td>
</tr>
<tr>
<td>Visually Permeable Fence</td>
<td>1.542 metres</td>
<td>1.8 metres (257 millimetre height increase)</td>
</tr>
<tr>
<td>Solid Wall under Visually Permeable Fence</td>
<td>0.344 millimetres</td>
<td>0.086 millimetres (0.258 millimetres height decrease)</td>
</tr>
<tr>
<td>Open to Solid Fence Ratio as per the Town's Streetscape Policy 3.1</td>
<td>0.050 millimetres width x 0.015 millimetres depth and 0.200 millimetres gaps (non-compliant with Swimming Pool Regulations)</td>
<td>0.025 millimetres width x 0.015 millimetres depth and 0.100 millimetres gaps (Compliant against Swimming Pool Regulations)</td>
</tr>
<tr>
<td>Visually Permeable Secondary Street 40:60 Ratio</td>
<td>37:63 open to solid ratio (non-compliant)</td>
<td>40:60 open to solid ratio (compliant)</td>
</tr>
</tbody>
</table>
The subject site is located within P1: City Beach Planning Precinct in a 'U-shape' road connected to Yaltara Road to the south. Dilkara Way contains a fairly steep slope, falling approximately 14.38 metres from the east to the south-west. The Dilkara Way streetscape consists of predominantly open style fences with some exceptions as shown in Attachment 4.

A final assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the Scheme), relevant deemed-to-comply requirements of the Residential Design Codes (R-Codes) and the Town’s Local Planning Policies. The development application proposes the following:

1. A building (retaining wall at a maximum height of 0.942 metres) within the secondary street setback area;
2. Fill within the secondary street setback area at a maximum of 0.942 metres in lieu of the deemed to comply 0.5 metres; and
3. A fence proposed at a height of 2.828 metres above natural ground level (including the retaining wall) in lieu of the deemed to comply 1.8 metres.

Community Consultation

The application was advertised for a period of 14 days, from 12 October 2018 to 26 October 2018, in accordance with the requirements of clause 4.2 Consultation Procedure of the R-Codes.

Three (3) submissions were received during the advertising period. The table below provides a summary of the comments and issues raised during the community consultation process and an Officer technical response. A full schedule of submissions is attached to this agenda.

<table>
<thead>
<tr>
<th>Summary of Comments Received</th>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety and Sightlines</td>
<td>It should be noted, the proposed boundary fence does comply with sightline requirements as per the R-Codes.</td>
</tr>
<tr>
<td>Established Streetscape Character and Visual Amenity</td>
<td>There are examples in the existing streetscape of solid masonry retaining walls within the primary and secondary street setback areas. Therefore, the proposed retaining wall is not considered to have a significant detrimental impact on the existing streetscape.</td>
</tr>
<tr>
<td>Solar Access</td>
<td>The proposal complies against deemed-to-comply provision 5.4.2 of the R-codes. The proposed secondary street fence will cast a shadow onto the existing dwelling, wholly contained on the subject property, and therefore is not considered to present an impact on the adjoining properties in relation to solar access.</td>
</tr>
<tr>
<td>Building Bulk</td>
<td>The height of the fence is 1.028 metres greater than the deemed-to-comply maximum height permitted (inclusive of the retaining wall). The secondary street fencing is compliant against the visual permeability provisions. The primary street boundary fronting Dilkara Way has no approved fencing. Therefore, the proposed secondary street fencing is not considered to have an adverse impact in relation to building bulk.</td>
</tr>
</tbody>
</table>
Applicant's justification

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

Assessment against the design principles

Clause 20 of Town Planning Scheme No. 1 Primary Street Setback

Notwithstanding the provisions of the R-Codes, Clause 20 of the Scheme specifies a minimum setback requirement of 3.75 metres from the secondary street for buildings.

The R-Codes defines a building as:

"Any structure whether fixed or moveable, temporary or permanent placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools."

The proposed retaining wall is to be set back nil from the secondary street and thus represents a variation to Clause 20.

When considering variations to Clause 20, Council shall have regard to the requirements of Clause 39 of the Scheme, which relate to non-complying applications.

Council must be satisfied by absolute majority that, in approving an application for development approval for a non-complying application, the development would be consistent with those requirements.

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary street setback</td>
<td>3.75 metres</td>
<td>Nil setback</td>
</tr>
</tbody>
</table>

An assessment against the requirements of Clause 39 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;

Dilkara Way is characterised by a significant change in natural topography, which is shown to fall by approximately 14.38 metres from the east to the south-west. The highest point of the street is 25.48 AHD and the lowest point of the site is 11.1 AHD. The subject property is situated at 20 AHD on the east and 17 AHD on the west, where the steepness of the slope is more apparent. The change in the natural topography requires management through retaining and this is evident along several of the existing properties along Grovedale Road.

There are examples in the existing streetscape of solid masonry walls within the primary and secondary street setback areas, for example, Nos. 16, 18A, 20, 21, and 23 Dilkara Way (within a 75 metre radius of the subject site). Therefore, the proposed retaining wall will not be considered out of place in relation to the existing streetscape.
The proposed retaining wall within the secondary street setback area is approximately a maximum height of 0.942 metres and a minimum of 0.3 metres. In context to the approved dwelling, the retaining wall will not present a significant visual amenity impact.

Based on the above, it is considered that the proposed retaining wall is consistent with orderly and proper planning in the locality.

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

The amenities in the locality will be not be compromised by the approval of this application. The area of the proposed retaining wall which is over height is not significant for a two-storey dwelling on site. Therefore the visual amenity impact of the retaining wall is not considered to have a significant impact on the established streetscape.

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

The proposal is consistent with the Statement of Intent of the City Beach Precinct, as the works are incidental to the intended use on site being 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 retaining wall location is unlikely to have an undue adverse impact on the occupiers or users of the development. The development will allow for passive surveillance through the visually permeable fencing as well as privacy to the swimming pool.

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

The secondary street setback variation of the proposed retaining wall is not considered to have an adverse impact on the inhabitants of the locality. The retaining wall will not be out of scale with the existing character of the locality.

The proposed non-complying application is therefore supported for the reasons expressed above.

Residential Design Codes/Local Planning Policy

The subject application meets all deemed-to-comply requirements of the R-Codes (and any applicable local planning policy), with the exception of those identified in the following section:

Clause 5.3.7 of the Residential Design Codes - Site Works

<table>
<thead>
<tr>
<th>Cause 5.3.7</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Works</td>
<td>0.5 metres</td>
<td>Site works for the purpose of the outdoor living area around the swimming pool within the secondary street setback area to a height of 0.942 metres.</td>
</tr>
</tbody>
</table>

The proposed variation relates to the fill works proposed within the secondary street setback area. Where there is a non-compliance with the deemed-to-comply provisions, the application is required to be considered under design principle 5.3.7 of the R-Codes. An assessment against the design principles is provided below:
1. The site work variation relates to the north-west corner of the swimming pool. This area was approved as an outdoor living area that took into consideration the natural slope of the land by providing stepping. However, now that the owners have gained building approval for the pool, they wish to increase this area in height to the level of the pool, therefore increasing the height of the site works;

2. There is an overall change in topography across the site of 3 metres from its highest point at the north eastern side to the lowest point at the south western side. The site work variation relates to the western side where the natural ground level is at the lowest point; and

3. The site works will not be easily visible from the street due to the proposed retaining wall and secondary street fence. The works will be wholly contained on site and appropriately screened by the boundary fence.

For these reasons, the proposed variation is considered to meet the design principles.

Clause 3.1.7 of Local Planning Policy Streetscape 3.1 - Fences and Street Walls

<table>
<thead>
<tr>
<th>Clause 3.1.7</th>
<th>Deemed-to-comply Provisions</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fence in the City Beach Secondary Street Setback Area</td>
<td>A minimum of 40% of the area of any fence in the secondary street setback area must comply with fencing standards for the primary street setback. The remaining 60% may be solid, provided that the height of the fence does not exceed a maximum height of 1.8 metres (above natural ground level).</td>
<td>40% to be visually permeable and 60% solid at a maximum height of 2.829 metres (inclusive of the retaining wall).</td>
</tr>
</tbody>
</table>

The proposed variation relates to the maximum height for the secondary street fence. Where there is a non-compliance with the deemed-to-comply provisions, the application is required to be considered under design principle 5.2.4 of the R-Codes. An assessment against the design principles is provided below:

1. The applicant has reduced the height of the solid portion of fencing (portion between the retaining wall and visually permeable panels from 0.443 metres to 0.086 metres) to reduce the overall appearance of building bulk on revised plans.

2. The extent of the height variation is considered relatively minor in scale as shown in red on the marked up plans on Attachment 3.

3. The proposed boundary fence exceeds the height requirements in order to accommodate the pool area. Pool fence heights are required to comply with the current pool regulations, which is 1.8 metres.

4. The subject site is a corner site fronting each side of Dilkara Way. The primary street boundary fronting Dilkara Way has no approved fencing. The frontage of the property is open to allow passive surveillance to the streetscape.

5. The solid portion of boundary fencing will allow for screening and privacy to the pool and outdoor living area.

6. Although not ideal, it is accepted the additional height of the solid fencing is required for privacy and on balance it is considered to be relatively minor in the immediate context of the proposed dwelling, but would be more acceptable if the solid wall height was softened by landscaping.
7. As a consequence, administration has recommended a condition for the applicant to provide landscaping in order to offer visual relief and complement the built form. The landscaping condition considers the impact upon sightlines, ensuring it will not compromise the casual surveillance across the site or obscure sightlines at vehicle crossings.

For the above reasons, the proposed variation is considered to meet the relevant design principles. The secondary street fence is therefore supported for the above reasons.

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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.184 LOT 411 (NO. 112) GROVEDALE ROAD, FLOREAT - SINGLE STOREY DWELLING

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 of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES BY AN ABSOLUTE MAJORITY the application for a Single Storey Dwelling submitted by Webb & Brown - Neaves Pty Ltd at Lot 411 (No.112) Grovedale Road, Floreat as shown on the plans dated 21 November 2018, subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. The roof material shall not be zincalume, white or off-white Colorbond for any roof pitch greater than 5 degrees;

3. 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;

4. The crossover shall be no wider than 6.0 metres (excluding splays);

5. The redundant vehicle crossover outside the subject site shall be removed and the kerbing and verge shall be reinstated to the specifications and satisfaction of the Town prior to the occupation of the dwelling; and

6. No walls, letterboxes, fences or other structures above 0.75 metres in height are to be constructed within 1.5 metres of the driveway.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination;

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

5. 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 confirm to the Town's specifications.
6. All air-conditioning units are to be screened from the street, and are to be located in a position to minimise the impact on adjoining properties. Applicants are reminded that air conditioners generate noise that may be unacceptable to neighbours;

7. In relation to any fencing proposed to be constructed along the side property boundaries, the applicant is advised to liaise with the owners of the adjoining properties in accordance with the Dividing Fences Act; and

8. In accordance with the Building Act 2011 and Building Regulations 2012, a Building Permit application must be submitted to, and approved by the Town prior to any construction or earthworks commencing on site.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (8/0)
(Cr Everett was not present at the meeting)

Council Meeting 18 December 2018

Cr Everett - Financial Interest

Prior to consideration of the item, Cr Everett, in accordance with Section 5.65 of the Local Government Act 1995 declared that he has an existing business relationship with the owner and as such will be declaring a financial interest.

Cr Everett departed the meeting at 6.39 pm prior to the matter being discussed and voted upon.

Cr Everett returned to the meeting at 6.40 pm.

Cr Carr - Impartiality Interest

Prior to consideration of the item, Cr Carr disclosed an interest affecting impartiality and declared as follows:- “with regard to Item DV18.184, I declare that I have known the applicant for about 20 plus years and as a consequence there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

Committee Meeting 11 December 2018

Cr Everett - Financial Interest

Prior to consideration of the item, Cr Everett, in accordance with Section 5.65 of the Local Government Act 1995 declared that he has an existing business relationship with the owner and as such will be declaring a financial interest.

Cr Everett departed the meeting at 7.14 pm prior to the matter being discussed and voted upon.

Cr Everett returned to the meeting at 7.16 pm.
SUMMARY:

The purpose of this report is for Council to consider a development application for a proposed single storey dwelling at Lot 411 (No. 112) Grovedale Road, Floreat.

Under Clause 39 of the Town of Cambridge Town Planning Scheme No. 1 (the Scheme), 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(1)(b) of the Scheme. Should Council resolve to approve the application, an absolute majority decision is required.

The application proposes a variation to the deemed-to-comply requirements of Clause 20(1)(b) of the Scheme, and is considered to satisfy the criteria in Clause 39(3) of the Scheme.

Additionally, under Clause 9.1.2 (1) of the Town's Delegation Register Clause, Council will determine an application where a submission has been received during the advertising period that objects to the application on valid planning grounds. In this instance, an objection to the application was received in relation to the retaining wall height.

Furthermore, the application proposes variations to the deemed-to-comply requirements of Clause 5.3.8 Retaining Walls of the Residential Design Codes and Clause 3.1.3 of the Local Planning Policy 3.1 Streetscape. It is considered the proposed development satisfies the relevant design principles, and as such it is recommended for approval, subject to appropriate conditions.

AUTHORITY / DISCRETION

☐ Advocacy

☐ Executive

☐ Legislative

☐ Review

☐ Quasi-Judicial

☐ Information

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:**

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 411 (No. 112) Grovedale Road, Floreat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>26 October 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0217DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Mackenzie Walmsley, Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (5 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development application plans (5 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Schedule of submissions (2 Pages)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Webb &amp; Brown - Neaves Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Mr DA Barnao &amp; Mrs RA Barnao</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential R12.5</td>
</tr>
<tr>
<td>Precinct:</td>
<td>P3: Floreat</td>
</tr>
<tr>
<td>Development Description:</td>
<td>Single Storey Dwelling</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$833 430.00</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Dwelling (single) ’P’ - permitted</td>
</tr>
<tr>
<td>Proposed Use Class:</td>
<td>Dwelling (single) ’P’ - permitted</td>
</tr>
<tr>
<td>Lot/Land Area:</td>
<td>908sqm</td>
</tr>
<tr>
<td>Heritage Listing:</td>
<td>No</td>
</tr>
<tr>
<td>Application Received Date:</td>
<td>31 July 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>86 days</td>
</tr>
</tbody>
</table>

**DETAILS:**

**Development description**

An application for the subject site was received by the Town on 31 July 2018 for the proposed construction of a single storey dwelling. Amended plans were received on 3 October 2018 to clarify the proposed finished floor level of the pool paving. On this same day, the planning officer advised the applicant that the primary street setback variation would unlikely be supported by the administration in its current form. The applicant confirmed they wished to proceed with the current form to public advertising. Once advertising concluded, a final opportunity was provided for the applicant to reconsider the application in its current form on 24 October 2018. Written confirmation was provided by the applicant wishing to proceed with the application in its current form on 25 October 2018 to the 20 November 2018 Development Committee meeting. Amended plans were received on 6 November clarifying proposed retaining wall heights.

The applicant submitted a written request to the Council on 20 November 2018 wishing to defer the application until the February 2019 Development Committee and Council meetings. Council deferred the application accordingly to this requested time at the November Development Committee meeting. Amended plans were submitted on 21 November 2018 requesting the item to be presented at the December 2018 Committee and Council meetings.

The amended plans have involved each room fronting the primary street to have an increased setback of approximately 1 metre resulting in the dwelling consequently shifted east. The changes are summarised in the following table:
Development Type | 6 November 2018 Plans (Previous) | 21 November 2018 Plans (Proposed)
--- | --- | ---
Garage | 7.125 metres (non-compliant) | 8.125 metres (non-compliant)
Porch Pillars | 6.5 metres (non-compliant) | 7.5 metres (non-compliant)
Bedroom 4 | 8.025 metres (non-compliant) | 9.025 metres (compliant)
Bedroom 3 | 8.925 metres (non-compliant) | 9.925 metres (compliant)

The redesign has ensured the rear and side boundaries of the proposed dwelling remain compliant against the deemed-to-comply provisions. As a result, the double garage and two (2) porch pillars remain within the primary street setback area.

In relation to site context, the subject site is located within the P3: Floreat Planning Precinct in a block bound by Salvado Road to the north, Blakemore Lane to the east, Evandale Street to the south and Grovedale Road to the west. The site abuts the Right of Way of Blakemore Lane. The Grovedale Road streetscape consists of predominantly single and two storey dwellings with an average primary street setback of 7.95 metres (excluding No. 299 Salvado Road as Grovedale Road is the secondary street).

The development application proposes the following:

- A single storey dwelling set back a minimum of 7.5 metres from the primary street in lieu of the deemed-to-comply 9 metres;
- A proposed double garage located in front of the majority of the dwelling (except the porch pillars) within the primary street setback area;
- A retaining wall on the north boundary at a maximum height of 0.78 metres above natural ground level and average height of 0.68 metres above natural ground level, in lieu of the deemed-to-comply 0.5 metres; and
- A retaining wall on the south boundary at a maximum height of 0.59 metres above natural ground level and an average height of 0.34 metres above natural ground level, in lieu of the deemed-to-comply 0.5 metres.

Community Consultation

The application was advertised for a period of 14 days, 4 October 2018 to 18 October 2018, in accordance with the requirements of Clause 4.2.1 (Consultation Procedure) of the R-Codes. The application was advertised to the surrounding property owners in relation to the street setbacks and garage setback relative to the dwelling. The application was advertised to the immediate adjoining property in relation to the retaining wall additionally.

Two (2) submissions were received during the advertising period. Both submissions were in support of the primary street setback variation. One of the submissions raised a concern regarding the retaining wall height only. The table below provides a summary of the comments and issues raised during the community consultation process and an Officer technical response. A full schedule of submissions is attached to this agenda.

<table>
<thead>
<tr>
<th>Summary of Comments Received</th>
<th>Officer Technical Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of Retaining Wall</td>
<td>The applicant has amended the plans with a revised height of 0.78 metres maximum.</td>
</tr>
<tr>
<td></td>
<td>The purpose of the retaining wall is to level the existing sloping topography. The retaining wall would be wholly contained within the private property as identified on the plans.</td>
</tr>
</tbody>
</table>
In respect to building bulk, the proposed development is considered to respond to the natural features of the site, as such not considered to create an adverse amenity impact on the adjoining property.

The retaining wall seeks a maximum height of 0.78 metres and an average height of 0.68 metres, considered a relatively minor variation to the deemed-to-comply provisions, provided it meets the design principles.

Applicant's justification

The applicant and landowner have each provided written justification for the variations to the deemed-to-comply provisions. A summary of the applicant and landowner's justification is attached to this agenda.

Assessment against the Scheme

Clause 20 of Town Planning Scheme No. 1 Primary Street Setback

Notwithstanding the provisions of the R-Codes, Clause 20 of the Scheme specifies a minimum setback requirement of 9 metres from the primary street (Grovedale Road) for buildings.

The proposed dwelling is to be set back a minimum 7.5 metres from the primary street and thus represents a variation to Clause 20.

In considering variations to these provisions, Council shall have regard to Clause 39 of the Scheme, 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>
</tr>
</thead>
<tbody>
<tr>
<td>Grovedale Road Setback from Primary Street</td>
<td>9.0 metres</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

An assessment of the application against Clause 39 of the Scheme 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 existing setbacks along Grovedale Road range from 0.3 metres to 10.5 metres from the primary street boundary. Generally, these incursions are for single and double carports in the setback area. The setback of the dwelling will be compliant with the requirements of the Town Planning Scheme, with the exception of the double garage and porch pillars intruding 8.125 metres and 7.5 metres respectively into the front setback area.
A large portion of the finished floor level of the dwelling sits below the natural ground level at the boundary, therefore ensuring the intrusion of the porch pillars and double garage into the setback area do not add unduly to building bulk as seen from the street.

No front street fencing is proposed as part of the planning application. This ensures an open streetscape that is consistent with those in the immediate locality.

(ii) The conservation of amenities of the locality:

The portion of the building proposed within the street setback area is a double garage and two (2) porch pillars with a collective width of 48 percent of the frontage of the lot. The remaining 52 percent of the frontage of the dwelling is compliant with the Town Planning Scheme. The open nature of the porch will ensure passive surveillance to the street is not impacted.

The proposed dwelling is single storey, with the garage finished floor level below the street level, ensuring the overall impact on the amenity of the locality will be minimal, as all building height and open space requirements are achieved.

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

The proposal is considered consistent with the Statement of Intent of the Floreat Precinct, as the development proposes a single residential dwelling to occupy the property which is consistent with those in the immediate locality.

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

(i) The occupiers or users of the development;

The proposal is for a single storey residential dwelling to be occupied by the owner of the property. The proposed reduced street setback is not considered to impact on the occupiers of the dwelling as the property affords private open space at the rear for recreational and leisure purposes. The reduced setback will allow enhanced passive surveillance opportunities for the occupiers.

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

The proposed reduced street setback will not impact on the inhabitants of the locality as the application is for a single storey dwelling only, and the incursion into the street setback area relate to a double garage and two porch pillars. The proposal does not impact negatively on any adjoining neighbouring properties in terms of visual privacy, building bulk or overshadowing. The proposed setback of the dwelling is consistent with the existing residential development in the locality.

(iii) The likely future development of the locality:-

The garage variation to the proposed setback is relatively minor, being 0.875 metres from the deemed-to-comply. The porch pillars variation is considered minor as it is an open style structure. The remainder of the dwelling is in accordance with the Town Planning Scheme setback requirements. Given the existing setbacks in the street, the scale of the incursion into the setback is not considered to cause an undesirable precedent for future development.
For these reasons, the proposed non-complying application is therefore supported.

**Assessment against the design principles**

The subject application meets all deemed-to-comply requirements of the R-Codes (and any applicable local planning policy), with the exception of those identified in the following section:

**Clause 5.3.8 of the Residential Design Codes - Retaining Walls**

<table>
<thead>
<tr>
<th>Clause 5.3.8</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retaining walls greater than 0.5 metres in height setback from lot boundaries in accordance with the setback provisions of Table 1. Retaining walls 0.5 metres or less in height may be located up to the lot boundary.</td>
<td>Retaining wall on the northern/side lot boundary to a maximum height of 0.78 metres above natural ground level and average height of 0.68 metres above natural ground level. Retaining wall on the southern/side boundary to a maximum height of 0.59 metres above natural ground level and average height of 0.34 metres above natural ground level.</td>
<td></td>
</tr>
</tbody>
</table>

The proposed variation relates to the retaining walls located on the northern and southern boundaries. It is considered that the increased retaining wall heights can be supported by satisfying the design principles of 5.3.8 of the R-Codes. An assessment against the design principles is provided below:

1. There is an overall change in topography across the site of 2.09 metres from its highest point at the front (south west) corner to the lowest point at the rear (north east) corner of the property. The retaining wall variations are associated with the rear of the property where the natural ground level is at the lowest point. Therefore, the retaining walls are considered to respect the natural topography and respond appropriately.

2. The dwelling has been designed to have a ground finished floor level that negotiates the natural ground level and the slope. The finished floor level of the dwelling is calculated at mid-point of the existing natural slope across the site, which is considered reasonable in respecting the natural topography.

3. The average retaining wall height on the northern boundary presents a minor variation to the deemed-to-comply provisions of the R-Codes, being 0.68 metres in lieu of 0.5 metres. The maximum height sought relates to a depression on the land that is not considered to detrimentally affect adjoining properties in respect to visual amenity and privacy. A compliant dividing fence at approximately 1.6-1.8 metres in height will be positioned on top of the retaining wall to allow for appropriate screening from each adjoining property.

4. The average retaining wall height on the southern boundary is less than the deemed-to-comply provisions of the R-Codes, being 0.34 metres in lieu of 0.5 metres. The minor variation of 0.09 metres of one portion of retaining is considered to have a minimal impact on the adjoining property.

**Clause 3.1.3 of the Local Planning Policy 3.1 Streetscape - Garage Setback relative to Dwelling**

<table>
<thead>
<tr>
<th>Clause 3.1.3</th>
<th>Deemed-to-comply Provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage Setback</td>
<td>At least two-thirds of the remainder of the ground floor of the dwelling must be in line or forward of the garage, subject to all the setbacks being met.</td>
<td>Garage is proposed in front of the remainder of the dwelling (with the exception of the porch), by approximately 0.9 metres (Bedroom 4) and 1.8 metres (Bedroom 3).</td>
</tr>
</tbody>
</table>
The double garage with access from the primary street is considered to be consistent with the design principles on the basis of the following:

1. Visual connectivity is maintained between the dwelling and the streetscape as the large habitable windows for Bedrooms 3 and 4 face Grovedale Road;

2. The garage setback will maintain visible sightlines along Groovedale Road providing safety for private vehicles and pedestrians as per the deemed-to-comply provisions of the R-Codes. The garage is set back a further distance than the immediate adjoining property to the south therefore will not obstruct views from the associated dwelling.

3. The proposed garage setback relative to the dwelling is not considered to compromise visual privacy or open space, or site planning requirements of parking, landscaping, utilities and service corridors, as the proposed setback does not create variations to these planning elements. As such, the proposed garage setback relative to the dwelling is not considered to create an adverse impact on the site and the occupiers of the site.

The setback of the garage relative to the dwelling variation is therefore supported for the above reasons.

The development demonstrates compliance with the relevant Scheme objectives and R-Code design principles and is therefore recommended for approval.

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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
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 of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES BY AN ABSOLUTE MAJORITY the application for a Retrospective Shade-Sail submitted by Perth Better Homes at Lot 208 (No. 5) Karla Place, City Beach as shown on the plans dated 25 September 2018, subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. The shade sail shall remain unenclosed on all sides, except where it abuts the garage; and

3. 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:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination; and

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

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (7/2)

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

Against: Crs McAllister and Powell
SUMMARY:

The purpose of this report is for Council to consider a retrospective development application for a shade-sail at Lot 208 (No. 5) Karla Place, City Beach.

Under Clause 9.1.2 (1) of the Town of Cambridge Delegation Register, Council will determine an application for planning approval where an objection has been received during the advertising period. In this instance, the application has received an objection from a neighbouring property.

In addition to this under Clause 39 of the Town of Cambridge Town Planning Scheme No. 1 (the Scheme), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme. In this instance, the application does not meet the deemed-to-comply provisions of Clause 20(1)(a) of the Scheme. Should Council decide to approve the application, an absolute majority decision is required.

The application proposes a variation to the deemed-to-comply requirements of Clause 20(1)(a) of the Scheme, however, it is considered the development satisfies the criteria in Clause 39(3) of the Scheme. Additionally, the application proposes variations to the deemed-to-comply requirements of 5.1.3 Lot Boundary Setbacks of the R-Codes and Local Planning Policy 3.2: Buildings on the Boundary, however, it is considered the application meets the relevant design principles, and as such, is recommended for approval 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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 208 (No. 5) Karla Place, City Beach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>14 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>DA18/0277</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Chris Della Bona, Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (3 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development application plans (3 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Applicant's Justification (1 page)</td>
</tr>
<tr>
<td></td>
<td>5. Karla Place Street Setbacks (1 page)</td>
</tr>
<tr>
<td></td>
<td>6. Schedule of Submissions (1 page)</td>
</tr>
</tbody>
</table>
DETAILS:

Development description

The subject site is located within the P1 - City Beach Planning Precinct in a block bound by Karla Place to the north, Drabble Road to the east, Ocean Village Park to the south and Tarongo Way to the west. The site currently comprises a two-storey rendered brick and tile dwelling with a garage located 7.1 metres from the primary street. The site gently slopes up 1.0 metre from the northern (Karla Place) lot boundary to the rear southern boundary. The Karla Place streetscape consists of predominately of two-storey brick and tiled dwellings with varying setbacks across the streetscape see Attachment 5. There is one other shade-sail designed in a similar form and location to the shade-sail the subject of this application at number 9 Karla Place, City Beach approved in 2007 as a building licence.

The development application is for retrospective approval of a shade-sail within the front setback area. It is evident from aerial imagery that the shade-sail structure has been erected since February 2018. The shade-sail is attached to an existing garage and four posts ranging from 2.2 metres to 3.0 metres tall, with one of these posts being located on the western boundary. Two of the shade-sail posts are set back 0.5 metres from the primary street.

Community Consultation

The application was advertised for a period of 14 days, from 1 September 2018 to 14 September 2018, in accordance with the requirements of Local Planning Policy 2.3: Public Notification of Planning Proposals.

One submission was received by the Town during the advertising period. The table below provides a summary of the comments and issues raised during the community consultation process and Officer technical response. A full schedule of submissions is attached to this agenda.

Summary of Comments Received:  
<table>
<thead>
<tr>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of the structure</td>
</tr>
</tbody>
</table>

Applicant's justification

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

Clause 20(1)(b) Street Setback (The Scheme)

<table>
<thead>
<tr>
<th>Primary street setback (Karla Place) - Shade-Sail</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7.5 metres</td>
<td>0.5 metres</td>
</tr>
</tbody>
</table>

Where there is a non-compliance with the deemed-to-comply provisions, the application is required to be assessed against the criteria in clause 39(3) of the Scheme. An assessment against the criteria 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 application is considered to be in accordance with the orderly and proper planning of the locality as there are some examples of shade-sails, carports and dwellings located within the primary street setback area in Karla Place. The shade-sail structure is unenclosed on all sides except where it abuts the existing garage and is lightweight in nature and, as such, is not considered to have a detrimental bulk impact on the street. Furthermore, there is an existing front boundary wall approximately 1.8 metres tall, and two large street trees that largely obscure the structure. Overall, the reduced setback of the shade-sail 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 minor.

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

The amenities of the locality are not considered to be compromised by the approval of this application. The shade-sail is an unenclosed lightweight structure to be constructed in the primary street setback area. The development is not considered to impact or cause any disturbance on the amenities of the locality.

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

The application is consistent with the Statement of Intent of Local Planning Policy 6.1: Precinct: City Beach, as the development is an unenclosed shade-sail structure to a single residential dwelling and the height of the development is no higher than the existing surrounding developments. As such, it is considered that the application 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 reduced street setback is not considered to result in an undue adverse effect on the owners of the property. The street setback for the shade-sail will allow the occupiers of the existing dwelling to continue to utilise additional covered parking, protecting cars from leaf litter of the street trees resulting in continued amenity for the occupiers of the dwelling.
(ii) The property in, or the inhabitants of, the locality;

The reduced street setback is not considered to impact on the inhabitants of the locality as streetscape incursions for parking structures such as shade-sails and carports are common in the locality. Furthermore, the wall and street trees will largely obscure any visual impact when viewed from the street.

(iii) The likely future development of the locality.

The shade-sail is not considered to create an adverse effect on the likely future development of the area as the street setback is not out of character for the streetscape or the locality. The shade-sail has a much lesser bulk impact on the streetscape than some of the carport and dwellings located within the street setback within the Karla Place streetscape. Overall, it is considered that the approval of this development would not have any impact on the future development of the locality.

For these reasons the non-compliance is considered to meet the criteria of clause 39(3) of the Scheme and is not considered to have a detrimental impact on site, the adjoining properties or the locality.

Clause 5.1.3 Lot Boundary Setbacks (R-Codes)

<table>
<thead>
<tr>
<th>Right/West (Side) - Shade-Sail/Garage (balance)</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.5 metres</td>
<td>1.0 metre</td>
<td></td>
</tr>
</tbody>
</table>

Where there is a variation to the deemed-to-comply provisions, the application is required to be considered against design principle 5.1.3 of the R-Codes. An assessment against the design principle is provided below:

- The lot boundary setback calculation is based on the attachment of the shade-sail structure to the garage, however, there are no enclosures to the structure and, as such, there is not considered to be a bulk impact on the adjoining property.
- The structure is not enclosed and, as such, there is considered to be adequate ventilation between the building and the adjoining site.
- The lot boundary setback variation is not considered to create additional overshadowing on the site due the site being north-south orientated and the majority of shadow falling on subject site's garage wall. As such, the lot boundary setback is not considered to have an adverse solar access impact on adjoining properties.
- The lot boundary setback variation is not considered to create a visual privacy issue as the finished floor levels are not proposed to change.

For these reasons the variation is considered to meet the design principles, and is not considered to have a detrimental impact on site, the adjoining properties or the locality.
 Clause 1 Buildings on the Boundary (LPP3.2)

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right/West (Side) - Shade-Sail Post</td>
<td>Buildings on the boundary may be built up to a boundary behind the front setback line where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension.</td>
<td>Nil setback to the western lot boundary. Located within the street setback area.</td>
</tr>
</tbody>
</table>

Where there is a variation to the deemed-to-comply provisions, the application is required to be considered against design principle 5.1.3 of the R-Codes. An assessment against the design principle is provided below:

- The shade-sail is considered to create more effective use of space for the occupants by providing covered car parking and protection from leaf litter of street trees. Additionally, it is considered that the privacy of the adjoining properties are not compromised by the variation as the finished floor level beneath the shade-sail is has not changed.
- The building on the boundary is 2.2 metres tall, with posts that are 10 centimetres wide and deep. As such, it is not considered to create an adverse bulk impact on the adjoining property.
- The building on the boundary is located on the western boundary and, as such, is not considered to cast shadow on the adjoining property to the west. As the structure is unenclosed, there is considered to be adequate ventilation between the structure on the site and the adjoining property. Overall, there is not considered to be a detrimental amenity impact on the adjoining property as a result of this application.
- As the structure is lightweight and unenclosed there is not considered to be a detrimental impact on the Karla Place streetscape.

For these reasons, the variation is considered to meet the design principles and is not considered to have a detrimental impact on site, the adjoining properties or the locality.

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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
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 of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES BY AN ABSOLUTE MAJORITY decision, the application for amended plan for a two-storey dwelling (Awning) submitted by Coast Homes (WA) Pty Ltd at Lot 372 (No. 78) Branksome Gardens, City Beach as shown on the plans dated 12 June 2018, subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

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

3. 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:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained; and

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

SUMMARY:

The purpose of this report is for Council to consider a development application for a proposed awning addition to an approved two-storey single dwelling at No. 78 Branksome Gardens, City Beach. The two-storey single dwelling was approved under delegated authority on 15 May 2018.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39) and the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme or where a
submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval.

In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme due to a proposed awning in the front setback area. The proposed variations are assessed in this report and the application is recommended for approval.

It is considered that the subject application meets the relevant design principles of Clause 39 of the Town Planning Scheme for the primary street setback variation. Accordingly, it is recommended that the application be approved subject to 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.
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  - When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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  - 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:**

<table>
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<tr>
<th>Address/Property Location:</th>
<th>Lot 78 (No. 372) Branksome Gardens, City Beach</th>
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<tr>
<td>Report Date:</td>
<td>16 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0033DA-2018.01</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Petar Mrdja, Senior Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Development application plans (5 pages)</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Coast Homes (WA) Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr GJR King &amp; Mrs KL King</td>
</tr>
<tr>
<td>Zoning:</td>
<td>R12.5</td>
</tr>
<tr>
<td>Precinct:</td>
<td>Precinct P1: City Beach</td>
</tr>
<tr>
<td>Development Description:</td>
<td>Awning to Existing Two-storey Dwelling</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Vacant site</td>
</tr>
<tr>
<td>Proposed Use Class:</td>
<td>Dwellings (Single) – ‘P’ (Permitted)</td>
</tr>
<tr>
<td>Lot/Land Area:</td>
<td>901sqm</td>
</tr>
<tr>
<td>Heritage Listing:</td>
<td>No</td>
</tr>
<tr>
<td>Application Received Date:</td>
<td>12 June 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>157 days</td>
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</tbody>
</table>
DETAILS:

The subject site has received planning approval for a two-storey single dwelling. The dwelling was approved on 15 May 2018. The existing dwelling on the property has since been demolished meaning that the development approval issued on 15 May 2018 is deemed to have substantially commenced.

The subject application as received by the Town on 12 June 2018, proposing an awning over the front of the approved two-storey dwelling. Given that the awning is proposed to be set back 6.5 metres from the primary street, Council are required to determine the proposal in accordance with Clause 39 of the Town Planning Scheme.

Development description

The subject site is located within the City Beach Precinct. It is currently vacant as the existing dwelling on the property has been demolished to make way for the construction of the two-storey dwelling approved on 15 May 2018.

Surrounding development within the locality generally consists of single or two storey dwellings with some dwellings including No. 76 Branksome Gardens, City Beach, existing with protrusions within the 7.5 metres front setback area.

The subject application proposes an awning to the front façade, which extends from the approved media room to garage door measuring a length of 11 metres and a height of 2.9 metres. The awning proposes a flat roof, consistent with the approved concealed roof to the dwelling. The awning proposes a setback of 6.5 metres to the primary street, in lieu of the required 7.5 metres in accordance with Clause 20 of Town Planning Scheme.

Community Consultation

The application was advertised to adjoining neighbours for a period of 14 days between 19 September 2018 to 4 October 2018. No submissions were received during the consultation process.

Assessment against the design principles

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

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street Setback</td>
<td>Development setback a minimum of 7.5 metres</td>
</tr>
</tbody>
</table>

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 application that do not comply with Clause 20 of the Town Planning Scheme.

Council must be satisfied by an 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, as follows:

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

(i) The orderly and proper planning in the locality
The proposed awning provides weather protection to the approved porch area and sunshade to the media and study rooms of the approved dwelling. In addition to this, the proposed awning is proposed to be cantilevered with no bulky posts to be located within the front setback area.

The adjoining dwelling at 76 Branksome Gardens, City Beach, has a significant portico structure set back approximately 5.8 metres from the primary street. This variation forms part of the streetscape.

The proposed awning is not considered to unduly impact the street and is consistent with the principles of orderly and proper planning. The awning provides greater articulation in the façade of the approved dwelling whilst providing functional weather protection to the dwelling and its major openings. The design of the awning being a flat roof with no posts will not dominate the streetscape.

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

The amenities in the locality will not be comprised by the approval of this application. The proposed variation is for an awning which is an additional design and functional feature to the dwelling, creating additional articulation and interest to the façade. It will not adversely impact on the amenities in the locality.

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

The proposal is consistent with the *Statement of Intent* of the City Beach Precinct, as the development is simply a light weight awning structure to the façade of the approved dwelling. It will not dominate the streetscape. The approved dwelling provides extensive landscaping within the front setback area which for the majority of the front setback area which will be unfenced.

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

(i) *The occupiers or users of the development;*

The proposal for a single storey awning will not result in an undue adverse impact on the owners of the property. Rather it will provide weather protection to the entrance and media and study rooms of the dwelling.

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

The proposed awning will not impact on the inhabitants of the locality, rather it will contribute to the inhabitants through the provision of additional articulation to the façade of the approved dwelling.

(iii) *The likely future development of the locality.*

It is considered that the variation to the front setback as caused by the proposed awning does not adversely affect the character of the area or likely future development in the locality. The awning is a light weight structure which will dominate the streetscape.

**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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COUNCIL DECISION:

Moved by Cr Everett, 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, Council REFUSES the application described as a Two Storey Dwelling submitted by Chindarsi Architects at 1407 (No. 17) Ulster Road, Floreat as shown on the plans dated 13 August 2018, for the following reasons:-

1. The proposal does not satisfy the requirements of Clause 39 of the Town Planning Scheme No. 1 as the development proposes a primary street setback which will negatively impact on the streetscape and locality and which is incompatible with existing and desired future primary street setback of the locality and does not meet the objectives of the low density area;

2. The proposal does not meet the design principles of the R-Codes in relation to Clause 5.1.3 - Lot Boundary Setback, as the proposed rear setback of the development creates an adverse impact on amenity of the locality as it does not meet the objectives of the low density area;

3. The proposal does not meet the design principles of the R-Codes Clause 5.3.5 Vehicular Access as the proposed location of the driveway and crossover proposes the removal of a mature street tree, and the proposed width of the driveway at 7.1 metres in lieu of 6 metres will result in more hardstand area at the expense of landscaping and an established street tree and this will have a negative impact on the streetscape;

4. The proposal does not meet the design principles of the R-Codes Clause 5.5.1 Ancillary Dwellings or Clause 67 of the Planning and Development Regulation (Local Planning Schemes) Regulations 2015 Clauses (a), (m) and (n) as the proposed design of the ancillary dwellings and plot ratio area will compromise the amenity of the area in relation to the impact on the character of the locality and relationship of the building to the streetscape and surrounding properties; and

5. The cumulative impact of the proposed reduced setbacks, street tree removal and larger crossover, will create undue impacts in relation to building bulk, building presentation and loss of mature vegetation which is inconsistent with orderly and proper planning.

6. The proposal should be classified as a grouped dwelling under Town Planning Scheme No.1. A Grouped Dwelling is an "X" (prohibited) use, which is a use that is not permitted by the Scheme.

Motion put and CARRIED (8/1)

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

Against: Cr McAllister
COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)

Moved by Cr Nelson, seconded by Cr Powell

That Council DEFERS the item relating to Lot 1407 (No.17) Ulster Road, Floreat until February 2019.

Procedural motion put and LOST (4/5)

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

Council Meeting 18 December 2018

During discussion, Cr Everett foreshadowed that should the motion presently before Council be lost, he intended to move that the application be refused.

Committee Meeting 11 December 2018

During discussion, Members agreed to the applicant's request that the item be deferred.

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 Two Storey Dwelling submitted by Joe Chindarsi at 1407 (No. 17) Ulster Road, Floreat as shown on the plans dated 13 August 2018, for the following reasons:-

1. The proposal does not satisfy the requirements of Clause 39 of the Town Planning Scheme No. 1 as the development proposes a primary street setback which will negatively impact on the streetscape and locality and which is incompatible with existing and desired future primary street setback of the locality and does not meet the objectives of the low density area;

2. The proposal does not meet the design principles of the R-Codes in relation to Clause 5.1.3 - Lot Boundary Setback, as the proposed rear setback of the development creates an adverse impact on amenity of the locality as it does not meet the objectives of the low density area;

3. The proposal does not meet the design principles of the R-Codes Clause 5.3.5 Vehicular Access as the proposed location of the driveway and crossover proposes the removal of a mature street tree, and the proposed width of the driveway at 7.1 metres in lieu of 6 metres will result in more hardstand area at the expense of landscaping and an established street tree and this will have a negative impact on the streetscape;

4. The proposal does not meet the design principles of the R-Codes Clause 5.5.1 Ancillary Dwellings or Clause 67 of the Planning and Development Regulation (Local Planning Schemes) Regulations 2015 Clauses (a), (m) and (n) as the proposed design of the ancillary dwellings and plot ratio area will compromise the amenity of the area in relation to the impact on the character of the locality and relationship of the building to the streetscape and surrounding properties; and

5. The cumulative impact of the proposed reduced setbacks, street tree removal and larger crossover, will create undue impacts in relation to building bulk, building presentation and loss of mature vegetation which is inconsistent with orderly and proper planning.
SUMMARY:
The purpose of this report is for Council to consider a development application for a proposed two storey dwelling and ancillary accommodation at No. 17 Ulster Road, Floreat.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39), Council is required to determine an application by an absolute majority if a proposal does not comply with a standard or requirement of this Scheme. In this instance, the proposed application does not meet the provisions of Clause 20(1) (b) of the Scheme due to proposed variations to the front and secondary street setback.

In addition to those variations, the development proposes several other variations, including to the lot boundary setback to the west and rear of the site.

Administration recommends that the application should be refused for the reasons outlined in this report. In isolation, several of the variations may be able to be supported, however, on balance, it is considered that the cumulative impact of the setback variations together with the loss of the existing mature tree, would adversely impact on the amenity of the locality.

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:

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<td>15 November 2018</td>
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<td>File Reference:</td>
<td>0227DA-2018</td>
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<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Petar Mrdja, Senior Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
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<td></td>
<td>2. Photographs (5 pages)</td>
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<td></td>
<td>3. Development application plans (7 pages)</td>
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<tr>
<td></td>
<td>4. Applicants Justification/ information x 3 (17 pages)</td>
</tr>
<tr>
<td></td>
<td>5. Street tree removal information (5 pages)</td>
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Applicant: Joe Chindarsi  
Owner: Ms LA Katavatis & Mr SA Corp  
Zoning: Residential R12.5  
Precinct: Floreat Precinct  
Development Description: Proposed Two Storey Dwelling  
Development Value: $1,387,900.00  
Existing Land Use: Vacant  
Proposed Use Class: Single Dwelling  
Lot/Land Area: 923.0000 m2  
Heritage Listing: Nil  
Application Received Date: 13 August 2018  
Application Process Days: 94 days

DETAILS:

Development description

An application for a proposed two storey dwelling was submitted to the Town on 13 August 2018. The plans were advertised to adjoining landowners for a period of 14 days between 4 October to 19 October 2018 and two submissions were received from adjoining owners advising the Town that they did not object to the proposed development. Meetings were held with the applicant on 26 September 2018 and 25 October 2018 to discuss the proposal and to ask for additional plans to be provided to address the various non-compliant aspects of the design. At this stage, no amended plans have been received. The application presented to Council has been assessed based on the plans that were submitted to the Town on 13 August 2018.

The subject site is located in the Floreat Precinct and on the corner of Ulster Road and Chandler Avenue. Situated directly across the road from the site is the Cambridge Croquet Club and the McLean Park open space. The development will face Chandler Avenue and propose to use it as its primary street for the purposes of the planning assessment.

The development application proposes a two storey dwelling with two independent ancillary dwellings. The proposal comprises three separate living areas, which other than the laundry and garage parking space, have no other common interactive areas or living spaces.

The ground floor of the development includes two separate living areas which each contain a living room, kitchen, dining, bedroom, bathroom and study area. A common laundry area is located in the middle of the dwelling next to a stairway to the upper floor and another living area, which contains a separate guest living room, bedroom, kitchenette, bathroom and gym area.

An existing Camphor Laurel tree (Cinnamomum camphora) street tree is located on the Chandler Avenue verge which is proposed to be removed to accommodate a driveway for vehicle access. This street tree is approximately 8 metres tall with a canopy spread of approximately 12 metres. The Town's Parks division have inspected the tree and advised that it should be retained as it contributes significantly to the Chandler Avenue streetscape and provides considerable shape canopy over the roadway and verge area.
A final assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the Scheme), relevant deemed-to-comply requirements of the Residential Design Codes (R-Codes) and the Town's Local Planning Policies. The development application proposes the following variations:

1. Clause 20 of the Town Planning Scheme (primary street (front) setback Chandler Avenue) - the development proposes a front setback of between 3.5 metres - 5.2 metres to the canopy structures and between 6 metres - 7.7 metres to the main building line in lieu of a required front street setback of 9 metres;

2. Clause 20 of the Town Planning Scheme (secondary street setback Ulster Road) - the development proposes a nil secondary street setback to the proposed gatehouse in lieu of a required secondary street setback of 4.5 metres;

3. Clause 5.1.3 of the R-Codes Lot Boundary Setbacks - The development proposes a rear lot boundary setback of 1.1 metres in lieu of a 6 metres setback requirement and a proposed side boundary setback (west) of 1.5 metres in lieu of a required setback of 1.8 metres;

4. Clause 5.3.5 of the R-Codes Vehicular Access - The development proposes vehicle access from the primary street (Chandler Avenue) instead of the nominated secondary street (Ulster Road). The development also proposes a driveway in a location which requires the removal of an existing verge street on Chandler Avenue which can be avoided and furthermore, the width of the driveway is proposed to be 7.1 metres in lieu of a required 6 metres driveway width; and

5. Clause 5.5.1 of the R-Codes Ancillary Dwellings - The development includes separate and independent living areas which present as a minimum a single dwelling plus two ancillary dwellings. The maximum plot ratio area for an ancillary dwelling is 70 square metres and the development proposes independent ancillary living spaces which have a plot ratio area of 136.15 square metres (living space 1) and 148.55 square metres (living space 2) and 102 square metres for the upper storey.

Community Consultation

The application was advertised for a period of 14 days, from 4 October to 19 October 2018 in accordance with the requirements of the Town's consultation policy. Two submissions were received from adjoining owners advising the Town that they did not object to the proposed development.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions and these have been included in the attachment section of this report.

Assessment against the design principles

Clause 20 of the Town Planning Scheme - Primary and Secondary Street Setbacks

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
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</thead>
<tbody>
<tr>
<td>Front / primary street setback to Chandler Avenue</td>
<td>9 metres setback</td>
<td>Between 3.5 metres - 5.2 metres to the louvered canopy structure and between 6 metres - 7.2 metres to remainder (the closest setbacks are to the curved street boundary)</td>
</tr>
<tr>
<td>Secondary street setback to Ulster Road</td>
<td>4.5 metres setback</td>
<td>Nil to the gatehouse</td>
</tr>
</tbody>
</table>
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 an 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:

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 reduced front and secondary street setback provided by the development, in combination with other proposed variations, such as the proposed removal of the street tree, rear lot boundary setback, ancillary accommodation and vehicular access, will unduly impact the amenity of the area and 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**

The proposed 3.5 metres - 5.2 metres front street setback to the canopy structure (although louvered on the sides and top, will generally present as walls and roof) and nil setback to the secondary street does not conserve the amenity of the locality or satisfy the Statement of Intent as set out in the Floreat Precinct Planning Policy as it neglects the established garden suburb principles which guide the front setback requirements prescribed in Clause 20 of the Scheme. The proposed setback reduces the amount of landscaping which can be provided within the site and this will be further affected by the proposed removal of the Chandler Avenue street tree.

It is accepted that there are examples in this locality which have reduced setbacks

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

(i) **The occupiers or users of the development;**

It is not expected that the reduced setbacks would have a detrimental effect on the occupiers of the dwellings.

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

The proposed reduced street setback will have an adverse impact on those inhabitants of the surrounding properties. The bulk of the dwelling as presented to the streets is inconsistent with those in the immediate locality. Although the adjoining dwellings have varying reduced setbacks they are not to the extent and bulk as is proposed by this application. When combined with the variations proposed to lot boundary setbacks, vehicular access and ancillary dwelling size, it is considered to form a built form outcome that is not compatible with the intended future character of Floreat.
(iii) The likely future development of the locality.

It is considered in the context of the existing locality that some degree of intrusion into the front setback may be acceptable, however, the scale of the intrusions proposed as part of this proposal will have an adverse impact on the future development of the locality. The two identical louvred canopy structures are set back between 3.5 metres - 5.2 metres from the front boundary, with the full width of the remainder of the dwelling set back 6 metres - 7.2 metres in lieu of 9 metres (noting the garage is set back at 8.2 metres).

Should the development be approved, it has the potential to be used as a reference point for other development in the area seeking front or secondary street setback variations and, as such, will likely affect the future development of the locality by incrementally eroding the open nature of the setbacks which form the existing and desired future character of the area.

Clause 5.1.3 of the Residential Design Codes – Lot Boundary Setbacks

<table>
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<th>Clause 5.1.3</th>
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<tr>
<td>Lot boundary setbacks</td>
<td>1.8 metres lot boundary setback required on ground floor western elevation</td>
<td>Setback of 1.5 metres proposed</td>
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<tr>
<td></td>
<td>6 metres lot boundary setback required to the rear boundary (south)</td>
<td>Setback of 1.1 metres proposed to bedroom 1 and 3.8 metres to bedroom 2</td>
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</table>

It is considered that the proposed lot boundary setback variation to the western boundary can be supported in isolation as it satisfies the design principles of clause 5.1.3 of the R-Codes. However, the proposed rear lot boundary setback is not supported for the reasons listed below:

West Lot Boundary Setback

- The proposed lot boundary setback does not create any visual privacy issues or overshadowing concerns for the adjoining property;
- There is no adverse impact in relation to building bulk on the adjoining property as the western elevation is single storey in nature and includes multiple articulations that help to break up the bulk and consistency of the wall;
- The upper floor on the western elevation is set back at over 6 metres from the lot boundary which ensures that building bulk is minimised and that there is opportunity for adequate sun and ventilation to be available to the building and to the adjoining property.
- However, the reduced western side setback combined with the rear and front setback variations result in a cumulative impact of bulk on the site. This does not provide the open spacious character of a development that is the intended objective of this precinct and R12.5 Coding.
Rear Lot Boundary Setback

- Whilst the site lot boundary setback constraints of a corner lot is acknowledged, it is considered that the reduced rear setbacks at 1.1 metres and 3.8 metres do not satisfy the design principles of the R-Codes in relation to lot boundary setbacks as they create an adverse impact on the adjoining properties in relation to building bulk. From adjoining properties there is no relief from the bulk of the development that usually results from a large, open 6 metre rear setback. Both boundaries present as side boundaries;
- There is an opportunity to provide a design outcome at the rear of the development that has less adverse impact on the adjoining property and on the Ulster Road streetscape through modifications to the proposal;
- The rear lot boundary setback, when considered with the other variations proposed to the development, specifically in relation to the front setback, has a cumulative adverse impact on the amenity of the area and the adjoining property.

Clause 5.3.5 of the Residential Design Codes – Vehicular Access

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<th>Clause 5.3.5</th>
<th>Deemed-to-comply provision</th>
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<tr>
<td>C5.1 Driveway Access</td>
<td>Access from secondary street - Ulster Road</td>
<td>Access from primary street - Chandler Avenue</td>
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<tr>
<td>C5.2 Driveway Width</td>
<td>No driveway wider than 6 metres at the street boundary</td>
<td>7.1 metres driveway width proposed from primary street</td>
</tr>
<tr>
<td>C5.3 Driveway Location</td>
<td>Driveway located so as to avoid street trees</td>
<td>Driveway located in area which will require the removal of an existing street tree.</td>
</tr>
</tbody>
</table>

It is considered that the vehicular access variations do not satisfy the design principles relating to 5.3.5 of the R-Codes for the reasons listed below:

- There is currently only one street tree on the site which is located on the Chandler Avenue verge. The tree is a Camphor Laurel species and well established, with a height of approximately 8 metre canopy cover spread of approximately 12 metres. The tree provides significant canopy cover and visual appeal for the street and the Town would therefore like to retain the tree as part of any development of the site (refer comments from Parks Division further in this report);
- There is an opportunity to retain the tree by redesigning the driveway around the tree or from the secondary street as required by the deemed-to-comply provisions.
- The proposed width of the driveway at 7.1 metres in lieu of 6 metres will result in more hardstand area at the expense of landscaping and an established street tree and this will have a negative impact on the streetscape and is therefore not supported;
- Given the above, the location of the driveway is not supported.

(Refer internal referral comments from Parks Division later in this report for further discussion).
### Clause 5.5.1 of the Residential Design Codes Ancillary Dwellings

<table>
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<th>Deemed-to-comply provision</th>
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<td>Ancillary Dwellings</td>
<td>Ancillary dwelling associated with a single house and on the same lot where there is a maximum plot ratio area of 70m²</td>
<td>The development proposes two ancillary dwellings which have a plot ratio area of 148m² (living space 2) and 102m² (upper floor). For the purposes of the assessment it will be considered that one of these living areas is the single house component of the property and the other two independent living spaces form the ancillary components. The variation to the plot ratio area is therefore at a minimum 32m² for the upper floor and 78m² for living area 2.</td>
</tr>
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</table>

Under the Town's Town Planning Scheme Ancillary dwellings are incidental to a single house and therefore a permitted use, however, this development proposes two ancillary dwellings, both of which exceed the 70 m² plot ratio. The Design Principles of the R-Codes are considered below:

- The development presents as a two-storey residential dwelling which is consistent with the development that can be constructed in the area. However, the development also quite clearly proposes to function internally as three separate and individual living spaces. Each separate space within the development is self-contained and includes its own bedroom, kitchen, dining, bathroom and living area. The only shared space within the development is the garage and laundry area.
- The Town understands the importance of adaptive and special purpose housing, and provided that it does not impact on the amenity of the locality, would be supportive of it. However, in this case the size and desired layout of the three independent spaces has resulted in two louvered outdoor living structures and a balcony to service each of the independent spaces with a northern aspect to the extent that it imposes on the primary street setback and each of the ground floor independent living areas pushing back into the rear setback impacting on the open spacious nature of traditional rear setbacks provided in the locality. Although, an open area is proposed at the rear of the dwelling it is semi-enclosed by the dwelling and as such there is no area providing a large open space at the rear.
- To this end, the proposed ancillary dwellings do not satisfy Clause 67 of the Planning and Development Regulation (Local Planning Schemes) Regulations 2015 Clauses (a), (m) and (n) as the proposed ancillary dwellings and plot ratio area will compromise the amenity of the area and have a negative impact on the adjoining properties given the design and layout requirements have necessitated compromises to the setbacks, landscaping and street trees.
Internal Referral (Parks Division for Proposed Street Tree Removal)

The Infrastructure Parks Business Area does not support removal of the existing Camphor Laurel tree (Cinnamomum camphora). The tree is a healthy evergreen specimen, approximately 8 metres tall and a spread of approximately 5.5 metres. The tree is estimated to be approximately 50 years old. It is the second largest tree in the street and contributes the greening and shading of the street, ubiquitous to character of the 'Garden Suburb' nature of Floreat.

The owners of the property have raised several concerns arguing for removal of the tree.

Following is a summary of concerns raised with responses provided by the Town's Park's Division:

- The tree is in the way of the proposed driveway - Town of Cambridge response: The house could have been designed differently to avoid conflict with the tree. The site is a large corner block with numerous opportunities to place a driveway in an alternative location. The house could also potentially be retained as currently designed by utilising a 'U' shaped driveway installed around the tree to gain access to the garage.

- The tree does not comply with the Town's Street Verge Landscape and Maintenance Guidelines namely:
  - Where a footpath does not exist on that side of the street, a 1.5 metre wide strip suitable for pedestrian access must be maintained along the length of the street verge at the kerb side
    Town of Cambridge response: With minor level adjustments a 1.5 metre level strip should be achievable;
  - The level and grade of the street verge, and between adjoining street verges, shall remain consistent and free of barriers, trip hazards, excessive undulations, mounds, holes, depressions, ridges and terraces;
    Town of Cambridge response: the intent is to minimise hazards to pedestrians. The Town believes the mounding around the base of the tree can be managed in a manner that would result in an acceptable level of risk. This has been achieved elsewhere in the Town;
  - The Camphor laurel tree (Cinnamomum camphora) is not listed on the Town of Cambridge Treescape Plan 2010-2020 (Rev5) section 4.1.4 OCEANIC as a tree for use in this area;
    Town of Cambridge response: Not relevant as the tree existed prior to development of the Treescape Plan and all healthy trees are to be retained - refer Section 3.13;
  - The species will grow too tall for the location and exhibits poor form due to power line trimming;
    Town of Cambridge response: Pruning will be undertaken to improve the form of the tree after the power lines are relocated underground. This will ensure the tree displays much better appearance into the future;
  - The root system is unduly disruptive to built features including sewer pipes and underground services (with reference to Watercorp document)
    Town of Cambridge response: Apart from the very localised heaving in the immediate vicinity of the trunk, thee tree is displaying no disruptive surface roots. The old asphalt driveway only metres from the tree is in very good condition given its age. New pipe networks as would be installed in a new house build are generally much better at resisting root intrusion. The Town believes any potential future root issues can be easily managed;
Camphor laurel trees are not native to Australia and are described as being a significant environmental noxious weed in other parts of Australia;

**Town of Cambridge response:** The species is not a Declared Weed in WA and poses very little risk in urbanised parts of Perth due to the climate and growing conditions being quite different to Eastern Australia;

- The Camphor laurel tree fruit and leaves are mildly toxic to humans;

**Town of Cambridge response:** Bulletin No. 4641 Harmful garden plants in Western Australia – West Australian Department of Agriculture and Food July 2009 indicates the species represent a low to medium harm potential. The tree has been identified along with over 150 other common garden species that could potentially cause harm. The bulletin also provides guidance for considering actual risk for harm versus potential. The Town believes the likelihood of contact that may cause harm to be very low and severity to be low-to medium representing an overall acceptable risk when compared to the benefits of the tree;

- The tree is to the north of the lot and adversely shades winter sun access to the site;

**Town of Cambridge response:** Some parts of the site will be shaded by the tree. This is seen as beneficial in cooling roofs and hard pavements in Summer. Lot boundary pruning can be carried out by the Town on request if the residents do not wish to have the tree impinge on the property;

- The tree is located in a bushfire prone area;

**Town of Cambridge response:** The applicant must take this into account when designing their development;

- The tree will not support wildlife;

**Town of Cambridge response:** Birds are known to eat the berries and the branches provide roosting opportunities. Some insects and small lizards are also likely to utilise the tree;

- The applicants prefer native trees;

**Town of Cambridge response:** The applicants are encouraged to plant native trees on their property. The Town is able to plant several more native trees on the verges if the applicants wish;

If the Council was to agree to the removal of the tree, the owners have suggested replacement trees could be planted at their expense. The Town is not supportive of this approach as set out above, but would be supportive of additional trees being planted.

**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 wish to approve the development application, an absolute majority decision is required.

**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 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

**DV18.188 LOT 203 (NO. 35) HESPERIA AVENUE, CITY BEACH - TWO STOREY DWELLING WITH UNDERCROFT GARAGE**

**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 of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a Two Storey Dwelling with Undercroft Garage submitted by ANB Design at 203 (No. 35) Hesperia Avenue, City Beach as shown on the plans dated 17 October 2018, for the following reasons:-

1. The proposal does not satisfy the requirements of Clause 39 of the Town Planning Scheme No. 1 and is considered to be incompatible with the existing form of development in the area;

2. The proposal would have a negative impact on future development within the area, and would be inconsistent with the prevailing streetscape, and therefore is not in accordance with orderly and proper planning in the locality;

3. The proposal is not considered to meet the intent of the City Beach Precinct Policy (LPP 6.1) as it is not in keeping with the Residential R12.5 density code, in terms of setbacks and open nature of space around each dwelling;

4. The approval of the proposal will establish a precedent which may be considered in future planning decisions, which could result in a significant impact on the Kingsland Avenue and Hesperia Avenue streetscapes, and as such, is not consistent with orderly and proper planning;

5. The proposal does not meet the design principles of the R- Codes (Clause 5.1.3 - Lot Boundary Set back), as the proposed set back of the dwelling from the southern boundary:
   5.1 creates substantial bulk as viewed from the street and the adjoining properties;
   5.2 reduces access to sunlight and ventilation for the adjoining dwelling to the south; and
   5.3 is inconsistent with the prevailing development context in the immediate locality.

6. The proposal does not satisfy the objectives of Local Planning Policy 3.3 - Building Height, as the building height does not consider and respond to the natural topography of the site;

7. The proposal is not considered to meet the Design Principles of the R- Codes (Clause 5.1.6 - Building Height) as it results in undue impact of building bulk on the adjoining properties and the streetscape, and will have an impact on access to views of significance;

8. The proposal is not considered to meet the Design Principles of the R-Codes (Clause 5.4.1 - Visual Privacy) as the balcony reduces privacy between adjoining properties;
9. The cumulative impact of the variations proposed will create substantial bulk of the dwelling as viewed from the street and the adjoining properties, and will be inconsistent with the desired and existing streetscape;

10. The proposal is not considered to meet the Design Principles of the R-Codes (Clause 5.3.4 - Vehicular Access) as:

10.1 the crossover results in the unnecessary removal of the street tree; and

Motion put and CARRIED EN-BLOC (9/0)

SUMMARY:

The purpose of this report is for Council to consider a development application for a two-storey dwelling with an undercroft garage at Lot 203 (No. 35) Hesperia Avenue, City Beach.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39) and the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme or where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme, and therefore the application is required to be determined by Council. Variations are sought in relation to lot boundary setbacks, building height, street walls and fences, site works and visual privacy. These variations were advertised to the surrounding owners and occupiers.

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

The Administration recommends that the application should be refused.

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:

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<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
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<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Ciara Slim, Planning Officer</td>
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<td>Attachment(s):</td>
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<td>2. Site Photos (4 pages)</td>
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<td>5. Neighbour Comment (1 page)</td>
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Applicant: ANB Design
Owner: Mr E Sberna and Mrs G Sberna
Zoning: Residential R12.5
Precinct: P1 – City Beach
Development Description: Two Storey Dwelling with Undercroft Garage
Development Value: $1,200,000
Existing Land Use: Dwelling (single)
Proposed Use Class: Dwelling (single)
Lot/Land Area: 905m²
Heritage Listing: N/A
Application Received Date: 3 July 2018
Application Process Days: 168 days

DETAILS:

Development description

The subject site is located within the City Beach Precinct (P1). The lot was created as part of an amalgamation of five lots, and subsequent subdivision into seven (7) lots. The subdivision was approved by the planning commission on 10 November 2015.

The subject site is located on the corner of Kingsland Avenue and Hesperia Avenue and is orientated in a north-south direction. The lot slopes upwards approximately 3.8 metres from the northern (front right) corner to the southern (rear left) corner. The street naturally slopes upwards from the west to the east and from north to south, with the subject site being at the lowest point of the subdivided sites.

The surrounding properties consist predominantly of two-storey dwellings. Three of the vacant lots of the approved subdivision have had development applications approved, however, no building permits have been submitted to date.

The development application proposes the following:

- A two storey dwelling with undercroft garage, which proposes a ground floor minimum setback of 6.33 metres to a post to the pool seating area, and a 16.1 metre setback to the remainder of the ground floor. The upper floor is set back 16.81 metres from the primary street boundary (Kingsland Avenue).
• The dwelling is orientated towards the secondary street (Hesperia Avenue), with the ground floor set back 3.87 metres from the boundary, and the upper floor balcony set back 4.0 metres from the boundary. Stepped retaining walls/planter boxes are proposed within the secondary street setback area to a maximum height of 1.2 metres above the natural ground level.

• A balcony and verandah extend the full width of the primary and secondary street elevations, on both the ground and upper floors.

• An undercroft is proposed with vehicular access from Hesperia Avenue. A gradient of 1:5 is achieved from the existing level at the boundary. The applicant proposes to alter the existing verge level to achieve a compliant driveway gradient. This is not the preferred option by the Town’s Infrastructure Services and altering the verge level is only considered where it is deemed that there is no alternative crossover location.

• Steps are located within the primary street setback area, however, at no point does the fill or the height of the steps exceed 0.5 metres above the natural ground level.

• A raised pool and pool seating area is proposed within the primary street setback area, with a height of between 1.0 metre and 1.8 metres above the natural ground level. The pool and seating area are set back 6.21 metres from the primary street (Kingsland Avenue) boundary.

• A solid wall is proposed along the eastern boundary within the front setback area to a maximum height of 2.25 metres above the natural ground level, which does not meet the deemed-to-comply requirements of the Town’s Streetscape Policy (Clause 3.1.7 - Street Walls and Fences). Fencing along the primary street (Kingsland Avenue) boundary has been removed as part of this application.

• A rear setback variation is sought in relation to the setback of the ground and upper floor from the southern boundary. An objection has been received.

• All setbacks to the eastern boundary meet the deemed-to-comply requirements of the R-Codes.

• A building height of 8.94 metres is proposed to the northern (front right) corner of the dwelling, with a minimum building height of 6.54 metres proposed to the southern (rear left) corner of the dwelling.

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;
3.2 – Buildings on the Boundary;
3.3 – Building Height; 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. A design principle assessment has been undertaken with regards to the variations to Lot Boundary Setbacks (Clause 5.1.3), Building Height (Clause 5.1.6), Street Walls and Fences (Clause 5.2.4), Site Works (Clause 5.3.7) and Visual Privacy (Clause 5.4.1).

Community Consultation

The application was advertised for a period of 17 days, from 7 September 2018 to 24 September 2018, in accordance with the requirements of Local Planning Policy 2.3: Public Notification of Planning Proposals.
The application was advertised to the seven (7) surrounding property owners in relation to street setbacks, lot boundary setbacks, building height, visual privacy and site works. One (1) submission was received during the advertising period.

A copy of this submission is attached to this agenda.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions. A copy 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)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback of pool and seating area walls from the primary street (Kingsland Avenue) boundary</td>
<td>7.5 metres</td>
</tr>
<tr>
<td>Setback of cabana from the primary street (Kingsland Avenue) boundary</td>
<td>7.5 metres</td>
</tr>
<tr>
<td>Setback of retaining walls from secondary street (Hesperia Avenue) boundary</td>
<td>3.75 metres</td>
</tr>
</tbody>
</table>

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 an 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:

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 setback of the proposed pool wall and seating area wall from the primary street will be inconsistent with setbacks in the immediate locality. Kingsland Avenue consists predominantly of open streetscapes with extensive vegetation and minimal fencing (most of which is open style). It is noted that there are instances where there are intrusions into the setback area in the immediate locality. Of those that are located within 7.5 metres of the front boundary is a carport approved in 2007 at No. 17 Kingsland Avenue, an open portico to No. 13 Kingsland Avenue approved in 2003 and a dwelling approved in 2010 with a 6.0 metre front setback at number 9 Kingsland Avenue. It is considered, however, that the bulk that these non-compliant structures present to the street create an undesirable streetscape.
The approval of the proposed raised areas within the setback area will further add to the bulk on the street, and will be inconsistent with orderly and proper planning.

It is considered that the proposed levels of the dwelling, which further guide the levels of the pool area, do not reflect the natural slope of the site, and result in increased bulk as viewed from the street. The proposed finished floor levels are to accommodate the proposed undercroft garage. This in turn, then increases the finished floor level of the dwelling to a level consistent with one of the highest levels across the site (to the southern corner), resulting in the ground finished floor level being approximately 3.2 metres above the verge/footpath level. It is realised that the pool deck has been stepped to a level lower than the ground floor and alfresco, however, the level being RL22.52 still results in the area being approximately 2.5 metres above the verge level, and is inconsistent with the natural slope of the site and the street.

The variations to the retaining walls within the secondary street setback area are considered minor and could be supported. The proposed retaining walls are for the purpose of landscaping, and will enhance the secondary street setback area. No solid fencing is proposed, as required by the Town's Streetscape Policy (Clause 3.1.7 - Street Walls and Fences). The heights of the retaining walls are, however, guided by the finished floor level of the dwelling, the proposed undercroft garage, and if the plans were to be amended to reduce the finished floor level, the height of the retaining walls along the secondary street setback area would be reduced.

The proposed site, whilst having a significant slope, is a vacant site where minimum setback requirements could be achieved, consistent with the surrounding streetscape and orderly and proper planning in the locality.

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

Whilst the subject site is at the lowest corner of the subdivision, the reduced setbacks to the primary street, as a result of the proposed levels are inconsistent with the immediate locality.

The amenities in the locality will be compromised by the approval of this application. The proposed retaining wall heights are inconsistent with the established streetscape.

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

Whilst the proposal will be consistent with the Statement of Intent of the City Beach Precinct, by providing a single residential dwelling, it is considered that the sheer bulk and scale of the proposal as seen from the street could detrimentally guide future redevelopment within the area.

As the dwelling is located in a seven lot subdivision, it is considered that the reduced setbacks could guide future developments within the subdivision.

(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 two-storey residential dwelling with an undercroft garage to be occupied by the owners of the property. The reduced street setback to the pool and raised seating area will not result in an undue adverse effect on the owners of the property, however, will not greatly increase the use of the building.
It is considered the proposed heights of the retaining walls as a result of the inclusion of an undercroft garage will have a detrimental impact on the open streetscape in terms of building bulk, whilst have little beneficial impact on the occupiers and users of the development.

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

It is considered that the reduced setbacks to the pool and seating area will have little impact on the adjoining properties immediately to the east, as views will be maintained due to the larger setbacks of the ground and upper floor from the front boundary.

The impact on the locality and the existing Kingsland Avenue streetscape will be detrimental, as the pool and seating area levels present as solid walls, creating unnecessary bulk as viewed from the street. The overall bulk of the dwelling as presented to the street is inconsistent with those in the immediate locality.

The retaining walls, compounded with the building height and lot boundary setback variations will have a negative impact on the amenity of the inhabitants of the locality.

(iii) The likely future development of the locality.

As the subject site is part of a larger subdivision, and surrounded by vacant sites, the approval of the development has the potential to guide future development in the immediate locality. The approval of the proposed two-storey dwelling with undercroft garage, with retaining in the front setback area could set an undesirable precedent and affect future development within the locality. The subject site is located centrally to the subdivision and as a corner site, sets a standard for development in the area. The approval of the proposed application will not be in keeping with the desired future development of the area.

The proposed non-complying application is therefore not supported.

Lot Boundary Setbacks (Clause 5.1.3 of the R-Codes)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback of verandah and dwelling (both ground and upper floor) from rear (southern) boundary</td>
<td>6.0 metres</td>
</tr>
</tbody>
</table>

The applicant seeks a variation to the setbacks of the dwelling from the southern rear boundary, for both the ground and upper floors. It is considered that the proposal does not satisfy the above design principles for the following reasons:

- The application is for a new build on a lot with an area of 905m². The lot is rectangular in shape, and has a depth of 45.06 metres. It is considered that the combination of the reduced primary street and rear setback variations create substantial bulk, and does not reflect the built form in the immediate locality.
- The expanse of the building along the secondary street does not contribute to the prevailing streetscape, and does not provide the notion of space expected in a Residential R12.5 density coding.
It is noted that the southern (rear) boundary abuts the side setback of the adjoining site, however, the adjoining development has been approved with the outdoor living area located in the area abutting the rear of the subject site. The increase in shadow, whilst still meeting the deemed-to-comply requirements of the R-Codes (Clause 5.4.2 - Solar Access for Adjoining Sites), will reduce access to direct sunlight to the outdoor living area and swimming pool of the adjoining property to the south and will significantly reduce direct sunlight and ventilation to the open spaces.

The reduced setback to the upper and ground floor, with minimal articulation will affect the amenity of the adjoining property to the south by increasing the impact of building bulk.

The adjoining owner to the south has stated that whilst they object to the upper floor variation, they generally do not object to the ground floor being located within the rear setback area.

The reduced setback to the balcony has a greater impact on overlooking of the adjoining property to the south as a result of the reduced rear setback.

It is considered that on a lot of this size, reduced setbacks are not necessary to make effective use of the space.

The variations to the building height (up to a maximum of 7.65 metres along the southern elevation) further contributes to the bulk as presented to the adjoining properties, and reduce the appearance of space around the dwellings, both on the upper and lower levels.

Overall, the proposed variations to the rear lot boundary setback will create excessive building bulk and will decrease sunlight and ventilation to the open spaces of the approved dwelling to the south. The combination of the reduced primary street setback (Kingsland Avenue) and rear setback variations will create excessive bulk as viewed from the secondary street (Hesperia Avenue). The proposal is therefore not considered to satisfy the design principles of the R-Codes.

### Building Height (LPP 3.3 and 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>Maximum Building Height (to top of roof)</td>
<td>Maximum 7.0 metres</td>
<td>8.94 metres maximum</td>
</tr>
</tbody>
</table>

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

- The dwelling exceeds the maximum building height for 94% of the overall upper floor roof, with only a small portion, not visible from street, meeting the deemed-to-comply requirements of the Town's Building Height Policy. This creates a detrimental impact on the streetscape in terms of building bulk.
- Whilst it is noted that the subject site is at a lower level than the adjoining properties to the east and south, it is considered that the design does not reflect the existing natural ground level, and as a result, is 1.94 metres above the maximum permissible building height, at a section that is visible from both the primary and secondary streets.
- The applicant seeks approval for a ground finished floor level (FFL) of RL23.24, which is approximately 3.0 metres above the lowest natural ground level on the site, and 0.87 metres below the highest natural ground level on site. This does not accurately reflect the natural contours of the site, as the level of filling is much greater than the degree of cutting.
• The applicant proposes an undercroft garage, which results in an increased building height due to the need to comply with minimum gradients and internal ceiling heights. It is considered that the inclusion of an undercroft garage has resulted in the significant variation to building height. It should be noted that there is the opportunity for parking at-grade, and the inclusion of an undercroft garage and two full stories has resulted in an over-development of the site.

• The increased height, compounded with the reduced lot boundary setbacks and street setbacks will have an adverse impact on the amenity of the streetscape and that of the adjoining properties.

• The increased setback of the upper floor from the primary street will increase access to views of significance for those properties to the east, however, the combination of the reduced rear setback to the southern boundary and building height will have a significant impact on views of significant for adjoining dwellings to the south.

• It is noted that the applicant proposes a flat roof, which generally has a lower height than a compliant pitched roof, however, the variation to the height is to 94% of the upper floor roof area. With the reduced lot boundary setbacks to the upper floor, the view corridors between dwellings are reduced, therefore having a detrimental impact on views of significance for adjoining properties.

• It is recognised that a pitched roof can have a maximum ridge height of 9.0 metres, however, this requirement also has a maximum wall height of 6.0 metres, which reduces the overall bulk. A ridge is also to a small portion of the roof, with the roof then angled downwards towards to the walls. This creates the opportunity for view corridors for the adjoining properties, and reduces the overall bulk as viewed from the street and adjoining properties. The applicant proposes wall heights in excess of 6.0 metres for the entire dwelling (lowest wall height proposed 6.54 metres to southern corner), and a flat roof over height for 94 percent of the area of the roof, therefore not providing the view corridors that would be provided with a pitched roof.

Overall, the proposed variation to the building height will create excessive height and bulk as viewed from the primary and secondary streets and the adjoining properties, and will have a detrimental impact on the existing streetscape and access to views of significance. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

Fences and Street Walls (Clause 3.1.7 of LPP 3.1 – Streetscape and Clause 5.2.4 of the R-Codes)

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum solid wall height in front setback area</td>
<td>0.75 metres</td>
<td>2.25 metres</td>
</tr>
<tr>
<td>Solid walls for letter box</td>
<td>Maximum width 1.0 metre</td>
<td>Maximum width 2.0 metres</td>
</tr>
</tbody>
</table>

A variation is sought in relation fencing with the front setback area. It is considered that the proposed wall in the front setback area does not satisfy the above design principles as shown below. The variation to the letter box width is supported:

• Kingsland Avenue currently consists of a predominantly open streetscape. The inclusion of a 2.25 metre high solid wall within the front setback area will create unnecessary bulk to the street as viewed from Kingsland Avenue looking east and west.
• It is noted that there are properties with solid walls in the front setback area, however, these are for a small portion of the boundaries, and do not affect views down the street. A majority of these fences were approved prior to 2005. The approval of the proposed development would further impact the openness of the street, and as it is to the side boundary, would reduce the openness of the streetscape as it would block views down the street.

• Kingsland Avenue is a local road and the attenuation of traffic and noise is considered unnecessary.

• The proposed mailbox is consistent with the existing streetscape, and acts as an architectural feature. The length of the mailbox, combined with the height well below the maximum permissible height results in clear views of the dwelling and less of an impact on the streetscape. This variation could therefore be supported.

Overall, the proposed solid wall is inconsistent with the prevailing streetscape and character of the area and has an increased impact in terms of building bulk on the Kingsland Avenue streetscape. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

Vehicular Access and Crossovers (Clause 3.1.12 of LPP 3.1 - Streetscape and Clause 5.3.4 of the R-Codes)

<table>
<thead>
<tr>
<th>Setback of crossover to street trees</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.5 metres</td>
<td>Removal of existing street tree</td>
<td></td>
</tr>
<tr>
<td>Driveway Gradient</td>
<td>1:6</td>
<td>1:5</td>
</tr>
</tbody>
</table>

A variation is sought in relation to the location of the crossover and the gradient of the driveway from the verge to the undercroft garage. It is considered that the proposal does not satisfy the above design principles as shown below:

• The secondary street boundary is 36.69 metres in length, with one verge tree existing on the Hesperia Avenue street frontage. The applicant has proposed the crossover in the same location as that existing street tree.

• The applicant has noted on the plans that the verge level is to be adjusted to allow for a compliant gradient. This was referred to the Town’s Infrastructure Services and it was commented that while the change in levels may be able to be considered, supporting information would be required as to why those changes should be approved. The supporting information is to provide details on why an alternative location is not possible.

• The Town’s Infrastructure Services (Parks) has stated that it may be possible to remove the existing street tree on the Hesperia Avenue verge, however, this is not considered necessary if an alternative crossover location is available.

It is considered with the non-compliant gradient and proposed removal of the existing street tree, the vehicular access proposed cannot be supported. The proposal is therefore not considered to satisfy the design principles of the R-Codes.
Site Works (Clause 5.3.7 of the R-Codes)

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavation and fill within 1.0 metre of a lot boundary</td>
<td>No more than 0.5 metres above natural ground level</td>
<td>0.66 metres on southern rear boundary</td>
</tr>
</tbody>
</table>

A variation is sought in relation to site works within 1.0 metre of the lot boundary. It is considered that the proposal does not satisfy the above design principles as shown below:

- It is considered that the proposed variation to fill on the southern boundary is minor in nature, however comes as a result of the proposed finished floor level of the site, which does not accurately reflect the existing contours.
- The retaining wall, combined with the reduced rear setback, building height and visual privacy variations will have a negative impact on the useability of the approved outdoor living area, and combined, create substantial bulk as viewed from the adjoining property to the south.

Overall, the proposed retaining walls are inconsistent with the natural levels of the site, therefore has an increased impact in terms of building bulk on the adjoining property. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

Visual Privacy (Clause 5.4.1 of the R-Codes)

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback of ground floor alfresco dining from eastern side boundary</td>
<td>7.5 metres</td>
<td>5.52 metres</td>
</tr>
<tr>
<td>Setback of upper floor terrace from eastern side boundary</td>
<td>7.5 metres</td>
<td>5.42 metres</td>
</tr>
<tr>
<td>Setback of upper floor balcony from southern rear boundary</td>
<td>7.5 metres</td>
<td>2.118 metres</td>
</tr>
</tbody>
</table>

The applicant seeks a variation in relation to the overlooking to the southern and eastern properties. It is considered that whilst no objections were received in relation to the variations to the eastern boundary and the overlooking is minor in nature, the proposed variation to the southern boundary does not meet the design principles of the R-Codes and cannot be supported as demonstrated below:

Southern Boundary

- The overlooking from the balcony to the southern property will directly overlook the location of the approved outdoor living area, behind the street setback line.
- Screening along the southern elevation does reduce the impact of overlooking, however does not extend along the entire southern elevation, therefore still reducing privacy between properties.
Eastern Boundary

- The reduced setbacks to the eastern boundary are minor (approximately 1.6m²), and whilst behind the front setback area, are predominantly screened by the boundary wall.
- The adjoining site to the east has no planning approval, however, the owner was consulted and no comments were received.
- The alfresco dining and terrace are setback sufficiently from the boundary to minimise the impact of overlooking and create space between the dwellings.

Overall, it is considered that while to overlooking to the eastern boundary could be supported, the overlooking to the southern boundary would overlook the outdoor living area of the adjoining site and would detrimentally affect the amenity of the adjoining property. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

Summary

In summary, although it is considered that the visual privacy variations to the eastern boundary and retaining/planters along the secondary street could be supported, it is considered that the cumulative effect of the number of variations proposed leads to overdevelopment of the site with an undesirable impact on the established streetscape, particularly in relation to the impact on building bulk as seen from the street and the adjoining properties. The nominated finished floor level is not reflective of the natural slope of the site, which results in the majority of the building being significantly over height.

It is considered that a number of these variations come as a result of the inclusion of an undercroft garage. In order to achieve minimum ceiling heights and driveway gradients, the entire dwelling has been ‘pushed up’ at the detriment of the streetscape and the adjoining properties. The number of variations proposed results in over development of the site, and as such, creates an undesirable precedent in a newly created subdivision.

It is therefore considered that the development as a whole does not meet the objectives of the R-Codes, the Town Planning Scheme No. 1 and the Town's Town Planning Scheme Policy Manual.

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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.
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.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.189 LOT 395 (NO. 2) PALANA ROAD, CITY BEACH - CARPORT

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 Carport submitted by PAB Consultants at Lot 395 (No. 2) Palana Road, City Beach as shown on the plans dated 16 November 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. The carport to remain open on all sides. No door shall be installed;

3. The roof material shall not be zincalume, white or off-white Colorbond for any roof with a pitch greater than five degrees; and

4. 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:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination; and

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

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

SUMMARY:

The purpose of this report is for Council to consider a development application for a double carport at Lot 395 (No. 2) Palana Road, City Beach.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39) and the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme or where a
Submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme and therefore the application is required to be determined by Council. A variation is also sought in relation to lot boundary setbacks.

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

**AUTHORITY / DISCRETION**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advocacy</td>
<td>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</td>
</tr>
<tr>
<td>Executive</td>
<td>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</td>
</tr>
<tr>
<td>Legislative</td>
<td>Includes adopting local laws, town planning schemes &amp; policies.</td>
</tr>
<tr>
<td>Review</td>
<td>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</td>
</tr>
<tr>
<td>Quasi-Judicial</td>
<td>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.</td>
</tr>
<tr>
<td>Information</td>
<td>For the Council/Committee to note.</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 395 (No. 2) Palana Road, City Beach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>16 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>DA18/0311</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Ciara Slim, Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (3 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development application plans (4 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Applicant Justification (1 pages)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Pab Consultants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Mrs C Gan and Mr L Gan</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential R12.5</td>
</tr>
<tr>
<td>Precinct:</td>
<td>P1 – City Beach</td>
</tr>
<tr>
<td>Development Description:</td>
<td>Carport</td>
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<tr>
<td>Development Value:</td>
<td>$30,000</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Dwelling (single)</td>
</tr>
<tr>
<td>Proposed Use Class:</td>
<td>Dwelling (single)</td>
</tr>
<tr>
<td>Lot/Land Area:</td>
<td>1174m²</td>
</tr>
<tr>
<td>Heritage Listing:</td>
<td>N/A</td>
</tr>
<tr>
<td>Application Received Date:</td>
<td>17 October 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>62 days</td>
</tr>
</tbody>
</table>
DETAILS:

Development description

The subject site is located within the City Beach Precinct (P1). The site is located on the corner of Palana Road and Marapana Road and currently comprises of a two storey dwelling with an undercroft garage. A double width driveway is located to the western side of the site, accessing Palana Road. A large retaining wall is located to the western side of the driveway.

Palana Road slopes upwards to the east, with the subject site located at the high end of the street. The surrounding sites consist predominantly of single and double storey dwellings. The northern side of the street (where the subject site is located) does not feature any carports in the front setback area, with the southern side of the street showing three (3) carports within the street setback area.

The development application proposes the following:

- A double carport, with a portion located under the existing ground floor balcony, set back between 3.73 metres and 5.12 metres from the primary street (Palana Road).
- The carport is 6.2 metres wide, with 0.15 metre wide steel support posts.
- The carport is to utilise the existing driveway and crossover.
- The carport will be set back 1.0 metre from the western boundary in lieu of 1.5 metres.
- A flat roof is proposed, consistent with the design of the dwelling.
- The overall height of the carport will be 2.65 metres above the driveway level.

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 street setback in the City Beach Precinct. A design principle assessment has been undertaken with regards to the variations to Lot Boundary Setbacks (Clause 5.1.3).

Community Consultation

The application was advertised for a period of 14 days, from 25 October 2018 to 8 November 2018, in accordance with the requirements of Local Planning Policy 2.3: Public Notification of Planning Proposals.

The application was advertised to the four (4) surrounding property owners and occupiers in relation to street set back and lot boundary setback variations. No comments were received.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to the proposed variations. A copy 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)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback of carport from</td>
<td>7.5 metres</td>
</tr>
<tr>
<td>primary street (Palana Road)</td>
<td>3.6 metres – 5.25 metres</td>
</tr>
<tr>
<td>boundary</td>
<td></td>
</tr>
</tbody>
</table>

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 an 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:

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

   There are three (3) carports located within the street setback area on Palana Road. Whilst it is noted that there are no carports located on the northern side of the street (where the subject site is located), as a result of the slope of the street, a number of properties feature high retaining walls to allow for vehicular access. The subject site contains a 1.95 metre high retaining wall to provide access to the undercroft garage. The proposed carport will be only 0.7 metres higher than the retaining wall and will ensure that there is no increased bulk as viewed from the street.

   The proposed carport will be screened by mature vegetation to the west, and the existing retaining wall to the east, and will be consistent with orderly and proper planning in the immediate locality.

   The carport has been designed to complement the existing dwelling and features a flat roof with 0.15 metre wide posts and open on all sides (except where it abuts the dwelling), which will reduce the overall bulk of the structure as viewed from the street.

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

   The encroachment into the primary street (Palana Road) setback area will have little impact on the existing streetscape and will not affect passive surveillance from the dwelling above.

   The proposed carport does not unduly impact on open space requirements, as it provides roof cover to 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; and

The proposal will be consistent with the Statement of Intent of the City Beach Precinct, and will provide additions to an existing single residential dwelling which will not be out of character with the prevailing streetscape.

(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 double carport to provide a covered parking area for vehicles. It is noted that there is currently an undercroft garage existing on the site. The reduced street setback will not result in an undue adverse effect on the owners of the property. The proposed reduced setback to the front boundary will have no impact on the usability of the subject site and will still allow sunlight and ventilation to 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 proposed carport will be predominantly screened by the existing retaining wall to the east of the driveway.

The proposal does not impact negatively on any adjoining neighbouring property due to the open nature of the structure and the fact that it is adjoining the front setback area of the property to the east. The adjoining owners in the immediate locality have no objections to the proposal.

(iii) The likely future development of the locality.

It is considered that the variation to front setback area could be supported due to the existing features of the site, and would be unlikely to guide future development in the immediate locality.

The proposed non-complying application is therefore supported.

Lot Boundary Setbacks (Clause 5.1.3 of the R-Codes)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum 1.5 metres</td>
<td>1.0 metre</td>
</tr>
</tbody>
</table>

The applicant seeks a variation to the setback of the carport from the western side boundary. It is considered that the proposal does satisfy the above design principles for the following reasons:

- The proposed carport is set back in line with the existing dwelling (western elevation) and features a flat roof to minimise the impact on the streetscape and the adjoining properties.
• As a result of neighbour concern, the applicant has removed the screening and open style door to now propose a completely open style carport, except where it abuts the dwelling. This reduces the impact of the structure on the streetscape and ensures sunlight and ventilation to adjoining properties.

• The 1.0 metre setback is consistent with setbacks in the immediate locality, and still provides the impression of space around the dwelling, consistent with the Residential R12.5 density zoning.

• The reduced setback is to the western boundary, therefore there will be minimal impact on overshadowing of outdoor living areas to the adjoining property.

• The impact of the posts and slimline roof will ensure that the structure will complement the dwelling and have minimal impact on the streetscape.

Overall, the proposed variation to the lot boundary setback will have little impact in terms of building bulk or overshadowing on the adjoining property and provides a setback consistent with the existing streetscape. The proposal is therefore 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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
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 Carport submitted by Ms J P Jenkins at Lot 61 (No. 16) Highbury Street, Floreat as shown on the plans dated 15 November 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. The carport to remain open on all sides. No door shall be installed;

3. The roof material shall not be zincalume, white or off-white Colorbond for any roof with a pitch greater than five degrees;

4. 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;

5. The two (2) trees located on the verge directly adjacent to the subject site to be retained;

6. The driveway to be tapered so that the crossover is a minimum distance of 1.5 metres from the base of the verge tree; and

7. The crossover shall be no wider than 6.0 metres (excluding splays).

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination;

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

5. 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.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)
SUMMARY:

The purpose of this report is for Council to consider a development application for a double carport at Lot 61 (No. 16) Highbury Street, Floreat.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39) and the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme or where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1b) of the Scheme, and therefore the application is required to be determined by Council. A variation is also sought in relation to the width of the carport posts.

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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 61 (No. 16) Highbury Street, Floreat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>16 October 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>DA18/0332</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Ciara Slim, Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (3 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development application plans (3 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Applicant Justification (2 pages)</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Ms J P Jenkins</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms J P Jenkins</td>
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<td>Zoning:</td>
<td>Residential R12.5</td>
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<td>Precinct:</td>
<td>P3 – Floreat</td>
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<td>Development Description:</td>
<td>Carport</td>
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<td>Existing Land Use:</td>
<td>Dwelling (single)</td>
</tr>
</tbody>
</table>

H:\CEO\GOV\COUNCIL MINUTES\18 MINUTES\DECEMBER\B DV.DOCX 168
## DETAILS:

### Development description

The subject site is located within the Floreat Precinct. The site currently comprises of a two-storey dwelling with driveway and hardstand to the western side of the property. The dwelling is currently set back approximately 9.0 metres from the front boundary.

The surrounding sites consist predominantly of single storey dwellings, with five (5) carports evident in the front setback area in the immediate locality.

The development application proposes the following:

- A double width carport, 6.5 metres wide and 5.4 metres deep to be constructed over the existing paving and hard stand on the western side of the site.
- The carport is set back 1.5 metres from the front boundary in lieu of 9.0 metres.
- A setback of between 0.78 metres and 1.765 metres is proposed to the north-western side boundary in lieu of a minimum of 1.0 metre.
- The carport has been designed with a pitch and gable to complement the architectural character of the existing dwelling.
- The carport is open on all sides and does not adjoining the dwelling.
- The proposed piers are a maximum 0.6 metres wide and deep, with the upper portion of the pier reducing to 0.39 metres.
- A maximum height of 2.95 metres is proposed to the piers, with the ridge being 4.48 metres in height, meeting the deemed-to-comply requirements of Clause 3.1.4 of the Town’s Streetscape Policy (LPP 3.1).

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
- 6.3 – 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 14 days, from 2 November 2018 to 16 November 2018, in accordance with the requirements of Local Planning Policy 2.3: Public Notification of Planning Proposals.

The application was advertised to the four (4) surrounding property owners and occupiers in relation to street set back and lot boundary setback variations. No comments were received.
Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to street setbacks and carport pier width. A copy 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)

<table>
<thead>
<tr>
<th>Setback of Carport from Primary Street (Highbury Street)</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.0 metres</td>
<td>1.5 metres</td>
<td></td>
</tr>
</tbody>
</table>

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 an 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:

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 is consistent with existing setbacks in the immediate locality. Five (5) carports are located within the street setback area in the immediate locality.

The subject site is abutting the side boundary of the corner property to the north-west, and the proposed carport will be predominantly screened by the extensive mature vegetation between the properties.

The proposed structure is open style and will allow clear 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. It is considered, given the current streetscape, that the proposal would be consistent with the surrounding dwellings in the immediate locality.

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

The encroachment into the primary street (Highbury Street) setback area is in keeping with the streetscape, as it provides passive surveillance between the subject site and the street.
The applicant is retaining the existing dwelling and ensuring that the design of the carport compliments the existing architecture, materials and colours of the house. The reduced setback is due to the retention of the existing dwelling and the current setback of the dwelling from the street. The existing site does not provide any covered parking bays on site.

The proposed carport does not unduly impact on open space requirements, as 61 percent open space is provided across the site, in excess of the minimum 55 percent. The proposed carport is open style, and does not add to building bulk in the street setback area, therefore ensuring that the amenities of the locality are maintained.

(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, and will provide a carport that has been designed to complement the character of the existing 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 a double carport to provide a covered parking area for vehicles where there is currently none. With the retention of the existing dwelling, a compliant setback to a carport cannot be achieved.

The reduced street setback will not result in an undue adverse effect on the owners of the property. The proposed reduced setback to the front boundary will have no impact on the usability of the subject site and will have minimal impact on sunlight and ventilation to 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 proposed carport will abut a driveway and side boundary of the adjoining property to the north west.

The proposal does not impact negatively on any adjoining neighbouring property due to the open nature of the structure and is consistent with existing residential development in the locality. The adjoining owners in the immediate locality have no objections to the proposal.

(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 remainder of the streetscape. A number of similar structures are constructed within the street setback area of the surrounding dwellings.

The proposed non-complying application is therefore supported.

Lot Boundary Setbacks (Clause 5.1.3 of the R-Codes)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback of Carport from north western (left) boundary</td>
<td>Minimum 1.0 metre</td>
</tr>
</tbody>
</table>
The applicant seeks a variation to the setback of the carport from the north-western side boundary. It is considered that the proposal does satisfy the above design principles for the following reasons:

- The north-western boundary is angled, with the proposed carport at right angles to the front boundary. While a minor incursion of 0.2 metres is proposed for a portion of the carport, the remainder of the carport is set back 1.8 metres, 0.8 metres in excess of the minimum requirements. This will reduce the overall impact on the neighbouring property.
- The design of the proposed carport contributes to the prevailing streetscape and replicates the design of the dwelling.
- The proposed side setback is consistent with setbacks in the immediate locality, and still provides the impression of space around the dwelling, consistent with the Residential R12.5 density zoning.
- The reduced setback is to the north-western boundary, therefore there will be minimal impact on overshadowing of outdoor living areas to the adjoining property, as any shadow cast will be directed to the front of the subject site.

Overall, the proposed variation to the lot boundary setback will have little impact in terms of building bulk or overshadowing on the adjoining property and provides a setback consistent with the existing streetscape. The proposal is therefore considered to satisfy the design principles of the R-Codes.

Carports (Clause 3.1.4 of LPP 3.1 – Streetscape & Clause 5.2.1 of the R-Codes)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum 0.5 metres</td>
<td>0.6 metres</td>
</tr>
</tbody>
</table>

The applicant seeks a variation to the width and depth of the proposed carport piers. This variation can be supported by satisfying the relevant design principles, as follows:

- The variation to the pier width is minimal (0.1 metres) and will have little impact on the prevailing streetscape.
- The proposed carport is set back 1.5 metres from the boundary, and therefore the dimensions of the piers will maintain clear sight lines.
- The piers only exceed the maximum dimension at the bottom, with the top portion of the piers reducing to 0.39 metres. This ensures that the carport does not dominate the existing streetscape.
- The piers have been designed to reflect the piers to the front of the dwelling and will therefore add to the overall appearance of the development.

For the above reasons, the proposed variation to the pier width and depth is considered to meet the relevant design principles and is not considered to impact negatively on the prevailing streetscape. The variation is therefore recommended for approval.

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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
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 of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES BY AN ABSOLUTE MAJORITY, the application for a two (2) storey single dwelling with undercroft garage submitted by Germano Designs at Lot 15 (No. 6A) Weelara Road, City Beach as shown on the plans dated 19 October, 2018, subject to the following conditions:-

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;

2. The surface finish of the boundary walls facing the adjoining property to the north and south shall be face brickwork, in accordance with the approved plans, prior to the occupation of the dwelling and to the satisfaction of the Town;

3. The roof material not to be zinclalume, white or off-white Colorbond;

4. The crossover shall be no wider than 6 metres (excluding splays) and shall be built and maintained in accordance with the Town's specifications;

5. The landscaping in the front setback area to be installed within six (6) months of the completion of the dwelling and to be maintained to the satisfaction of the Town;

6. One (1) advanced growth tree, being a minimum 45 litre bag or minimum of 2 metres in height and diameter, shall 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;

7. A minimum of 50% of the length of the fence along the rear boundary shall be visually permeable in accordance with clause 3.1.7 of the Town's Planning Policy 3.1: Streetscape;

8. 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

9. All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.

Advice Notes specific to this approval:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

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

4. In relation to the fencing proposed to be constructed along the side property boundaries, the applicant is advised to liaise with the owners of the adjoining properties in accordance with the *Dividing Fences Act 1961*;

5. All works within the road reserve, such as vehicle crossovers, verge paving and/or landscaping require a separate application and approval by the Town’s Infrastructure Services. Those works must conform to the Town’s specifications;

6. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;

7. The landowner is advised that all mechanical equipment (e.g. air-conditioner) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise;

8. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application must be submitted to and approved by the Town prior to any construction or earthworks commencing on site; and

9. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

**SUMMARY:**

The purpose of this report is for Council to consider a development application for a two storey single dwelling with undercroft garage at Lot 15 (No. 6A) Weelara Road, City Beach.

The subject site is located within the pocket of City Beach north of Hale Road which is coded R20. The site is a part of an approved subdivision to create three (3) lots:

- Lot 16 (No. 4) Weelara Road - 759m²
- Lot 15 (No. 6A) Weelara Road - 380m²; and
- Lot 14 (No. 6B) Weelara Road - 374m².

Under the Town of Cambridge Town Planning Scheme No. 1 (TPS1) Clause 39, Council is required to determine an application by an absolute majority if a proposal does not comply with a standard or requirement of this Scheme. In this instance, the proposed application does not meet the minimum 7.5 metre primary street set back provisions of Clause 20(1) (a) as retaining walls are proposed along lot boundaries.

Additionally, the application seeks variations to the deemed-to-comply provisions of the Residential Design Codes (R-Codes), Local Planning Policy 3.1 – Streetscape, Local Planning Policy 3.2 - Buildings on Boundary and Local Planning Policy 3.3 – Building Height. It is
considered that the proposed development satisfies the relevant design principles of the R-Codes and Policies.
The application was advertised to affected landowners for comment and no submissions were received.

Accordingly, 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:**

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<tr>
<th>Address/Property Location:</th>
<th>(No 6A) Weelara Road, City Beach</th>
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<td>Report Date:</td>
<td>12 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0204DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Karen Liddell, Senior Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location Plan (1 page)</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Plan (1 page)</td>
</tr>
<tr>
<td></td>
<td>3. Site Photos (4 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Development application plans (8 pages)</td>
</tr>
<tr>
<td></td>
<td>5. Applicant's Justification (4 pages)</td>
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</table>

<table>
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<tr>
<th>Applicant:</th>
<th>Germano Designs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Mr Arezo M Spagnolo</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential R20</td>
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<tr>
<td>Precinct:</td>
<td>City Beach</td>
</tr>
<tr>
<td>Development Description:</td>
<td>Two Storey Single Dwelling with Basement</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$750,000</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Vacant</td>
</tr>
<tr>
<td>Proposed Use Class:</td>
<td>Dwelling (Single)</td>
</tr>
<tr>
<td>Lot/Land Area:</td>
<td>380m2</td>
</tr>
<tr>
<td>Heritage Listing:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Application Received Date:</td>
<td>18 July 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>90 days</td>
</tr>
</tbody>
</table>
DETAILS:

Development Description

Site Context

The subject site is located within the P1: City Beach Precinct, in the pocket of City Beach north of Hale Road that is coded R20 under the Town’s TPS1. The site backs onto a public open space reservation and is currently vacant.

The subject site was previously part of a larger landholding (being No. 4 Weelara Road, City Beach) that was granted subdivision approval by the Western Australian Planning Commission in July 2014 (WAPC Ref: 149947). The subdivision created three (3) lots:

- 4 Weelara Rd - 759m²
- 6A Weelara Rd - 380m² (the subject site)
- 6B Weelara Rd - 374m²

The subdivision was supported by the Town in 2014 as the proposed lots met the average (450m²) and minimum (350m²) lot requirements for the R-20 coding.

The subject site slopes from approximately 32.00AHD at the north-eastern rear boundary, down to approximately 26.25AHD at the south-western street front boundary, resulting in a fall of approximately 5.75 metres across the site. The natural topography of the subject site is generally consistent with that of eastern side of Weelara Road. The natural ground levels (NGL) of the properties abutting either site of the subject site are also generally consistent with the west to east upward slope of Weelara Road. Surrounding development within the locality generally consists of two storey dwellings with a mix of undercroft or at-grade garages. The dwellings either side of the site are of similar style comprising two (2) storeys plus undercroft garage.

History of application

The subject application was received by the Town on 18 July 2018. The proposal is only now being presented to Council as a series of amended plans have been prepared by the applicant to address areas of non-compliance with the relevant planning framework. A summary of the processing of the application is as follows:

- 3 September 2018 - Met with applicant to discuss variations and non-compliances relating primarily to building height (exceeding 8.5 metres), primary street setback (6.3 metres) and retaining within the front setback.

- 17 October 2018 - amended plans received by the Town reducing the building height to comply with the Town’s then permitted building height of 7.5 metres. Primary street setback was amended to 7.5 metres.

- 19 October 2018 - amended plans received by the Town removing the colorbond fencing within the front setback area, and confirming the materials to be used for retaining walls within the front setback.

- 23 October 2018 - the Council resolved to amend Local Planning Policy 3.3 - Building Height. For the City Beach Precinct, the previous deemed-to-comply requirement of 7.5 metres for a flat roof design was revised to 7 metres.
• 24 October 2018 - the Town advertised the proposal due to variations to deemed-to-comply requirements including boundary setbacks, buildings to boundaries, building height, street walls and fences, landscaping, visual privacy and solar access.

• 6 November 2018 - advertising concluded. No submissions were received by the Town.

Proposal

The subject application proposes a two-storey flat-roofed dwelling with an undercroft garage that is set back 7.5 metres from Weelara Road. Some associated excavation and filling of the site is proposed in order to provide a flat surface for construction of the main portion of the dwelling. This has resulted in a building height of 7.5 metres towards the primary street frontage.

Additional details relating to the development application includes:

− Variations to lot boundary setbacks along the northern, eastern and southern boundaries;
− Overshadowing of approximately 27.7% of the adjoining property to the south in lieu of the deemed-to-comply 25%;
− Overlooking from a first and second floor balcony to the front setback areas of adjoining lots to the north (1.7 metres setback) and south (1.5 metres setback), both in lieu of 7.5 metres from behind the street setback area on the adjoining lot;
− Site works (excavation) over 0.5 metre along northern lot boundaries within 3 metres of the primary street line. The extent of excavation over the permitted 0.5 metres is approximately 0.3 metres;
− Retaining within the front setback over 0.5 metres along the northern lot boundaries. The maximum extent of retaining over the permitted 0.5 metres range is approximately 0.3 metres;
− A landscaped area within the primary street set back area covering approximately 40% in lieu of the deemed to comply 60%; and
− A solid wall greater than 1.0 metre in width within the front setback to accommodate a meter box.

Community Consultation

The application was advertised for a period of 14 days, from 24 October, 2018 to 6 November 2018, in accordance with the requirements of Clause 4.2.1 (Consultation Procedure) of the R-Codes.

No submissions were received during the advertising period.

Applicant's justification

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

Clause 20 of Town Planning Scheme No. 1 Primary Street Setback

Notwithstanding the provisions of the R-Codes, Clause 20 (1)(a) of the Scheme specifies a minimum set back requirement of 7.5 metres from the primary street for buildings.

The R-Codes defines a building as:

"Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools."

A proposed retaining wall shall be over the permitted height of 0.5 metres within the primary street setback and thus represents a variation to Clause 20. The retaining wall is over height by 0.3 metres (300mm).

When considering variations to Clause 20, Council shall have regard to the requirements of Clause 39 of the Scheme, which relate to non-complying applications.

Council must be satisfied by absolute majority that, in approving an application for development approval for a non-complying application, the development would be consistent with those requirements.

Clause 20 of the Town Planning Scheme No. 1 - Special Application of Residential Design Codes

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street Setback Area</td>
<td>Buildings (including retaining walls) to be a minimum of 7.5 metres setback from the primary street.</td>
<td>Retaining walls within the front setback up to approximately 0.8 metres in height.</td>
</tr>
</tbody>
</table>

An assessment against the requirements of Clause 39 is provided below:-

- The site is characterised by a significant change in natural topography, which is shown to fall by approximately 5.75 metres at the highest point (being the rear boundary) to the lowest point of the site (being the street frontage). The change in the natural topography requires management through retaining and this is evident along several of the existing properties along the eastern side of Weelara Road;

- Whilst the retaining wall has an overall height of 0.8 metres, the amount of retaining wall above NGL is only 0.3 metres which is considered to be a minor variation and in-keeping with the established streetscape of Weelara Road;

- It is considered that the variation to the front setback would not be out of character with the remainder of the streetscape, and is consistent with the dwellings immediately adjoining the subject site. The dwelling itself is set back in accordance with the street setback provision to ensure a consistency with the existing streetscape;

- The amenities in the locality will not be compromised by the approval of this application. The proposed variation is for a retaining wall which serves to manage the natural...
topography of the site. The visual amenity of the streetscape will not be compromised
given the relatively small scale of the retaining wall measuring a maximum of 0.8 metres
in height overall;

- The primary street setback variation of the proposed retaining wall will not impact on the
inhabitants of the locality. The retaining wall will maintain a consistent scale of building
that is not considered to have an adverse impact on the streetscape or locality; and

- The variation is required in order to retain the existing levels of the adjoining properties,
provide a relatively flat area for a useable front yard as well as to facilitate driveway
access to the proposed undercroft garage.

The proposed non-complying application is therefore supported for the reasons expressed
above.

Residential Design Codes/Local Planning Policy

The subject application meets all deemed-to-comply requirements of the R-Codes (and any
applicable local planning policy), with the exception of those identified in the following section:

Buildings on the boundary (Local Planning Policy 3.2 and Lot Boundary Setback (Clause 5.1.3
of the R-Codes)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Planning Policy 3.2 - Buildings on the Boundary</strong></td>
<td>Walls may be built up to a boundary behind the front setback line where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.</td>
</tr>
</tbody>
</table>
| **Lot Boundary Setback C3.1** | - Northern (side) Boundary: GF - garage 1.5 metres.  
  - Southern (side) Boundary: FF - A lift, stairs, a living room and a balcony (1) setback 1.5 metres.  
  - 2F - A lift, stairs, ensuite and a balcony (2) setback 1.5 metres.  
  - Eastern (rear) Boundary: 2F - A balcony (3) setback 2.3 metres. | - Northern (side) Boundary: GF - garage nil setback  
  - Southern (side) Boundary: FF - A lift, stairs, a living room and a balcony (1) setback 1.3 metres.  
  - 2F - A lift, stairs, ensuite and a balcony (2) setback 1.3 metres.  
  - Eastern (rear) Boundary: 2F - A balcony (3) setback 2.0 metres. |

The applicant seeks variations to the lot boundary setbacks to the northern and southern (side)
boundaries and eastern (rear) boundary. Under the Town's Buildings on the boundary Policy
(LPP 3.2), any variations to the deemed-to-comply requirements are to satisfy the design
principles of Clause 5.1.3 (Lot Boundary Setback) of the R-Codes.
It is considered that the proposed setback/boundary wall variations can be supported as they satisfy the relevant design principles as follows:

- Development potential of the lot is restricted due to the topography of the land rising steeply towards the rear lot boundary (approximately 5.75 metres fall) and the lot being relatively narrow (approximately 10 metres wide);

- Due to the steep topography of the site only the front portion of the garage parapet is likely to be visible from the adjoining vacant lot. The rear portion of the first floor will be lower than the NGL;

- Again, the topography of the site means that the proposed wall to be built up to the southern boundary will be below NGL for the most part with only a small projection of approximately 0.7 metres above NGL. The majority of the wall will not be visible from the adjoining lot as it will be below the dividing fence line which will effectively block the parapet wall from the neighbour;

- The number of proposed parapet walls (2), although not normally acceptable in these locations, represents an efficient use of the site (380m²) given the R20 code (Vs R12.5 in the remainder of City Beach);

- The minimum southern (side) setback of 1.3 metres on the first floor is due to a 'pier' of the proposed dwelling. The majority of the first floor of the dwelling is set back a distance of 1.5 metres from the southern boundary which meets the deemed-to-comply provisions;

- The components of the building on the first and second floors are set back approximately 15cm - 20cm closer to the side (southern) boundary than what is required under the R- Codes. Such variations are unlikely to be apparent when viewed from the adjoining properties; and

- As advised under the following section of this report the proposal satisfies the design principles relating to overshadowing.

For these reasons the proposed variation meets the design principles and is unlikely to have a detrimental impact on site, the adjoining properties and/or the locality.

**Clause 5.3.7 of the Residential Design Codes - Site Works**

The proposed variation relates to excavation exceeding 0.5 metres within 3.0 metres of the street boundary along the northern boundary associated with retaining walls.

The variation to the permitted excavation is required in order to retain the existing levels of the adjoining properties, provide a relatively flat area for a useable front yard as well as to facilitate driveway access to the proposed undercroft garage.

The extent of the variation is minor (up to 0.3 metres) and it is considered that the increased site works can be supported by satisfying the design principles of Clause 5.3.7 of the Residential Design Codes. An assessment against the design principles is provided below:

- The proposed site works will not be easily visible from the primary street, being located along lot boundaries, around the 3 metre setback point from the street line, and therefore is considered to respects the natural ground level at the lot boundary of the site when viewed from the street;
• The proposed site works visible from the street are compliant in height against the R-Codes;

• The site works will not be visible from adjoining properties as they are considered to be minor and will be wholly contained on site; and

• The proposed site works are considered to respond to the natural sloping topography.

Clause 5.4.1 of the R-Codes - Visual Privacy

<table>
<thead>
<tr>
<th>Clause 5.4.1</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
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<tr>
<td>Overlooking</td>
<td>Unenclosed outdoor active habitable spaces (e.g. a balcony), which have a floor level of more than 0.5 metres above natural ground level and overlook any part of any other residential property behind its street setback line, to be set back 7.5 metres from the lot boundary.</td>
<td>A first and second floor balcony at the front of the dwelling being proposed to have visual privacy setbacks of 1.7 metres from the northern lot boundary and 1.5 metres from the southern lot boundary.</td>
</tr>
</tbody>
</table>

An assessment against the design principles is provided below:

• Adjoining Lot 14 (No. 6B) to the north is currently vacant. It is reasonable to assume that any future dwelling will also contain balconies within the front façade to maximise significant views to the west. If developed in a similar manner to the subject site, it could be expected that the small portion of Lot 14 that is subject to overlooking would already be visible by the general public from Weelara Road.

Therefore, it is considered that the proposed overlooking of a small portion of the adjoining site, behind the primary street setback, will not result in any significant loss of privacy to the future residence.

• The area on the adjoining lot to the south (Lot 16), which is affected by overlooking contains a solid dividing fencing and vegetation along the boundary. This provides an element of natural screening and minimises the impact on privacy.

• No outdoor living areas, or major openings on adjoining properties will be directly overlooked by the proposed variation to overlooking.

For these reasons, the proposed variation meets the design principles and is unlikely to have a detrimental impact on site, the adjoining properties and/or the locality.
Clause 5.4.2 of the R-Codes - Overshadowing

<table>
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<th>Clause 5.4.2</th>
<th>Deemed-to-comply provision</th>
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<tr>
<td>Overshadowing</td>
<td>On adjoining properties coded R25 or lower up to 25% of the site can be overshadowed.</td>
<td>The development resulting in there being approximately 27.7% of the adjoining lot to the south being overshadowed.</td>
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</table>

An assessment against the design principles is provided below:

- The amount of overshadowing proposed which is in excess of what the R-Codes permit equates to approximately $21m^2$;

- The orientation of the subject site being east/west leaves the site more susceptible to casting a shadowing on the adjoining lot to the south. This, coupled with the subdivision history of the site to create two narrow lots adjoining an existing dwelling, has further added to the overshadowing issue.

However, the proposed development has sought to minimise the extent of overshadowing by placing a portion of the dwelling below NGL thereby limiting the building height to less than 7.0 metres towards the rear of the site. This has reduced the potential for overshadowing of Lot 16 (No. 4) Weelara Road to the south;

- The bulk of the shadow cast by the proposed dwelling falls predominately on solid walls of the adjoining property. In addition, there is significant existing vegetation along the property boundary of Lot 16 to the south, which currently obstructs northern light entering the dwelling;

- Lot 16 to the south of the subject site, has a substantial amount of open space to the rear of the property that will remain unaffected by the overshadowing; and

- No solar collectors on the adjoining lot will be overshadowed.

For these reasons, the proposed variation meets the design principles and is unlikely to have a detrimental impact on the adjoining properties and/or the locality.

**Local Planning Policy 3.1 - Streetscape**

<table>
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<tr>
<th>LLP 3.1</th>
<th>Policy provision</th>
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<tbody>
<tr>
<td>LPP 3.1.7 - Fences and Street Walls</td>
<td>Meter Box Walls no greater than 2.0 metres in height and 1.0 metre wide.</td>
<td>Meter Box wall greater than 1.0 metre wide.</td>
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<tr>
<td>3.1.9 - Landscaping</td>
<td>60% of the street setback area to be landscaped</td>
<td>Approximately 40% of the street setback area being proposed to be landscaped in lieu of 60%.</td>
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</table>
The application seeks a variation to landscaping in the primary street setback area. This variation can be supported by satisfying the relevant design principles, as follows:

- The proposed meter box wall is incorporated into the retaining wall along the northern lot boundary, adjoining the garage. The wall exceeds the 1.0 metre width requirement by approximately 0.2 metres. This variation is considered acceptable given it is located on a side lot boundary, not front fencing, and is situated approximately 6.5 metres from the street boundary;
- The extent of the variation to the meter box wall is unlikely to detract from achieving passive surveillance of the street;
- The variation to landscaping is as a consequence of the lot being relatively narrow (approximately 10 metres wide) and the driveway having to be designed so as to comply with the sight line and vehicle access requirements of the R-Codes;
- Landscaping is proposed throughout the street setback area, the only exception being where the driveway is proposed. A portion of landscaping is also proposed behind the street setback area which will likely be visible from the street; and
- The proposed landscaping includes the planting of a mature tree in the front setback area. This is consistent with the intent of the Town's Policy 3.1.9 - Landscaping, which encourages mature trees to be planted within the front setback where concessions to the minimum landscaping requirements are sought.

For these reasons, the proposed variation meets the design principles and is unlikely to have a detrimental impact on site, the adjoining properties and the streetscape.

Local Planning Policy 3.3 – Building Height and Clause 5.1.6 of the R-Codes - Building Height

<table>
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<th>LLP 3.3</th>
<th>Policy provision</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Maximum building height for flat or skillion roof</td>
<td>City Beach – 7.0 metres</td>
<td>7.5 metres</td>
</tr>
</tbody>
</table>

The application seeks a variation to building height. This variation can be supported by satisfying the relevant design principles, as follows:

- The development application was received by the Town in July 2018 meaning that at the time LPP 3.3 permitted a building height of 7.5 metres. Subsequently, in October 2018, a modified version of LPP 3.3 was adopted by Council restricting building height for flat roofed dwellings to 7 metres in accordance with the R-Codes;
- Only the front portion of the dwelling is over height (by approximately 0.5 metres) with the majority of the dwelling meeting the height requirement, and is in fact under the permitted 7.0 metre height limit;
- The proposed building height variation will result in a dwelling that is in-keeping with the surrounding building height in Weelara Road. Existing dwellings located at No. 4 Weelara Road (adjoining the southern boundary), No. 8 Weelara Road (adjoining the vacant lot to the north) and beyond to Nos. 10, 12 and 19 Weelara Road, all consist of two storey dwellings with undercroft garaging and present to the street as three (3) storey dwellings.
For example, in context of the adjoining built form, the adjoining dwelling at No. 8 Weelara Road has a pitched roof with an RL38.568 and a maximum top of wall height RL36.881.

Whereas, the proposed dwelling will have a maximum RL36.046 at the top of the feature pier, with the balance of the flat roof at an RL35.874, which is well below that of the adjoining dwelling at 8 Weelara Road.

Therefore, when considered in the context of the existing streetscape, the proposal will provide continuity and be in-keeping with the established character of the built form.

- The subject lot is characterised by a 5.75 metre fall from the rear to the front of the lot. Given this significant variation in the natural ground level, the dwelling has been designed to ‘cut’ into the lot to minimise the impact the proposed dwelling may have on the adjoining properties or the streetscape. This approach appears to be consistent with other developments along Weelara Road.

- The proposed building height will have minimal impact on views of significance as it will not diminish the views currently enjoyed by adjoining properties as the predominant view is west towards the Indian Ocean. As there is public open space adjoining the rear of the site, the proposed dwelling will not impact on the views of dwellings located further east of the site.

Other views of significance to the east overlooking the public open space to the rear will not be diminished due to the orientation of the property being east/west. The proposed dwelling is unlikely to compromise any views of the open space currently enjoyed by the adjoining properties.

For these reasons, the proposed variation can be supported as it is considered to meet the design principles of the R-Codes and is unlikely to have a detrimental impact on the site, the adjoining properties and the streetscape.

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:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018 - 2028:-

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character
Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.
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.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.192 LOT 467 (NO. 15) MARIMBA CRESCENT, CITY BEACH - RETAINING WALLS

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 Retaining Wall in the Street Setback Area submitted by Ashmy (ESAP) Pty Ltd at Lot 467 (No. 15) Marimba Crescent, City Beach as shown on the plans dated 27 November 2018, subject to the following condition:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;

3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination; and

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

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

SUMMARY:

The purpose of this report is for Council to consider a development application for a retaining wall located within the front setback area at Lot 467 (No. 15) Marimba Crescent, City Beach.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39) and the Town's Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme or where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme, 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.

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- Information
  - For the Council/Committee to note.

BACKGROUND:

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</tr>
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<td>23 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>DA18/0357</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Ciara Slim, Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Site Photos (3 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Development application plans (3 pages)</td>
</tr>
<tr>
<td></td>
<td>4. Justification from the Applicant (1 page)</td>
</tr>
</tbody>
</table>

Applicant: Ashmy (ESAP) Pty Ltd

Owner: Mr J K Petite & Ms P Vallesi

Zoning: Residential R12.5

Precinct: P1 - City Beach

Development Description: Retaining Wall in Front Setback Area

Development Value: $5,000

Existing Land Use: Dwelling (single)

Proposed Use Class: Dwelling (single)

Lot/Land Area: 994m²

Heritage Listing: N/A

Application Received Date: 22 November 2018

Application Process Days: 26 Days

DETAILS:

Development description

The subject site is located within the City Beach Precinct, and is located on the corner of Marimba Crescent and Ikara Road. The site currently comprises of a single storey dwelling with vehicular access from Marimba Crescent. Mature vegetation screens a large portion of the dwelling as viewed from both the primary and secondary streets.
Marimba Crescent slopes upwards from east to west, with the western boundary being at a higher level than the Ikara Road boundary. A retaining wall is currently located towards the western side of the site.

The surrounding sites consist predominantly of single and double storey dwellings. A number of retaining walls are evident in the Marimba Crescent streetscape to accommodate the slope of the sites and the street.

A planning application was approved under delegated authority on 13 November 2018. This application was for a single storey dwelling, which met the deemed-to-comply requirements of Clause 20 (1a). A setback of 8.595 metres was provided to the primary street (Marimba Crescent) boundary, with a 5.8 metre setback provided to the secondary street (Ikara Road) boundary.

The development application proposes the following:

- A retaining wall to the western side boundary with a maximum height of 1.073 metres above natural ground level within the primary street setback area. This proposed wall is set back 2.4 metres from the western side boundary.
- The proposed retaining wall is in a similar location to the existing wall, and will be used to retain the higher levels of the site, while cutting the front setback area to reflect the proposed floor level of the dwelling (RL 9.60).
- A retaining wall located within the secondary street setback area (Ikara Road) with a maximum height of 0.48 metres above the existing natural ground level. This wall is set back 0.15 metres from the southern rear boundary, and meets the deemed-to-comply requirements, therefore being exempt from Planning Approval.

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 street setback in the City Beach Precinct.

**Community Consultation**

The original application showing identical retaining was advertised for a period of 15 days, from 15 October 2018 to 30 October 2018, in accordance with the requirements of Local Planning Policy 2.3: Public Notification of Planning Proposals. The retaining was then removed from the original application. As there have been no changes between the advertised plans and the plans subject of this report, no further advertising was undertaken. The application was advertised to the three (3) surrounding property owners. No comments were received.

**Applicant's justification**

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to street setbacks. A copy of the applicant's justification is attached to this agenda.
Statutory Assessment

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

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback of Retaining Wall from primary street (Marimba Crescent) setback area</td>
<td>7.5 metres</td>
</tr>
</tbody>
</table>

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 an 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:

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 retaining wall is set back 2.4 metres from the western side boundary, 0.75 metres more than the existing retaining wall.

The proposed wall will be screened from the primary street by existing vegetation on the Marimba Crescent verge, and is the result of cutting to obtain a level area in the front setback area. The level of the land to the west of the retaining wall will be similar to that of the adjoining property to the west, therefore ensuring orderly and proper planning within the locality. No fill is proposed.

The proposed retaining wall is consistent with development in the immediate locality, and will have little impact on the prevailing streetscape. The retaining wall will run at right angles to the street therefore minimising bulk on the streetscape. The retaining wall will be located behind an approved open style boundary fence, which will predominantly screen the wall from the street.

The applicant is proposing to enhance the existing streetscape and the subject site with the proposal. It is considered, given the current streetscape, that the proposal would be consistent with the surrounding dwellings in the immediate locality.

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

The encroachment into the primary street (Marimba Crescent) setback area is in keeping with the streetscape, as it provides a useable area at-grade with the verge.

The proposed retaining wall does not unduly impact on open space requirements, as it provides open areas to the east and west, and will ensure a useable outdoor living area for the occupants of the dwelling.

The height of the proposed wall is consistent with the natural slope of the street and the adjoining property to the west, therefore ensuring consistency throughout the 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 a useable outdoor living area and front setback that has been designed to complement the character of the existing dwelling.

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

(i) **The occupiers or users of the development;**

The applicant seeks to relocate the existing retaining wall; increasing the setback from the western boundary. The retaining wall is to retain the higher levels to the western side of the site as a result of the proposed levels of the approved dwelling.

The proposed retaining wall will allow for a useable level outdoor living area to the front of the site, which will increase passive surveillance to the primary street.

The reduced street setback will not result in an undue adverse effect on the owners of the property as there will be no loss of sunlight or ventilation to the subject site.

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

The proposed combined height and setbacks of the proposed retaining wall will not impact on the inhabitants of the locality as the proposed retaining wall height and levels are consistent with the natural ground level of the adjoining site to the west, and responds to the natural slope of the street.

The proposal does not impact negatively on any adjoining neighbouring property due to the open nature of the structure and is consistent with existing residential development in the locality. The adjoining owners in the immediate locality have no objections to the proposal.

(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 remainder of the streetscape. A number of similar retaining walls are constructed within the street setback area of the surrounding dwellings as a result of the slope of the street.

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.

**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 2018 - 2028:

Our Neighbourhoods

Goal 4: **Neighbourhoods where individual character and quality is respected, and planning is responsive to residents**

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.193 LOT 304 (NO. 1) LINDEN GARDENS, FLOREAT - TWO STOREY DWELLING

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 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 GRH Designs Pty Ltd at Lot 304, No. 1 Linden Gardens, Floreat as shown on the amended plans dated 14 November 2018, subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans including any excavation or fill, subject to any modifications required as a consequence of any conditions of this approval;

2. The dividing fence on the lot boundary between No.1 and No.3 Linden Gardens is to be constructed to a minimum height of 2 metres for the length of the alfresco area so that it complies with the visual privacy provisions of the Residential Design Codes Clause 5.4.1 to the satisfaction of the Town;

3. All existing street trees located in the road reserve verge area adjacent to the subject lot shall be retained, protected, and watered during construction and to the satisfaction of the Town;

4. The crossover to Orrel Avenue is to be no wider than 6.0 metres (excluding splays) and the crossover to Linden Gardens is to be no wider than 4.5 metres (excluding splays) and shall be built and maintained in accordance with the Town's specifications and to the satisfaction of the Town;

5. The infill panels of the fencing and gate in the secondary street setback area to have a surface with an open to solid ratio of no less than 4:1;

6. The driveways to Orrel Avenue and Linden Gardens shall be setback 0.5 metres from their respective lot boundary areas, in accordance with Clause 5.3.5 C5.3 of the Residential Design Codes;

7. 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

8. External fixtures (such as antennas, pipes, solar collectors, aerials and air conditioning units) shall be designed to integrate with the building so that they are not visible from the primary street and are not visually obtrusive.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect;

2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 (W.A.) Part 14. An application must be made within 28 days of the determination;

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

5. All fencing in the primary street setback area (including the side boundary) shall be visually permeable in accordance with the Town’s Policy.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

SUMMARY:

The purpose of this report is for Council to consider a development application for a two-storey residential dwelling at No. 1 Linden Gardens, Floreat.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39) and the Town’s Delegation Register Clause 9.1.2 (1), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme or where a submission has been received on valid planning grounds which cannot be addressed by conditions of a development approval.

In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme due to a proposed front setback variation. The proposed variations are assessed in this report and the application is recommended for approval.

In addition to the front setback variation, concerns were raised from adjoining owners during the consultation process in relation to visual privacy and the rear setback. These are addressed in the report.

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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Lot 304 (No. 1) Linden Gardens, Floreat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>17 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>0256DA-2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery — Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jennifer Heyes - Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Petar Mrdja — Senior Town Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Location/Aerial Plans (2 pages)</td>
</tr>
<tr>
<td></td>
<td>2. Development application plans (10 pages)</td>
</tr>
<tr>
<td></td>
<td>3. Schedule of submissions (3 pages)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>GRH Designs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Mrs TK Gavranich &amp; Mr R Gavranich</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential R12.5</td>
</tr>
<tr>
<td>Precinct:</td>
<td>P3 Floreat</td>
</tr>
<tr>
<td>Development Description:</td>
<td>Two-storey residential detached single dwelling</td>
</tr>
<tr>
<td>Development Value:</td>
<td>$1,050,000</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Residential Dwelling (Single)</td>
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<tr>
<td>Proposed Use Class:</td>
<td>Residential Dwelling (Single)</td>
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<tr>
<td>Lot/Land Area:</td>
<td>961.0sqm</td>
</tr>
<tr>
<td>Heritage Listing:</td>
<td>No</td>
</tr>
<tr>
<td>Application Received Date:</td>
<td>13 September 2018</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>63 days</td>
</tr>
</tbody>
</table>

DETAILS:

Development description

An application for the subject site was initially submitted on 13 September 2018 relating to the demolition of an existing dwelling and construction of a two-storey dwelling. Amended plans in response to a public consultation and advertising period were received on 14 November 2018.

The subject site is corner lot located within the Floreat Precinct 3 at the intersection of Linden Gardens and Orrel Avenue. An existing single character dwelling is currently located on the site and is proposed to be demolished for the purposes of the development.

There is an upslope toward the rear of the property of approximately 1.5 metres. Development in the local area is a mix of styles, however, remains as predominately interwar housing. Surrounding lots have been developed to varied built form standards, scales and designs. Comparable examples of modern two storey housing exist on Orrel Avenue.

The development application proposes a two-storey four bedroom home, with a double garage located off Linden Gardens and a single garage off Orrel Avenue. 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), the applicable deemed-to-comply requirements of State Planning Policy 3.1, and the applicable Local Planning Policies of the Town of Cambridge.

The planning assessment has identified the following variations to the above planning framework:

- Primary street setback;
- Lot boundary setback (rear);
• Building height (wall height);
• Vehicle Sightlines; and
• Vehicular Access and Crossovers.

**Community Consultation**

The application was advertised for a period of 18 days, including letters to five nearby neighbouring properties, from 4 October 2018 to 22 October 2018, in accordance with the requirements the Town's Public Notification of Planning.

Two submissions were received during the advertising period from adjoining properties to the side and rear. The table below provides a summary of the comments and issues raised during the community consultation process and a response to each summarised objection. A full schedule of submissions is attached to this agenda.

<table>
<thead>
<tr>
<th>Summary of Comments Received:</th>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot boundary setback (rear)</td>
<td>The owners have considered the request and provided amended plans that have reduced the finished floor level across the development by 250 millimetres, the upper floor ceiling levels by 257 millimetres and the height of retaining within the front setback area to below 500 millimetres.</td>
</tr>
<tr>
<td>• With respect to proposed rear setback, can consideration be given to lowering ground level to lessen the impact of walls and roofs.</td>
<td></td>
</tr>
<tr>
<td>Visual Privacy:</td>
<td>The owners of No.1 Linden Gardens and No.3 Linden Gardens have provided written agreement to the extension of the dividing fence between their properties to a height of 2 metres to address visual privacy issues resulting from the alfresco area being greater than 500 millimetres above the natural ground level. A condition of planning approval is applied to address the issue.</td>
</tr>
<tr>
<td>• Concerns that overlooking from alfresco area will impact adjoining property. Suggestion made to increase the height of the dividing fence to address overlooking issue.</td>
<td>It is therefore considered that the visual privacy issue is resolved.</td>
</tr>
</tbody>
</table>

**Applicant's justification**

The applicant has not provided written justification for the variations to the deemed-to-comply provisions.

**Assessment against the design principles**

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

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street Setback</td>
<td>Development setback a minimum of 9.0 metres</td>
</tr>
<tr>
<td>• Portion of the guest bedroom is setback at 7.7 metres from the primary street.</td>
<td></td>
</tr>
<tr>
<td>• Remainder of dwelling is setback at 9.0 metres from the primary street.</td>
<td></td>
</tr>
<tr>
<td>• Garage is setback 9.9 metres from the primary street.</td>
<td></td>
</tr>
</tbody>
</table>
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 application that do not comply with Clause 20 of the Town Planning Scheme.

Council must be satisfied by an 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, as follows:

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

   (i)  The orderly and proper planning in the locality

   The variation occurs in a minor area of the site and primarily due to the curving nature of the corner lot at the intersection of Linden Gardens and Orrell Avenue. Other than a variation that occurs to a small portion of the guest bedroom area, the remainder of the dwelling is set back at 9 metres from the primary street. The garage is set back even greater at a distance of 9.9 metres.

   The proposed lot boundary setback is not considered to unduly impact the street and is consistent with the principles of orderly and proper planning.

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

   The amenities in the locality will not be comprised by the approval of this application. The proposed variation occurs to only a small aspect of the development and the majority of the dwelling is sufficiently set back. It is considered that the dwelling is entirely compatible with the locality and will result in positively contributing to the area in terms of achieving a quality design outcome.

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

   The proposal is consistent with the Statement of Intent of the Floreat Precinct as the development is compatible with the area. It will not dominate the streetscape and will be aided by compliant setbacks for the majority of the front facade of the development.

(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 two-storey family home for the owners of the property. The front setback variation will not adversely impact the occupiers or users of the development.

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

   It is considered that the dwelling is entirely compatible with the locality and will result in positively contributing to the area in terms of achieving a quality design outcome. There will be no adverse impact resulting from the variation on the inhabitants of the locality.

   (iii) The likely future development of the locality.

   It is considered that the variation to the front setback as caused by the proposed minor projection of the guest bedroom area does not adversely affect the character of the area or likely future development in the locality. The primary street setback is otherwise compliant and set back at 9 metres or greater, in the case of the garage.
Residential Design Codes - 5.1.3 Lot Boundary Setback

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear Ground Floor (west)</td>
<td>6.0 metre (rear setback)</td>
<td>1.498 metres</td>
</tr>
</tbody>
</table>

It is considered that the reduced lot boundary set back can be supported by satisfying the design principles of 5.1.3 of the Residential Design Codes. An assessment against the design principles is provided below:

- The portion of the development that encroaches into the rear setback area is single storey and includes a garage, walk in robe and ensuite area. There will be no impact from this area of the development on the adjoining property from the perspective of building bulk due to the single storey nature of the building and given that the rooms are not considered to be habitable spaces in accordance with the R-Codes. Furthermore, it is noted that an outbuilding is permitted to be constructed at the rear of the site with a setback of 1 metre;
- This variation does not create any other issues relating to visual privacy or overshadowing and satisfies these deemed-to-comply requirements of the Residential Design Codes;
- The neighbour has requested that consideration be given to lowering ground level to lessen the impact of walls and roof on the adjoining property and the owners have responded by reducing the overall finished floor level of the development by 250 millimetres; and
- Based on the above, it is submitted that the lot boundary setback variation to the rear ground floor lot boundary is capable of being supported by the Town.

Residential Design Codes — 5.1.6 Building Height

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tops of external wall</td>
<td>Maximum 6.0 metres to top of external wall and 9 metres to top of pitched roof</td>
<td>6.8 metres to top of eternal wall and 8.8 metres to top of pitched roof.</td>
</tr>
</tbody>
</table>

It is considered that the reduced sightlines can be supported by satisfying the design principles of 5.1.6 of the Residential Design Codes. An assessment against the design principles is provided below:

- The development proposed a top of wall height of 6.8 metres in lieu of 6 metres but an overall building height of 8.8 metres in lieu of 9 metres. The overall height of the development - under 9 metres - is therefore compliant;
- Building height proposed is consistent with the predominant building height of two-storey pitched roof buildings within the surrounding area and does not create any visual privacy or overshadowing issues;
- This building height variation is not anticipated to create any other issues relating to access to direct sun and ventilation to the subject and adjoining lots;
- This variation does not otherwise limit access to views of significance for surrounding development as the overall height of the building is compliant; and
- Based on the above, it is submitted that the building height variation to the top of the external wall is capable of being supported by the Town.
Residential Design Codes - 5.2.5 Sightlines

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walls, fences and structures truncated or reduced to no higher 0.75 metres within 1.5 metres of where walls, fences and other structures meet a public street</td>
<td>0.5 metres vehicle sightline proposed to vehicle access point to Orrel Avenue and 1m vehicle sightline to Linden Gardens vehicle access point</td>
<td></td>
</tr>
</tbody>
</table>

It is considered that the reduced lot boundary setback can be supported by satisfying the design principles of 5.2.5 of the Residential Design Codes. An assessment against the design principles is provided below:

- The application was sent to Infrastructure for comment, who advised the following in regard to vehicle sightlines:
  - Linden Gardens does not have a footpath on this side of the street (this is located on the other side) where the proposed crossover is on Orrel Avenue and none is planned within the Town of Cambridge in the near future.
  - Given this and the displaced nature of the garage, there is limited risk of a vehicle sight line issue given that few pedestrians would walk on this side of the street.
  - On this occasion, the fencing from a practical point of view, can remain unaltered.
- From a planning perspective and in addition to the above, it is considered that vehicle sightlines at 0.5 metre to Orrel Avenue and 1 metre to Linden Gardens do not create safety issues in the area as there is sufficient visibility in the verge area to allow for vehicles to safely reverse from their dwelling.

Local Planning Policy 3.1.12 and Residential Design Codes — 5.3.5 Vehicular Access and Crossovers

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum crossover width</td>
<td>6.0 metres per each crossover 9.0 metres aggregate crossover width</td>
<td>Two crossovers are proposed which are greater than 9 millimetres in aggregate.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A condition of approval has been applied to the development to ensure that the crossover to Orrel Avenue is constructed to a maximum width of 6 metres and the crossover to Linden Gardens is constructed to a maximum width of 4.5 metres, or 10.5 metres in aggregate.</td>
</tr>
</tbody>
</table>

It is considered that the reduced lot boundary set back can be supported by satisfying the design principles of 5.3.5 of the Residential Design Codes. An assessment against the design principles is provided below:

- A total driveway aggregate of 10.5 metres is proposed in lieu of 9 metres and it is considered that this can be supported as the larger 6 metres crossover is proposed to the secondary street (Orrel Avenue). The primary street will accommodate a 4.5 metres wide
crossover and therefore have a lesser impact on the primary street as the area can be used for more landscaping;

- The driveways and crossovers are proposed to maintain appropriate clearances from road reserve infrastructure, road reserve trees and sight lines, allowing for safe vehicular access onto the primary and secondary streets;
- There is no footpath located in the road reserve adjacent to the subject lot, the footpath is located on the opposite side of the road, meaning that pedestrian safety in the area is maintained; and
- All street trees are proposed to be retained and as conditioned on the planning approval.

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:

The recommendations of this report are consistent with the following aspects of the Town’s Strategic Community Plan 2018 - 2028: —

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

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.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.194 DRAFT TOWN OF CAMBRIDGE LOCAL PLANNING STRATEGY - OUTCOMES OF PRELIMINARY ENGAGEMENT AND SUBMISSION TO WESTERN AUSTRALIAN PLANNING COMMISSION FOR CONSENT TO FORMALLY ADVERTISE

COUNCIL DECISION:

That:-

1. Council ADOPTS the Draft Local Planning Strategy, subject to the following modifications:

   **Draft Local Planning Strategy**

   1.1 Modify Figure 1 to reflect the extent of the Cambridge Street Urban Corridor depicted in figures 5, 8, 14 and 18;

   1.2 Modify introduction of the Draft LPS as follows: "The Town had an estimated population of 28,158-28,339 people (ABS, ERP 2017-June 2018)"

   1.3 Modify Figure 4 (and other affected figures throughout document) to:
      (a) Ensure boundary of West Leederville Activity Centre is consistent with draft West Leederville Activity Centre Plan boundary, particularly the northern edge near Tower Street;
      (b) Ensure Holyrood Park open space is consistent with existing Town Planning Scheme parks and recreation reserve boundary;
      (c) Ensure consistency with the Ocean Village Neighbourhood Centre boundary set out in Figures 1 and 20;
      (d) Ensure delineation of Recreation Space, Sport Space and Nature Space is consistent with existing functions;
      (e) Ensure consistency of open space delineation at intersection of West Coast Highway and Hale Road; and
      (f) Show Recreation Space within Ocean Village Park consistent with the existing playground area.

   1.4 Incorporate a definition section for key words;

   **Housing**

   1.5 Modify Section 2.2 (Housing), under Housing Diversity and Affordability to include reference to the incorporation of WA Liveable Homes (universal) design principles where appropriate.

   **Economy and Employment**

   1.6 Modify the business and employment growth objective contained within Section 2.3 (Economy and Employment) as follows: "To provide flexibility in land use planning and development to facilitate land use change and mixture that encourages business and employment growth within Activity Centres, Corridors, Neighbourhood and Local Centres".

   1.7 Modify Section 2.3 (Economy and Employment) by including the following footnote: "The employment floorspace targets are indicative targets rather than prescriptive limits."
Character and Heritage

1.8 Include reference to the updated Heritage List/Local Government Inventory and appropriate references to State Planning Policy 3.5 within Section 2.4 (Character and Heritage);

1.9 Modify Figure 7 to accurately reflect the extent of the Holyrood Conservation Area;

Traffic and Transport

1.10 Modify Figure 8 and references (Part 3.4.10 of Background Analysis Report) to ensure consistency with the Town of Cambridge Bike Plan (adopted at the Ordinary Council Meeting held on 24 July 2018);

Public Realm and Open Space

1.11 Modify the Regional accessibility objective contained within Section 2.6 (Public Realm and Open Space) as follows: "Maintain and enhance improve current usability and accessibility for residents and visitors throughout the Town to regional open space and sporting facilities";

1.12 Amend Tree Canopy paragraph 1 (page 41) to state 'over 25,000 Council owned trees lining streets and growing in public open spaces, in addition to the Town's natural areas and wetlands';

1.13 Modify images and figures relating to 'properties within 400m (5 minute walk) of Open Space outside of Town of Cambridge' be updated to reflect the latest approved plans for the Inner City College, particularly with regard to the accessible areas of open space;

1.14 Include reference and an explanatory paragraph to the Town's Urban Forest Strategy within Section 2.6.3;

1.15 Modify the Key actions contained within Table 7 (Public Realm and Open Space) as follows:
   (a) "Implement and review the Town's Treescape plan (as amended) to ensure that tree canopy within the public realm is maintained and increased over time for the benefit of the community"; and
   (b) Include the preparation of the Urban Forest Strategy as a Town Wide Action under Table 7 with a timeframe of 1-3 years (short term).

Community Infrastructure and Facilities

1.16 Add references as footnotes to Table 8 as to the source of the suggested benchmarks for community facilities;

1.17 Amend Table 8 title to "Suggested benchmark guidelines for community facilities";

1.18 Ensure consistency throughout document where references are made to 'Open Space and Community Facilities Strategy'; and

1.19 Modify Figure 11 to display open space categories (Recreation, Sport and Nature) in a consistent way to Figure 4;

West Leederville Activity Centre

1.20 Modify third paragraph of Section 3.2.1 (West Leederville Activity Centre) as follows: "Over time growth will occur in accordance with the West Leederville Activity Centre Plan (as amended)"

1.21 Modify dot point 3 relating to Figure 15 to read, "Need for high quality open space and community facilities to serve the growing population of West Leederville including the retention of existing public open space."
Wembley Activity Centre
1.22 Modify Key Actions paragraph of Section 3.2.2 (Wembley Activity Centre Plan) as follows:
"Implement the final Wembley Activity Centre Activity Centre Plan adopted by the Town and approved by the Western Australian Planning Commission..."
1.23 Modify the Key Action Summary for Wembley contained within Table 14 to reflect modification (v) above.

Floreat Activity Centre
1.24 Modify the second paragraph of Section 3.2.3 (Floreat Activity Centre) as follows:
"The Floreat Forum Shopping Centre and the Cambridge Library form a key part of the activity centre..."
1.25 Modify the third paragraph of Section 3.2.3 (Floreat Activity Centre) as follows:
"In collaboration with the community and key stakeholders ...
1.26 Modify the Key Action Summary for Wembley contained within Table 14 to reflect modification (1.25) above.

Ocean Village Shopping Centre
1.27 Modify the third paragraph of Section 3.2.6 (Ocean Village Neighbourhood Centre) as follows:
"In collaboration with the community and key stakeholders ...
1.28 Modify Figure 20 by:
(a) including an Indicative Precinct Boundary for the Ocean Village Shopping Centre; and
(b) including the following text within point 1:
"Ensure future developments appropriately interface adjoining residential developments and St. Paul's Anglican Church; additional dwelling growth will generally be provided for within the indicative precinct boundary".

Potential Future Development Sites
1.29 Modify the second paragraph of Section 3.3.3 (Potential Future Development Sites) as follows:
"The Town has identified two portions of existing bushland within the Wembley Golf Course that are considered surplus to the needs of the facility. In the previous community consultation, the community identified two portions of existing bushland within the Wembley Golf Course. The likely rationale of the community being that to identify new portions of developable land would take pressure off the need to increase density in existing traditional single residential areas. These parcels of land at the golf course are considered surplus to the needs of the golf facility. These portions of land are owned by the Town of Cambridge and, subject to analysis of environmental significance, site constraints (e.g. Western Power substation) and development feasibility may be available for residential development. It is noted that the majority of resident and ratepayer responses to Town of Cambridge Local Planning Strategy documents are NOT supportive of any further removal of native vegetation within the Town of Cambridge to meet residential dwelling targets;
1.30 Modify Figure 22 by including an 800m catchment around Glendalough and Daglish Stations;
1.31 Modify Figures 4-6, 8 and 14 by including an 800m catchment around Glendalough and Daglish Stations.
Implementation

1.32 Modify the Key Action Summary for Natural Asset Management contained within Table 13 as follows:
"Work with environmental agencies to ensure that natural assets are protected from uses or development that will compromise their function and management / risk mitigation strategies are being implemented (including Natural Area Strategy)."

Background Analysis Report

1.33 Modify pages 2 and 63 of the Background Analysis Report as follows:
"It is estimated that some 28,158 28,339 people live in the Town of Cambridge (ABS ERP 2017)."

1.34 Modify Table 9 of Background Analysis Report (Part 2) to be consistent with modification (1.33) above;

1.35 Renumber figures accordingly;

1.36 Include reference to the 'Bushfire Management Plan' (BMP) by Emerge Associates, dated November 2018, and update Part 4.1.6 'Bushfire Hazards' to reflect recommendations of the BMP;

1.37 Include indigenous names in Part 4.1.9 of Part 2: Background Analysis Report.

1.38 Where sections are used within maps and figures, modify markers to be "A-A" and be adjusted accordingly, and ensure these markers are used in the relevant figures; and

1.39 Incorporate a reference list at the end of the Background Analysis Report.

2. Upon completion of the modifications identified in resolution (1), the Draft Local Planning Strategy be submitted to the Western Australian Planning Commission for certification in accordance with Part 3, Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015; and

3. All persons who made a submission be notified in writing of Council's decision.

Motion, as AMENDED, put and CARRIED (9/0)

AMENDMENT

Moved by Cr Nelson, seconded by Cr Bradley

That Clause 1.29 of the Draft Local Planning Strategy be amended by adding the following words "It is noted that the majority of resident and ratepayer responses to Town of Cambridge Local Planning Strategy documents are NOT supportive of any further removal of native vegetation within the Town of Cambridge to meet residential dwelling targets."

Amendment put and CARRIED (5/4)

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

Moved by Cr Timmermanis, seconded by Cr Everett

That Clause 1.25 and 1.27 of the Draft Local Planning Strategy be amended to read "In collaboration with the community and key stakeholders...".

Amendment put and CARRIED (8/1)

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

Extension of Time to Speak

Moved by Cr Bradley, seconded by Cr McKerracher

That in accordance with Clause 8.14 of the Standing Orders, Cr Everett be allowed to continue speaking.

Procedural motion put and CARRIED (7/2)

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

COMMITTEE AND ADMINISTRATION RECOMMENDATION:

Moved by Mayor Shannon, seconded by Cr Nelson

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portions of existing bushland within the Wembley Golf Course. The likely rationale of the community being that to identify new portions of developable land would take pressure off the need to increase density in existing traditional single residential areas. These parcels of land at the golf course are considered surplus to the needs of the golf facility. These portions of land are owned by the Town of Cambridge and, subject to analysis of environmental significance, site constraints (e.g. Western Power substation) and development feasibility may be available for residential development.

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2. Upon completion of the modifications identified in resolution (1), the Draft Local Planning Strategy be submitted to the Western Australian Planning Commission for certification in accordance with Part 3, Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015; and

3. All persons who made a submission be notified in writing of Council's decision.

Council Meeting 18 December 2018

Cr McKerracher - Impartiality Interest

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.194, I disclose until 22 October 2017 I had an association with the Coast Ward Ratepayers' Association in that I was a committee member and member of that Association (which made a prior submission on the LPS) and that I received a notifiable gift from the Association in respect of the election at which I was elected which I disclosed, details of which are available on the Town's Electoral Gift Register on the Town's website. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."
Cr Everett - Impartiality Interest

Prior to consideration of the item, Cr Everett disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.194, I disclose that until June 2017 I was a member of the Coast Ward Ratepayers Association and received a notifiable gift from that Association being a contribution to my election expenses. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits at all times."

Also, until June 2017, my business CLE Town Planning of which I am a Director acted as Planning Consultant for the owners of the Floreat Forum Shopping Centre. Whilst that business relationship formally ceased in June 2017, there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits at all times.

During discussion on the Local Planning Strategy, Cr Everett requested an extension to continue speaking.

Committee Meeting 11 December 2018

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Also, until June 2017, my business CLE Town Planning of which I am a Director acted as Planning Consultant for the owners of the Floreat Forum Shopping Centre. Whilst that business relationship formally ceased in June 2017, there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits at all times.

During discussion, Cr Nelson stated that it was his opinion that the desire of the community was to retain the bushland referred to in clause 1.29 of the Draft Local Planning Strategy.
Amendment

Moved by Cr Nelson, seconded by Cr Powell

That clause 1.29 of the Draft Local Planning Strategy to read as follows:-

1.29 Modify the second paragraph of Section 3.3.3 (Potential Future Development Sites) as follows:

"The Town has identified two portions of existing bushland within the Wembley Golf Course that are considered surplus to the needs of the facility. These portions of land are owned by the Town of Cambridge and, subject to analysis of environmental significance, site constraints (e.g. Western Power substation) and development feasibility may be available for residential development.

Amendment put and LOST (2/3)

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

SUMMARY:

The Town has prepared a draft Local Planning Strategy (LPS) to set out the long-term (10 to 20 years and beyond in line with draft Perth and Peel @ 3.5 million) planning framework for the whole local government area.

The draft LPS was advertised for comment between 20 August 2018 and 27 September 2018. This report presents the feedback from this consultation and seeks Council adoption of the draft LPS, subject to modifications, for submission to the Western Australian Planning Commission (WAPC) for certification in accordance with Part 3, Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

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.

In 2010, the WAPC released the Local Planning Policy Manual (the manual), 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.

The preparation of the LPS formally commenced in February 2016 and preliminary work was undertaken which culminated in community engagement being undertaken between 15 March 2017 and 21 April 2017 to inform the preparation of the draft LPS. Three scenarios were presented to demonstrate different approaches to accommodate future development focusing on district centres, corridor growth and local opportunities. The outcomes of community engagement, including 959 individual submissions, were presented to Council at its meeting held 26 June 2017 (DV17.74) and Council resolved to note the submissions and seek further information from the Department of Planning.

Updates on the progress of these enquiries have been presented since this resolution and the following reports refer to the initiation and progress of the preparation of the LPS since February 2016:

- February 2016 - Council endorsement to commence LPS (DV16.20).
- August 2016 - Award of the tender to appoint consultants Taylor Burrell Barnett to prepare the LPS (DV16.126).
- November 2016 - Endorsement of the LPS community engagement strategy (DV16.172).
- June 2017 - Local Planning Strategy - Outcomes of Community Engagement and Preferred Scenario (DV.17.74).
• August 2017 - Local Planning Strategy update report (DV17.96).
• September 2017 - Local Planning Strategy Contract and Project Scope - Reconsideration of Deferred item (DV17.106).
• December 2017 - Local Planning Strategy next steps (DV17.139).
• April 2018 - Revised Project Schedule and Contract Variations (Item 10.8).

CONSULTATION:

Preliminary advertising of the draft LPS occurred for a period of 28 days between 20 August 2018 and 17 September 2018. During this time, the following communication and engagement mechanisms were employed to engage and obtain feedback from the community:

• Flyers mailed to all owners* (11,588 flyers) and occupiers (4,788 flyers) as part of the rates notices informing them of the plan and inviting comment via the Town’s dedicated LPS webpage;
• The option for submissions to be received online or hardcopy survey, or by email and letter;
• Posts on the Town's Facebook page advising of upcoming preliminary advertising and inviting comment throughout the preliminary advertising period;
• A permanent display at the Town of Cambridge Administration Building during the consultation period;
• Two information sessions held on 25 August 2018 (Boulevard, Floreat) and 8 September 2018 (Leederville Bowling Club, West Leederville);
• A Notice was placed in the Post Newspaper on 11 August 2018 advising of upcoming preliminary advertising and three subsequent notices in the Post Newspaper on 25 August 2018, 1 September 2018 and 8 September 2018;
• Public notice placed on the Town's website for the entirety of the preliminary advertising period;
• Development of a summary brochure (available electronically and in hard copy), posters, and FAQ's to explain the key areas of the draft LPS; and
• Letters sent to key service agencies seeking feedback on the plan.

*it should be noted that 1172 ratepayers elect to receive their rates electronically and an electronic version of the Flyer was not included in the distribution of the R Rates.

Information sessions

Two information sessions were held during the preliminary advertising period. Attendance was recorded at both sessions with a total of 86* people recording their attendance as follows:

• 30 on Saturday 25 August 2018; and
• 56 on Saturday 8 September 2018.

*Due to the informal nature of the information sessions, not all attendees recorded their attendance. Informal attendance numbers were approximately 50 and 150 attendees, respectively.
Submissions

A survey was developed for the preliminary advertising, which is included as an attachment for information. The survey could be completed online and in hardcopy at the Administration Centre and at the drop-in sessions. An abridged form was also provided for general comments to be made. The community were also able to provide feedback via e-mail and letters. A total of 537 submissions were received from residents, business owners, visitors to the Town, service agencies and developers and a breakdown of each method of submission is outlined below:

- 504 survey submissions, which includes 161 hardcopy surveys manually entered into the online survey to capture the information contained within the survey;
- 9 emails; and
- 24 letters/written submissions.

Late submissions were submitted by the Floreat Primary School, Department of Education (DoE), Department of Communities, Department of Transport, Main Roads WA, Department of Water and Environment, Pindan and G.P.A Pty Ltd (owner of the Empire Village Shopping Centre). Despite being submitted after the closing date, these submissions have been considered in the assessment and discussion within this report.

Of the 537 submissions received, 144 provided identical or fundamentally the same responses throughout the survey. These submissions have been treated as individual submissions and further detailed assessment of these are available within attachment 2.

The survey contained quantitative questions on the planning principles and objectives within the draft LPS, and provided the opportunity for qualitative feedback on matters for support and issues, concerns or suggestions for each planning principle.

The following section provides a summary of the survey submissions for each section of the survey and recommendations for any modifications to the draft LPS.

Summary of Survey Responses

The table below indicates whether a high level of support, majority level of support and mixed level of support was provided for each principle/part of the draft LPS. Further information regarding detailed findings are available as attachments to this report (refer to attachments 2 and 3).

<table>
<thead>
<tr>
<th>High level of Support</th>
<th>Majority level of support</th>
<th>Mixed level of support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Character and Heritage</td>
<td>Housing</td>
<td>Floreat Activity Centre</td>
</tr>
<tr>
<td>Traffic and Transport</td>
<td>Economy and Employment</td>
<td>Gayton Road Neighbourhood Centre</td>
</tr>
<tr>
<td>Community infrastructure and facilities</td>
<td>Public realm and open space</td>
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</tr>
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<td>Natural asset management</td>
<td>Utility and service infrastructure</td>
<td></td>
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<td></td>
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</table>

Each theme, with the exception of the final question (general comment), contained two quantitative and two qualitative questions and are summarised by topic below (under their respective headings) with a table, discussion and recommendation for modifications.
2.2) Housing

<table>
<thead>
<tr>
<th>High level of support</th>
<th>Low level of support</th>
</tr>
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<tbody>
<tr>
<td>• Housing Planning Principle (69% support)</td>
<td>• Housing Growth (34% agree or strongly agree, 28% disagree or strongly disagree, 39% unsure)</td>
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<tr>
<td>• Housing diversity and affordability (70% agree or strongly agree)</td>
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<td>• Built form response (72% agree or strongly agree)</td>
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Supportive of:

- Maintaining the residential character as a priority
- General support for density/development along corridors and activity centres

Suggestions:

- Retaining local character
- Implementing housing growth close to public transport
- Provision of diverse housing choices

Concerns

- Development and subdivision around the garden suburbs

The support for the proposed planning principle, objectives and the suggestions provided are noted. It is considered that the matters suggested are suitably addressed by the draft LPS, particularly through character and heritage section, the implementation of housing growth along urban corridors (Section 3.2.4) and through the required detailed planning of urban consolidation and infill precincts.

There was a low level of support for the housing growth objective, which seeks to 'facilitate growth of residential density in precincts with strong connectivity to local services and facilities'. It is noted that 39% of respondents were 'unsure' about the statement which could be interpreted as not have an opinion one way or the other, or that there was a degree of uncertainty about the statement. As the Town is required to accommodate additional dwellings in accordance with Perth and Peel @3.5million, and in response, the proposed distribution of these dwellings are predominantly within activity centres, urban corridors and local centres (70%) which have strong connectivity to local services, facilities and infrastructure, it is not recommended that this objective be modified.

Concerns regarding development and subdivision in City Beach and Floreat/Garden Suburbs are acknowledged. Figure 22 identifies the number of subdivisible properties within the Town, based on current density codings. There is the possibility of subdivision occurring within selected sites (future residential development - Section 3.3.3), however, these are subject to further investigation and will include public consultation.

Based on the survey responses on housing discussed above, it is not recommended that Section 2.2 of the draft LPS be modified.

2.3) Economy and Employment

<table>
<thead>
<tr>
<th>High level of support</th>
<th>Low level of support</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Economy planning principle (65% agree or strongly agree)</td>
<td>• Business and employment growth objective (38% agree or strongly agree, 34% disagree or strongly disagree, 28% unsure)</td>
</tr>
<tr>
<td>• Vibrant centres objective (72% agree or strongly agree)</td>
<td></td>
</tr>
<tr>
<td>• Business diversity objective (62% agree or strongly agree)</td>
<td></td>
</tr>
</tbody>
</table>
Supportive of:
- Development of vibrant centres
- Local business opportunities
- Diversity of services/businesses

Suggestions:
- Support flexibility in land use for business and employment growth in major centres and activity corridors

Concerns
- Impact on existing residential areas (particularly local character)

The support for the proposed planning principle, objectives and suggestion are noted.

There was a low level of support for the business and employment growth objective, which seeks to 'provide flexibility in land use planning and development to facilitate land use change and mixture that encourages business and employment growth'. It is recommended that the objective be modified to ensure that high quality employment is attracted to the Town.

The suggestion in support of flexibility in land use for business and employment in major centres and activity corridors is acknowledged, and there is the opportunity to incorporate the focused component of this into the objective above. This modification will provide further clarity regarding where land use change would occur, which is consistent with the Town's recently adopted Economic Development Strategy (EDS).

The concerns regarding the impact on existing residential areas appear to refer to the overdevelopment of neighbourhood and local centres as opposed to the economic development of these areas. It is considered that the EDS and the future detailed planning required for the local and neighbourhood centres can address these concerns.

Based on the survey responses on Economy and Employment discussed above, it is recommended that Section 2.3 of the draft LPS be modified as follows:

a) Modify the business and employment growth objective as follows:

"To provide flexibility in land use planning and development to facilitate land use change and mixture that encourages business and employment growth within Activity Centres, Corridors, Neighbourhood and Local Centres".

2.4) Character and Heritage

Majority level of support
- Character and heritage planning principle (90% support)
- Character precincts; (91% agree or strongly agree)
- Character streets; (92% agree or strongly agree)
- Heritage sites (92% agree or strongly agree)

Supportive of:
- Retaining/enhancing local character
- Heritage conservation

Concerns
- Increased density;
- Subdivision/infill
- Density encroaching on existing residential areas (particularly garden suburbs)

The supported planning principle and objectives are noted.

The concerns regarding the impact of further infill and increased density encroaching into existing residential areas are acknowledged and it is considered that the actions within Section 2.4.4 (key actions) sufficiently addresses them. In the short term, key actions include the Town
collaborating with the local community to undertake a review of streets and precincts within the Town to identify the specific values and attributes within those streets/precincts that exemplify the character of those areas and the aspects worthy of protection. At its Council Meeting held on 27 November 2018 (refer to item DV18.170), Council resolved to adopt a revised Local Government Inventory of Heritage Places and Adopt an updated Heritage List.

Based on the survey responses on Character and Heritage discussed above, modifications to Section 2.4 of the draft LPS are not recommended.

2.5) Traffic and Transport

<table>
<thead>
<tr>
<th>High level of support</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Traffic and transport planning principle (90% agree or strongly agree)</td>
</tr>
<tr>
<td>• Traffic congestion and parking objective (92% agree or strongly agree)</td>
</tr>
<tr>
<td>• Public transport objective (92% agree or strongly agree)</td>
</tr>
<tr>
<td>• Cycling and walking objective (94% agree or strongly agree)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supportive of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Focusing on growth/density close to public transport and expanded public transport network</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Impact of density of existing residential areas;</td>
</tr>
<tr>
<td>• Traffic and parking management</td>
</tr>
</tbody>
</table>

The support for the proposed planning principle and objectives are noted.

In relation to perceived impact of density on existing residential areas, the majority of development intensification is identified within existing centres and urban corridors, as these locations are generally better serviced by transportation infrastructure, local employment opportunities and community facilities to support an increased population. The remaining growth is proposed to occur within identified development sites and via further infill development within existing suburban areas, as outlined by Section 3.3 of the draft LPS.

The traffic and parking management concerns are acknowledged. In the short term, the draft LPS recommends that in collaboration with the local community and key State Government agencies, undertake the preparation of a Movement Network Strategy in accordance with the Department of Transport guidelines for the preparation of integrated transport plans comprehensively analyses the existing and future transport system requirements within the Town and provides an efficient and sustainable movement network. This broadly addresses the concerns identified above.

Based on the survey responses on Traffic and Transport discussed above, modifications to Section 2.5 of the draft LPS are not recommended.

2.6) Public Realm and open space

<table>
<thead>
<tr>
<th>High level of support</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Public realm and open space planning principle (93% support)</td>
</tr>
<tr>
<td>• Proximity and usability objective (92% agree or strongly agree)</td>
</tr>
<tr>
<td>• Tree Canopy objective (93% agree or strongly agree)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Low level of support</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Regional accessibility (46% agree or strongly agree, 8% disagree or strongly disagree, 46% unsure)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supportive of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Retaining and enhancing tree canopies</td>
</tr>
<tr>
<td>• Developing natural/simple style public open spaces</td>
</tr>
</tbody>
</table>
Suggestions:
- Enhancing the tree canopy;
- Replenishing/ filling up the water supply at Perry Lakes

Concerns:
- Protection of conservation areas
- Maintenance of Public Open Space

The level of support for the proposed planning principle, objectives and suggestions are noted.

There was a low level of support for the regional accessibility objective, which seeks to 'Maintain and enhance current usability and accessibility for residents and visitors throughout the Town to regional open space and sporting facilities'. Given the relatively high level of 'unsure' response to this statement and taking into account the most referenced elements in the qualitative responses (retaining/enhancing tree canopy, simple public open space areas, concern about preservation of conservation areas) it is assumed that there was some hesitation about the phrase 'improve usability and accessibility ...'. To address this and the low level of support, it is recommended that the objective be modified to focus on maintaining and enhancing the existing regional open spaces and sporting facilities, rather than 'improving' which could be construed as indicating considerable change.

With respect to the replenishing/refilling of Perry Lakes, Council is in the process of considering this matter (refer to item CR18.162). The enhancement of the tree canopy is supported and its meeting held on 27 November 2018, Council considered a report on the Treescape Plan (item CR18.176). It is recommended that the draft LPS reflects Council's resolution to endorse changes in the content and implementation of the Treescape Plan and receive a further report which would include the proposed revised Treescape Plan and its implementation for review and consideration for public consultation and that table 7 (Public Realm and Open Space) be modified to include the review of the Treescape plan as an action.

In relation to conservation areas, the bush forever sites and existing open spaces are not proposed to be removed. Further, an aim of the Strategic Community Plan (Our Environment) is for proactive environmental leadership which will see the Town improve its energy and water efficiency, better manage and protect our natural bushland areas, reduce waste and take action to protect native plants and animals.

Based on the survey responses on Public Realm and Open Space discussed above, it is recommended that the Section 2.6, of the draft LPS be modified as follows:

a) Regional accessibility objective be modified as follows:
"Maintain and enhance current usability and accessibility for residents and visitors throughout the Town to regional open space and sporting facilities".

b) Key actions contained within table 7 be modified to:
"Implement and review the Town's Treescape plan (as amended) to ensure that tree canopy within the public realm is maintained and increased over time for the benefit of the community"

2.7) Community Infrastructure and facilities

High level of support
- Community infrastructure and facilities planning principle (90% support)
- Community needs objective (87% agree or strongly agree)
- Activation of public places objective (83% agree or strongly agree)
- Sustainable funding mechanisms objective (85% agree or strongly agree)

Supportive of:
- Provision of facilities that cater to a wide demographic
The level of support for the proposed planning principle and objectives are noted.

Table 1 of the draft LPS includes lower and higher dwelling growth estimates, which are based on a number of factors including the established and estimated built form controls contained within the current planning framework, market demand, land fragmentation, lot size, subdivision potential and construction of ancillary dwellings. The estimates demonstrate that in a lower and higher growth situation the Town can comfortably meet the State Government's population targets.

The purpose of the objectives and key actions of the draft LPS are to identify and respond to local issues associated with the draft LPS and brings together all relevant aspects relating to land use planning and development. The key actions are proposed to ensure that community infrastructure and facilities can respond to the additional population over the short term. An Open Space and Community Facilities Strategy will be prepared to inform and guide the necessary upgrades and expansion of open spaces and community facilities to support population growth and development whilst maintain the tree canopy and a range of services to the community.

One of the actions for Section 2.7 is for the Town to engage with the Department of Education to determine future needs for educational facilities. While not a Local Government responsibility, any additional capacity requirement should be identified within a Community Facilities Strategy - which is an action from the draft LPS. Notwithstanding, the Town sought comment from the Department of Education (refer to attachment 5) and this advice is discussed underneath the ‘Service Agencies’ heading.

Based on the survey responses on Community Infrastructure and Facilities discussed above, modifications to Section 2.7 of the draft LPS are not recommended.

2.8) Utility and Service Infrastructure

<table>
<thead>
<tr>
<th>High level of support</th>
<th>Low level of support</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Utility and service infrastructure planning principle (92% support)</td>
<td>• Infrastructure Upgrades objective (34% agree or strongly agree, 11% disagree or strongly disagree, 55% unsure)</td>
</tr>
<tr>
<td>• Sustainable built form objective (93% agree or strongly agree)</td>
<td></td>
</tr>
<tr>
<td>• Coordinated funding objective (85% agree or strongly agree)</td>
<td></td>
</tr>
</tbody>
</table>

Supportive of:

- Environmental sustainability techniques/technologies

Concerns

- Sufficient infrastructure planning to support growth
- Completing sewerage infill projects
- Provision of educational facilities

The level of support for the proposed planning principle and proposed objections is noted.

While there was a low level of support for the infrastructure upgrades objective, there was also a high level of uncertainty. This objective seeks to 'plan for upgrades to essential service infrastructure to support the growth of infill precincts throughout the Town'. This particular
objective, and the associated key action, is important as the increased development intensity within urban consolidation and infill precincts will place further pressure on utility services and services infrastructure. The planning for delivery of these services and infrastructure is complex and needs to be carefully considered for each precinct.

In progressing detailed planning, the Town will work collaboratively with stakeholders, servicing authorities and other relevant agencies to ensure that the necessary upgrades and expansion of services and infrastructure are planned, funded and delivered to support the proposed intensification within the precinct. The draft LPS is the tool by which these stakeholders inform their decision making process and understand the objectives of the Town in realising their vision.

The provision of educational facilities are noted, refer to discussion under the Community Infrastructure and Facilities heading above.

Based on the survey responses on Utility and Service Infrastructure discussed above, modifications to Section 2.8 of the draft LPS are not recommended.

2.9) Natural asset management

<table>
<thead>
<tr>
<th>High level of support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural asset management planning principle (96% support)</td>
</tr>
<tr>
<td>Asset management objective (97% agree or strongly agree)</td>
</tr>
<tr>
<td>Tourism development objective (82% agree or strongly agree)</td>
</tr>
<tr>
<td>Urban interface objective (93% agree or strongly agree)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supportive of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retaining and enhancing public open space and bushland</td>
</tr>
<tr>
<td>Replenishing water supply to Perry Lakes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protecting natural assets;</td>
</tr>
<tr>
<td>The impact density/development may have on natural areas</td>
</tr>
</tbody>
</table>

The level of support for the planning principle and proposed objectives is noted.

The concerns regarding the potential impact of density/development on natural areas are acknowledged. Section 2.9.3 of the draft LPS sets out matters to be considered for existing and potential urban development interfacing with large tracts of vegetation, including (but not limited to) bushfire hazards, tree canopy, stormwater management and coastline management. There are concerns regarding the preservation of the Wembley Golf Course surplus land which are also acknowledged and this parcel of land is subject to further assessment (and also discussed in more detail in Section 3.3 below).

Based on the survey responses on Natural and Asset Management discussed above, modifications to Section 2.9 are not recommended.

3.2.1) West Leederville Activity Centre

| Vision: | Majority support (71%) |
| Key Action: | Majority support (74% agree or strongly agree) |
| Areas of support/comment | Widely acknowledged that WLAC was positioned well for growth |
| Concerns: |
| Ensuring that there is sufficient planning for proposed growth and density |
| Increased building heights proposed |
The support for the vision and key action is noted.

Concerns were raised to ensure that there is sufficient planning for proposed growth and density in the Activity Centre. The draft LPS identifies a key action involving the finalisation and implementation of the West Leederville Activity Centre Plan (WLACP) to incorporate population and business growth projections and coordinate planning for infrastructure and services for proposed growth. The Regulations require consideration to be given to the coordination of key infrastructure, which will form part of the finalisation of the WLACP.

In addition, concerns were raised regarding increasing building heights. The building heights depicted in Appendix 2 are consistent with those contained in the WLACP and West Leederville Precinct.

Based on the survey responses on the West Leederville Activity Centre discussed above, modifications to Section 3.2.1 of the draft LPS are not recommended.

3.2.2) Wembley Activity Centre

<table>
<thead>
<tr>
<th>Vision:</th>
<th>High level of support (86%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Action:</td>
<td>High level of support (84% agree or strongly agree)</td>
</tr>
<tr>
<td>Areas of support:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Increased density</td>
</tr>
<tr>
<td></td>
<td>Increased opportunities for Wembley Community</td>
</tr>
<tr>
<td></td>
<td>Quality built form outcomes</td>
</tr>
<tr>
<td></td>
<td>Business/employment opportunities</td>
</tr>
<tr>
<td>Suggestions:</td>
<td>Retaining and enhancing bushland in areas outside of Wembley (with development in Wembley) by focusing on the Harborne/Grantham Street corridor</td>
</tr>
</tbody>
</table>

The high level of support for the vision and key action of the Wembley Activity Centre is noted.

The suggestion for investigation of the Harborne/Grantham Street corridor is acknowledged and has some merit. However, it is dependent upon delivery of upgrades to the frequency and efficiency of public transport along these corridors, and the associated timeframes for these to occur are uncertain. Further collaboration with the Public Transport Authority, the Department of Transport, developers and the broader community is required.

Further, the intention to retain and enhance bushland outside of Wembley is also acknowledged and is discussed further in Section 3.3 (other residential sites).

Based on the survey responses on the Wembley Activity Centre discussed above, modifications to Section 3.2.2 of the draft LPS are not recommended.

3.2.3) Floreat Activity Centre

<table>
<thead>
<tr>
<th>Vision:</th>
<th>Near majority support (45% support, 39% object, 17% unsure)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Action:</td>
<td>Majority level of support (45% agree or strongly agree, 27% disagree or strongly disagree, 18% unsure)</td>
</tr>
<tr>
<td>Areas of support:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Increased development</td>
</tr>
<tr>
<td></td>
<td>Increasing activity/vibrancy</td>
</tr>
<tr>
<td></td>
<td>Parking management and expansion of parking facilities</td>
</tr>
<tr>
<td>Concerns:</td>
<td>Development encroaching into suburban areas</td>
</tr>
<tr>
<td></td>
<td>Traffic and parking management</td>
</tr>
<tr>
<td></td>
<td>The extent of community input</td>
</tr>
<tr>
<td></td>
<td>Noise</td>
</tr>
<tr>
<td></td>
<td>Height</td>
</tr>
</tbody>
</table>

Further, the intention to retain and enhance bushland outside of Wembley is also acknowledged and is discussed further in Section 3.3 (other residential sites).
The level of support for the proposed vision and key action for the Floreat Activity Centre is noted. The Floreat Forum is identified as a District Centre by the State Governments' State Planning Policy 4.2 'Activity Centres for Perth and Peel' (SPP4.2), which requires an activity centre plan to be prepared for this land.

The concerns regarding the Indicative Floreat Activity Centre Frame are acknowledged. As the frame is indicative and the level of detail to address amenity concerns are not in the draft LPS, these can be addressed during the preparation of the Activity Centre Plan. Similarly, the building height contained within the draft LPS is indicative and subject to further detailed planning as part of the Activity Centre Plan development.

The key actions from the Transport and traffic section of the draft LPS will require the Town to prepare a Movement Network Strategy that examines the road network across the Town. In doing so, this will assist in mitigating traffic impacts. Parking and traffic management will be a key issue in any redevelopment of the Floreat Forum and will require further investigation at that time.

Community input will be required as part of the development of the Floreat Activity Centre Plan (Schedule 2, Part 5, Clause 34 of the Regulations) and as part of any development application. Noise is required to satisfy the provisions of the Environmental Protection (Noise) Regulations 1997.

Based on the survey responses on the Floreat Activity Centre discussed above, modifications to Section 3.2.3 of the draft LPS are not recommended.

3.2.4) Cambridge Street Urban Corridor

<table>
<thead>
<tr>
<th>Vision:</th>
<th>Majority support (59% support, 23% object, 17% unsure)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Action:</td>
<td>Majority level of support (63% agree or strongly agree, 23% disagree or strongly disagree, 18% unsure)</td>
</tr>
<tr>
<td>Areas of support:</td>
<td>Increased density and development (including mixed-use and active and particularly along growth corridors</td>
</tr>
<tr>
<td>Suggestion:</td>
<td>Review feasibility of Harborne/Grantham streets</td>
</tr>
<tr>
<td>Concerns:</td>
<td>Development encroaching into residential areas</td>
</tr>
<tr>
<td></td>
<td>Traffic and parking management</td>
</tr>
</tbody>
</table>

The level of support for the proposed vision and key action for the Cambridge Street Urban Corridor is noted.

The suggestion to review feasibility is also noted and this has been discussed in Section 3.2.2 (Wembley Activity Centre) above. As mentioned in the discussion regarding Floreat Forum, the building heights contained within the draft LPS are indicative. The potential encroachment of development into residential areas will be addressed through the detailed planning to occur for this area, which will comprise further public consultation.

Based on the survey responses on the Cambridge Street Urban Corridor discussed above, modifications to Section 3.2.4 of the draft LPS are not recommended.

3.2.5) Gayton Road Neighbourhood Centre

<table>
<thead>
<tr>
<th>Vision:</th>
<th>Low level support (34% support, 50% object, 15% unsure)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Action:</td>
<td>Majority level of support (60% agree or strongly agree)</td>
</tr>
<tr>
<td>Areas of support:</td>
<td>Mixed-use nature of the development</td>
</tr>
<tr>
<td></td>
<td>Increased density</td>
</tr>
</tbody>
</table>

The level of support for the proposed vision and key action for the Gayton Road Neighbourhood Centre is noted.

Based on the survey responses on the Gayton Road Neighbourhood Centre discussed above, modifications to Section 3.2.5 of the draft LPS are not recommended.
The majority level of support for the proposed key action is noted. However, there was low level support for the proposed vision for this neighbourhood centre, which is outlined below:

"The Gayton Road Shopping Centre is envisioned to become a centre that supports a diverse range of land uses and residential opportunities, creating a desirable and interesting place for people to interact. Redevelopment of the precinct will focus on the creation of mixed use, multi-storey development."

It is acknowledged that the Empire Village shopping centre has recently redeveloped. The neighbourhood centre is important within the suburb as it represents an opportunity to provide diversity in housing choice. Any proposed changes will be the subject of public consultation for the future detailed planning over the short to medium term, which can provide further clarity regarding the heights desired/involved.

With respect to local character, in the short term, the draft LPS sets out actions for character and heritage which include the Town collaborating with the local community to undertake a review of streets and precincts within the Town to identify the specific values and attributes within those streets/precincts that exemplify the character of those areas and the aspects worthy of protection.

The concerns regarding retaining/enhancing public open space and bushland are noted. The objectives and key actions of Section 2.6.2 (Open Space and Public Realm) and 2.9.2 (Natural Asset Management) seek to maintain and expand upon the tree canopy throughout all suburban and urban precincts and to ensure that fringe development is appropriately planned to minimise land use conflict with key natural assets. Further, as Figure 19 is indicative and subject to further detailed planning and community consultation, it is considered that open spaces and bushland adjacent to the neighbourhood centre can be retained and/or enhanced.

The accessibility, connectivity and built form outcomes will be considered through further detailed planning and public consultation. Presently, the number 82 bus runs along The Boulevard connecting the Gayton Road Neighbourhood Centre to Perth. As part of the further detailed planning, the Town would seek to increase the frequency and efficiency of these services through continued discussions with the Public Transport Authority. The Town’s Design Review Panel will play a role in considering possible built form outcomes, prior to initial public consultation.

Based on the survey responses on the Gayton Road Neighbourhood Centre discussed above, modifications to Section 3.2.5 of the draft LPS are not recommended.

3.2.6) Ocean Village Neighbourhood Centre

<table>
<thead>
<tr>
<th>Concerns:</th>
<th>Proposed building heights</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Retaining/enhancing local character</td>
</tr>
<tr>
<td></td>
<td>Increased density/development</td>
</tr>
<tr>
<td></td>
<td>Retaining/enhancing public open space and bushland</td>
</tr>
<tr>
<td></td>
<td>Quality built form outcomes</td>
</tr>
<tr>
<td></td>
<td>Accessibility and connectivity to the area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vision:</th>
<th>Majority level of support (64% support, 20% object, 16% unsure)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Action:</td>
<td>Majority level of support (68% agree or strongly agree)</td>
</tr>
<tr>
<td>Areas of support:</td>
<td>Increased development (and a recognition that the area requires development)</td>
</tr>
<tr>
<td>Concerns:</td>
<td>Increased development/density/height</td>
</tr>
<tr>
<td></td>
<td>Parking management</td>
</tr>
<tr>
<td></td>
<td>Retaining/enhancing open space and bushland</td>
</tr>
</tbody>
</table>
The level of support for the proposed Ocean Village Neighbourhood Centre village and key action is noted.

The concerns are acknowledged. The subject site is underdeveloped and is capable of multi-level development in accordance with the Residential Design Codes (the Codes). The Town and the WAPC have agreed that a Local Development Plan (LDP) is required for the site. An LDP is a tool used to coordinate and assist in achieving better built form outcomes by linking lot design to future development. The draft LPS and key actions for the precinct represents high level direction that will inform the development of this site. Parking concerns can also be addressed as part of the LDP process.

Broadly, areas of public open space identified within the draft LPS were classified as either Recreation, Nature or Sport spaces which is consistent with the Department of Local Government, Sport and Cultural Industries’ (incorporating the former Department of Sport and Recreation) classification for open space functions. A recommended action of the draft LPS is that a Public Open (and Community Facilities) Strategy be prepared to analysis and clarify the roles and functions of the Town's open spaces.

Based on the survey responses on the Ocean Village Shopping Centre, discussed above, modifications to Section 3.2.6 of the draft LPS are not recommended.

3.2.7) Local Centres - Wembley and West Leederville (various)

| **Vision:** | Majority level of support (60% support, 20% object, 20% unsure) |
| **Key Action:** | Majority level of support (63% agree or strongly agree, 23% disagree or strongly disagree, 15% unsure) |
| **Areas of support:** | Development of local centres (density, activities and services) |
| **Concerns:** | Developing areas with frequent public transport instead of public open space and including numbers in the dwelling estimates |

The level of support for the vision and key actions for the Wembley and West Leederville Local Centres is noted. The concerns regarding development of areas with frequent public transport as opposed to public open spaces are acknowledged. The proposed distribution of population growth is contained predominantly within activity centres rather than suburban areas or areas of public open space. Refer to discussion in Section 3.2.2 (Wembley Activity Centre) above, regarding Harborne/Grantham Streets.

Based on the survey responses on the Local Centres (Wembley and West Leederville) discussed above, modifications to Section 3.2.7 of the draft LPS are not recommended.

3.3) Other Residential Developments

| **Wembley Golf Course** | Mixed levels of support (43% agree or strongly agree, 44% disagree or strongly disagree, 12% unsure) |
| **Old Quarry Site** | Majority support (63% agree or strongly agree, 33 disagree or strongly disagree, 5% unsure) |
| **Town Administration Centre** | Majority support (62% agree or strongly agree, 32 disagree or strongly disagree, 6% unsure) |
| **Templetonia Crescent** | Majority support (69% agree or strongly agree, 30 disagree or strongly disagree, 11% unsure) |
| **Ancillary dwellings** | Mixed levels of support (51% supportive or partially supportive, 37% unsupportive, 12% unsure) |

**Suggestions:**
- Creating golf style home development at the Quarry
- Retaining/enhancing public open space and bushland

**Concerns:**
- Using ancillary accommodation as short-term accommodation (E.g. AirBnB)
The mixed level of support for the use of surplus land on the Wembley Golf Course is acknowledged. The Town has had due diligence environmental assessment undertaken for the eastern site within the Golf Course and the assessment has not identified any environmental considerations which would fundamentally constrain potential future residential development of the site. Considerable planning work, including community consultation, is required before the land can be developed, however, this can occur during the lifespan of the LPS.

The suggestion to have Golf style home developments at the old quarry is noted. As the old quarry is identified as a potential future development site, subject to consideration of alternative uses and analysis of site constraints and development feasibility, this style of residential development could be considered as part of future investigations.

The suggestion to retain/enhance public open space and bushland is acknowledged. Bush Forever sites are not proposed to be removed. The potential future development sites will incorporate existing open space. Further, an aim of the Strategic Community Plan (Our Environment) is for proactive environmental leadership which will see the Town improve its energy and water efficiency, better manage and protect our natural bushland areas, reduce waste and take action to protect native plants and animals.

In relation to the AirBnB concerns, at its meeting held on 25 September 2018, Council considered the matter of Short Stay Accommodation and how it should be best addressed. At this meeting (refer to item DV18.137), Council resolved to prepare appropriate documentation for a regulatory framework applicable to Short Term Rental Accommodation, based on the following principles:

- Short term rental accommodation is to be generally consistent with the applicable Zone;
- Low risk short term rental accommodation proposals to be permitted as of right; and
- Ongoing compliance, monitoring and enforcement of short term rental accommodation is efficient and consistent

Subsequently, the Economic and Industry Parliamentary Standing Committee has resolved to hold an inquiry into regulation of this section of the tourist accommodation industry. A report is included on this agenda to consider this.

Based on the survey responses on other residential developments discussed above, modifications to Section 3.3.3 of the draft LPS are not recommended.

**General Comments/Submissions**

The final question of the survey was general in nature and 164 of response were received. Of which, three were identified as being fundamentally the same, but were still counted as separate submissions. The most common general comments related to:

- Retaining and enhancing public open space and bushland (27 responses);
- Support for density/development within West Leederville/Wembley (25 responses); and
- Comments relating to the consultation process and the length of the survey (22 responses).

The support for the distribution of density into activity centres is noted.

The comments regarding the retention and enhancement of public open space and bushland are acknowledged. The draft LPS does not proposed to remove Bush Forever sites. The potential future development sites will incorporate existing open space.
In the previous community consultation, the community identified two portions of existing bushland within the Wembley Golf Course. The likely rationale of the community being that to identify new portions of developable land would take pressure off the need to increase density in existing traditional single residential areas. These parcels of land at the golf course are considered surplus to the needs of the golf facility. These portions of land are owned by the Town of Cambridge and, subject to analysis of environmental significance, site constraints (e.g. Western Power substation) and development feasibility may be available for residential development.

The Town has had due diligence environmental assessment undertaken for the eastern site within the Golf Course (refer to attachment 6) and the assessment has not identified any environmental considerations which would fundamentally constrain potential future residential development of the site. Considerable planning work, including community consultation, is required before the land can be developed, however this can occur during the lifespan of the LPS.

The concerns regarding the length of the survey are acknowledged, and the Town appreciates the time taken by the 537 submitters during the preliminary advertising period. Should Council resolve to adopt the Draft LPS and submit it to the WAPC for certification, there will be further consultation and consideration will be given to the engagement tools/length of the survey in the future.

Based on the general comments discussed above, it is not recommended that the draft LPS be modified.

Written Submissions

Throughout the consultation period, the Town received 23 written submissions and five common topics emerged, these are identified and discussed below under their respective headings. A schedule of written submissions accompanied by a response, is included as an attachment to this report (refer to attachment 4).

Floreat Forum

Five of the written submissions expressed concerns regarding:

- the need for the additional dwellings at this site;
- the identified Floreat Forum redevelopment area/frame and associated impacts;
- changes to the dwelling yields associated with this site; and
- the timeframe associated with planning and building approvals.

As part of the State Government’s Perth and Peel @ 3.5 million strategic growth plan some 500,000 new homes are required to accommodate the projected population growth of 3.5 million by 2050, which is to be delivered through a mix of infill and greenfield developments. Each local government is required to demonstrate how they will accommodate this growth. As discussed within Section 3.2.3 (Floreat Activity Centre) above, the Floreat Forum is identified as a District centre by SPP4.2, which includes residential density targets.

The concerns regarding the Indicative Floreat Activity Centre Frame are acknowledged. As the frame is indicative and the level of detail to address amenity concerns are not in the draft LPS, these can be addressed during the preparation of the Activity Centre Plan.

Concerns were regarding the distribution of dwellings and the change in yields since 2017. It should be noted that the community preferred plan was not adopted by Council and has no formal status. The changes are reflective of what can be achieved on the sites throughout the
Town based on a number of factors including the established and estimated built form controls contained within the current planning framework, market demand, land fragmentation, lot size, subdivision potential and construction of ancillary dwellings. The estimates demonstrate that in a lower and higher growth situation the Town can comfortably meet the State Governments population targets.

It is difficult to provide a timeframe associated with the planning and building approvals for the Floreat Forum as they are dependent on the preparation of an activity centre plan, development approval (with a minimum substantial commencement time of 2 years) and building permits being issued.

_Ocean Village Neighbourhood Centre_

The Town received two submissions regarding Ocean Village Neighbourhood Centre, one from the owners and another from the planning consultant on behalf of the owners. These submissions expressed concern that the detail in the draft LPS would prejudice the Local Development Plan (LDP) process and also requested that the draft LPS be modified to allow an extra 100 dwellings and 1900m² of commercial floorspace.

The submitters suggested that the Ocean Village Precinct by defined by a clear boundary to assist with clarity regarding the distribution of dwelling targets within the City Beach Precinct. This suggestion is noted and it is recommended that an 'indicative precinct boundary' for the Ocean Village Neighbourhood Centre be included on Figure 20 and the following text be added to point 1 "... additional dwelling growth will generally be provided for within the indicative precinct boundary."

In relation to the dwelling target, these are only intended to be indicative and are not restrictive upon further detailed planning. In fact the draft LPS Report states that such further detailed planning is required. The indicative building envelopes are solely for the purpose of outlining the assumptions for the yield calculation, as stated.

The commercial floorspace target identified within the draft LPS is not intended as an upper limit as it was provided to demonstrate that mixed use outcomes were expected and to try and rationalise employment floorspace across the local government. To address this, it is recommended that a footnote be included within Section 2.3 to the employment floorspace target indicating that this was the indicative target, rather than prescriptive limits.

_Traffic and Transport_

Nine submissions included comments regarding:

- The impact of increase traffic associated with development/density in local centres, urban corridors and activity centres;
- Congestion;
- Capacity of the road network; and
- External Traffic Impacts (Perth High school).

The concerns regarding the increased traffic, congestion and the ability of the road network to cope are acknowledged. As part of the future detailed planning for these centres (to occur over the short to medium term) and any subsequent development applications, consideration will need to be given to these matters through Traffic Impact Assessments. Further, the overarching recommendation of Section 2.5 (Traffic and Transport) is for the Town to prepare a Movement Network Strategy, which would analyse the existing and future transport system requirements and provide achievable measures to minimise traffic congestion and provide an efficient and sustainable movement network.
At its meeting held on 19 December 2017 (refer to item DV17.140), Council considered the (then) Draft Subiaco Redevelopment Scheme No. 2 and associated policies and advised the Metropolitan Redevelopment Authority (MRA) that further information and development guidelines are required for the Subiaco East Project Area, to address a suite of matters including Traffic Impact Assessment.

Public Realm and Open Space

Eight Submissions included comments regarding:

- access to open space in West Leederville;
- retaining existing open spaces (regardless of size); and
- the importance of tree canopy.

One of the proposed key actions in the short term is to *identify opportunities to acquire and develop additional open space within residential areas...* and as part of the Activity Centre Planning, facilitate the creation of additional open space which responds to the increased demand from population growth in the local area. The importance of retaining the tree canopy is acknowledged as well as retaining existing open spaces.

Housing Diversity

Submissions related to:

- Increased subdivision potential, inclusive of corner lots and R20 coding in City Beach;
- Concerns regarding the impact of ancillary accommodation;
- Consideration for townhouses and villas within the City Beach and Floreat Precincts.

The submissions in relation to subdivision within City Beach are acknowledged. In order to address the State Governments requirements, the draft LPS proposes to distribute the majority of development intensification within existing centres and urban corridors, as these locations are generally better serviced by transportation infrastructure, local employment opportunities and community facilities to support an increased population. The remaining growth is proposed to occur within identified development sites and via further infill development within existing suburban areas. Accordingly, increased subdivision potential, inclusive of corner lots and R20 density codings within City Beach, do not form part of the Local Planning Strategy Plan. The dwelling estimates shown in Table 1 of the draft LPS, demonstrate that in a lower and higher growth situation the Town can comfortably meet the State Governments population targets.

The concerns regarding ancillary accommodation are noted. Provided the ancillary accommodation satisfies the deemed-to-comply requirements of design element 5.5.1 (ancillary dwellings) of the Codes, a development application is not required. Should an application be required, the existing planning framework (Town Planning Scheme No.1 and Local Planning Policies) and relevant design principle (shown below), will mitigate impacts on the streetscape.

"Ancillary Dwellings for people who live either independently or semi-dependently to the residents of the single house, sharing some site facilities and services without compromising the amenity of surrounding properties."

Housing diversity is addressed in Section 2.2.2 (Housing) of the Draft LPS, in particular the second objective seeks to: *increase the diversity of housing choices throughout the Town to cater for a changing demographic and lifestyle choice.* This diversity relates different housing typologies including apartments, townhouses and villas, smaller dwellings and ancillary accommodation. There will be the opportunity for these to be included within City Beach and
Floreat as identified within Section 3.3.3 (Potential Development Sites) and 3.2.5-6 (Gayton Road Neighbourhood Centre and Ocean Village Neighbourhood Centre).

Based on the written submissions received, it is recommended that the Draft LPS be modified as follows:

a) Modify Section 2.3 by including a footnote stating that 'the employment floorspace targets are indicative targets, rather than prescriptive limits.'
b) Include an Indicative Precinct Boundary for the Ocean Village Neighbourhood Centre;
c) including the following text within point 1:
   "Ensure future developments appropriately interface adjoining residential developments and St. Paul's Anglican Church; additional dwelling growth will generally be provided for within the indicative precinct boundary".

Service Agencies

A total of 17 services agencies were invited to comment on the draft LPS and submissions were received from Main Roads WA, Public Transport Authority, Landcorp and Metropolitan Redevelopment Authority, Floreat Park Primary School, the Urban Bushland Council and Departments of:

- Transport;
- Planning, Land and Heritage;
- Communities;
- Water and Environmental Regulation; and
- Education.

The submissions are contained within attachment 5 to this report. Each submission expressed general support for the Draft LPS and key comments are discussed below:

Department of Education (DoE)

The DoE outlined the factors that need to be considered as part of the school planning process, which includes factors such as:

- the rate of growth of the residential infill;
- number and type of dwellings;
- the timing of these dwellings; and
- the classroom capacity of schools to absorb the student growth from these developments.

The DoE suggested that the draft LPS does not include information to ascertain the education needs of the precinct, regarding the type of dwellings (i.e. number of bedrooms) and the timing of the infill development.

It is considered that the dwelling types could reasonably be speculated – though this is an exercise substantially more detailed than would usually be required as part of a local planning strategy, and would usually be completed as part of detailed planning (Activity Centre Plan and LDP level).

In relation to the timing, the rate of residential growth over the next 30 years is unknown as it is subject to market response to development opportunities, which is speculative at best. The draft LPS provides timeframes for the preparation of planning frameworks over the next 5-10 years, with development anticipated to commence once the planning framework is in place, and progress thereafter as market demand dictates.
The Town will continue to work closely with the DoE to provide relevant data and projections to ensure the appropriate planning for education facilities within the area. It is noted that this issue is not unique to the Town and that better coordination across state government departments will assist greatly in planning for Perth's population growth.

*Transport Impact Assessments*

Main Roads WA recommended that a Transport Impact Assessment (TIA) be undertaken to assess the impact of reducing traffic lanes and speeds whilst expanding public transport frequencies. These are noted as part of Section 2.5 of the draft LPS, the Movement Network Strategy, which is supported by Department of Transport policy, should form the basis of future detailed Traffic Impact Assessments for key development precincts.

*Public Transport Authority*

The Public Transport Authority (PTA) advised that Herdsman Parade, rather than the northern section of Harborne Street may be a more suitable Future Investigation Area for urban consolidation and infill due to the existing public transport service. The PTA also indicated that the area to the north of Herdsman Parade (in the City of Stirling) is also already developed at a higher residential density with some commercial tenancies. Section 3.3.4 was identified based on the Department of Transport's Transport Network Plan (2018).

The Town would be supportive of a link between Glendalough Station and the Herdsman/Glendalough and Osborne Park precincts as it may bring significant employment opportunities. This link will be advocated for by the Town.

*Appropriately sized housing and accessible housing*

The Department of Communities (DoC) (submission available in full in attachment 5) encouraged the Town to include an action to investigate planning and non-planning options to facilitate, incentivise and deliver affordable housing within the Town, which is noted. Affordability is identified as a key consideration under Section 2.2 of the draft LPS, and will be further detailed in subsequent stages of detailed planning to ensure that development within the Town does contribute towards greater affordability of sales and rental stock.

In relation to accessible housing, the DoC identified that (based on ABS census data) the town has a higher percentage of residents aged 55 or over. Further, the provision of diversity in the size and typology of housing across the Town can assist with this. The DoC recommended that the Town investigates actions that encourage the incorporation of WA Liveable Homes (universal) design principles into residential developments. This suggestion is acknowledged and it is recommended reference to the incorporation of WA Liveable Homes (universal) design principles, where appropriate, be included for consideration in the revised version of the report.

*Department of Water and Environment Regulation*

The Department of Water and Environment Regulation (DWER) provided comments on Sections 2.6 (public realm and open space) and 2.9 (natural asset management) of the draft LPS. The following suggestions/recommendations are acknowledged, but are considered to be addressed by the key actions identified within the draft LPS:

- DWER supports the key actions to be undertaken with respect to Natural Asset Management as listed in Section 2.9.4 Table 11 and recommends that development or clearing does not occur on environmentally sensitive sites.
- As groundwater resources in the area have reached their sustainable limits, DWER recommended that the draft Strategy (Sections 2.6 Public Realm and Open Space and...
2.8 Utility and Service Infrastructure) should identify water conservation and efficiency measures to reduce demand on groundwater resources.

DWER noted that the Town of Cambridge prepared a Treescape Plan (2010-2020) in 2010 which identifies specific areas and streets that require improvements in order to improve the town's overall tree canopy area. The recommendation that this plan is to be:

- Reviewed and updated;
- Recognising the retention of existing trees; and
- The provision of additional trees within new developments is supported.

This suggestion is acknowledged, and it is recommended that an additional action to review this Treescape Plan as recommended within Section 2.6 above is proposed. At its meeting held on 27 November 2018, Council considered a report on the Treescape Plan (item CR18.176). It is recommended that the draft LPS reflects Council's resolution to endorse changes in the content and implementation of the Treescape Plan and receive a further report which would include the proposed revised Treescape Plan and its implementation for review.

*Urban Bushland Council*

The Urban Bushland Council supported the principles and actions contained within Section 2.9 (Natural Asset Management), but also expressed concern regarding Wembley Golf Course and highlighted potential additions to the Threatened Ecological Communities list by the Federal Government.

In the previous community consultation, the community identified two portions of existing bushland within the Wembley Golf Course. The likely rationale of the community being that to identify new portions of developable land would take pressure off the need to increase density in existing traditional single residential areas.

These parcels of land at the golf course are considered surplus to the needs of the golf facility. These portions of land are owned by the Town of Cambridge and, subject to analysis of environmental significance, site constraints (e.g. Western Power substation) and development feasibility may be available for residential development.

The Town has had due diligence environmental assessment undertaken (refer to attachment 6) for the eastern site within the Golf Course and the assessment has not identified any environmental considerations which would fundamentally constrain potential future residential development of the site. Considerable planning work, including community consultation, is required before the land can be developed, however this can occur during the lifespan of the LPS.

The due diligence assessment acknowledges that if the Tuart Woodlands and Forests of the Swan Coastal Plain community is listed as a Federal TEC, then its potential occurrence within the site would need to be reconsidered in the context of any approved conservation advice. This listing may impact on the spatial design of any development proposal; however, it can be managed through the planning process.

*Heritage Considerations*

The Department of Planning, Lands and Heritage indicated general support for the process and recommended that where heritage is identified as a contributory part of the local profile the following be included:
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- A description of the area’s heritage assets and references to the municipal inventory as the main reference document for the identification of places with heritage significance;
- Acknowledgement within the State and regional context of State Planning Policy 3.5, Historic Heritage Conservation;
- Defined objectives for the future of heritage places in the area; and
- Strategies and actions to achieve those objectives, particularly any action or strategy relating to the Local Planning Scheme (e.g. ‘prepare a local planning policy for heritage places’).

These suggestions are noted and it is recommended that reference be provided to the updated heritage list and local government inventory (refer to item DV18.170 from 27 November 2018) and include appropriate references to State Planning Policy 3.5 ‘Historic Heritage Conservation’ within Section 2.4.

Based on the submissions from External/Service Agencies discussed above, it is recommended that the draft LPS be modified as follows:

a) Modify Section 2.2 (housing) by including the following action within Table 2 ‘where appropriate, incorporating WA Liveable Homes (universal) design principles into residential developments’; and

b) Include reference to the updated Heritage List/Local Government Inventory and appropriate references to State Planning Policy 3.5 within Section 2.4.

Summary of Modifications

Based on the submissions received and discussed above, it is recommended that the following modifications be undertaken prior to submitting the draft LPS to the WAPC.

Draft LPS

- Modify Section 2.2 (Housing), under Housing Diversity and Affordability to include reference to the incorporation of WA Liveable Homes (universal) design principles where appropriate.
- Modify the business and employment growth objective contained within Section 2.3 (Economy and Employment) as follows: ‘To provide flexibility in land use planning and development to facilitate land use change and mixture that encourages business and employment growth within Activity Centres, Corridors, Neighbourhood and Local Centres’.
- Modify Section 2.3 (Economy and Employment) by including the following footnote: ‘The employment floorspace targets are indicative targets rather than prescriptive limits.’
- Include reference to the updated Heritage List/Local Government Inventory and appropriate references to State Planning Policy 3.5 within Section 2.4 (Character and Heritage);
- Modify the Regional accessibility objective contained within Section 2.6 (Public Realm and Open Space) as follows: ‘Maintain and enhance improve current usability and accessibility for residents and visitors throughout the Town to regional open space and sporting facilities’.
- Modify the Key actions contained within Table 7 (Public Realm and Open Space) as follows: ‘Implement and review the Town’s Treescape plan (as amended) to ensure that tree canopy within the public realm is maintained and increased over time for the benefit of the community’;
Modify Figure 20 by:
- including an Indicative Precinct Boundary for the Ocean Village Shopping Centre; and
- including the following text within point 1:
  'Ensure future developments appropriately interface adjoining residential developments and St. Paul's Anglican Church; additional dwelling growth will generally be provided for within the indicative precinct boundary'.

**Minor Textual Amendments/Mapping Amendments**

In addition to providing feedback on the draft LPS survey, submitters also provided several suggestions to improve accuracy, consistency and presentation of the draft LPS. The administration took the opportunity to review the document and the following modifications are proposed to text and maps:

- **Mapping**
  - The boundary of the Cambridge Street Urban Corridor (Figure 1 vs figures 5, 8, 14 and 18);
  - Modify figure 4 to ensure consistency with the Ocean Village Neighbourhood Centre boundary set out in Figures 1 and 20
  - Modify Figures 4-6, 8 and 14 by:
    - including a 800m catchment around Glendalough and Daglish Stations; and
    - ensuring the boundary of the West Leederville Activity Centre is consistent with draft West Leederville Activity Centre Plan boundary, particularly the northern edge near Tower Street;
  - Ensure Holyrood Park open space is consistent with existing Town Planning Scheme parks and recreation reserve boundary;
  - Modify figure 7 to accurately reflect the Holyrood Conservation Area
  - Modify Figure 8 to ensure consistency with the Town of Cambridge Bike Plan (adopted at the Ordinary Council Meeting held on 24 July 2018)
  - Modify open space figures to:
    - Ensure delineation of Recreation Space, Sport Space and Nature Space is consistent with existing functions;
    - Consistency of open space at intersection of West Coast Highway and Hale Road; and
    - Show Recreation Space within Ocean Village park consistent with the existing playground area.
  - Modify images and figures relating to 'properties within 400m (5 minute walk) of Open Space outside of Town of Cambridge' be updated to reflect the latest approved plans for the Inner City College, particularly with regard to the accessible areas of open space;
  - Modify Figure 11 to display open space categories (Recreation, Sport, and Nature) in a consistent way to Figure 4;
  - Modify dot point 3 relating to Figure 15 to read, 'Need for high quality open space and community facilities to serve the growing population of West Leederville including the retention of existing public open space.);
  - Modifications to images and figures pertaining to Floreat Activity Centre area to show existing open space near the intersection of Cambridge Street, Howtree Place and Floreat Avenue;
  - Modify Figure 22 by including a 800m catchment around Glendalough and Daglish Stations; and
  - Adjust the marking of sections within relevant Figures and Maps.
• Text
  • Correction of typographical errors;
  • Inclusion of definitions for key words;
  • Update population to 28,339 (ABS ERP 2017) in LPS (page 4) and Background Analysis Report (page 2, 63) and modify Table 9 of Background Analysis Report (page 63) accordingly;
  • Update references within part 3.4.10 of part 2 to ensure consistency with the Town of Cambridge Bike Plan (adopted at the Ordinary Council Meeting held on 24 July 2018);
  • Update the number of Council owned trees in streets and public open spaces;
  • Ensure consistency throughout the draft LPS where references are made to 'Open Space and Community Facilities Strategy';
  • Including reference to the Urban Forest Strategy within Section 2.6.3;
  • Include the preparation of the Urban Forest Strategy as a Town Wide Action under Table 7 with a timeframe of 1-3 years (short term);
  • Add references as footnotes to Table 8 as to the source of the suggested benchmarks for community facilities;
  • Amend Table 8 title to 'Suggested benchmark guidelines for community facilities';
  • Modify the second and third paragraphs of Section 3.2.3 (Floreat Activity Centre);
  • Modify Key Action description for Wembley (Section 3.2.2) and Key Action Summary in Table 14;
  • Modify precinct vision for West Leederville Activity Centre Plans;
  • Modify Key Action description for Ocean Village Neighbourhood Centre (Section 3.2.6);
• and Natural Asset Management and reflect these changes within Tables 13 and 14;
• Provide further background in Section 3.3.3;
• Include reference to the bushfire assessment (appendix 3) within part 4.1.6 of the Background Analysis Report;
• Include indigenous names in part 4.1.9 of the Background Analysis Report;
• Incorporate a reference list; and
• Renumber figures accordingly.

Summary

With the above in mind, it is recommended that Council note the submissions received during the preliminary community engagement, adopt the Draft Local Planning Strategy subject to modifications and endorse the submission of it to the WAPC for certification.

POLICY/STATUTORY IMPLICATIONS:

The preparation of the LPS is being undertaken in accordance with the requirements for preparing and approving a Local Planning Strategy outlined in Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Part 3, Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015, states that the Western Australian Planning Commission is to certify a Local Planning Strategy for the purpose of proceeding to formal advertising of the LPS.

FINANCIAL IMPLICATIONS:

The projects discussed in this report are being financed by the Town’s operating budget for FY2018/19. There are no further financial implications related to this report.
STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:-

Our Neighbourhood

Goal 4 Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.1 Examine and better identify through planning and consultation those features and qualities which define our individual neighbourhoods

Strategy 4.2 Create opportunities for greater housing choice in forms relevant to demand, lifestyle needs and location

Strategy 4.3 Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character

Strategy 4.4 Enhance and respect our existing streetscapes, setbacks and green spaces

Strategy 4.5 Liaise with relevant agencies on planning, including provision for education and health facilities and service

COMMUNITY ENGAGEMENT:

The matter has been assessed under the Community Engagement Policy Level No. 1.2.11. Refer to the earlier section 'Consultation' for details of the consultation undertaken associated with this report.

Following endorsement by the WAPC, and incorporation of any modifications required, advertising of the LPS will take place in accordance with Part 13, Regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015, which require:

- Notices in the Post newspaper;
- A copy of the notices at the administration building;
- A copy of the notice to each public authority that the Town considers likely to be affected by the strategy;
- Notices on the Town's website; and
- Consultation in any other way the Town considers appropriate.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.195 SUBMISSION ON CENTRAL AREA TRANSIT (CAT) BUS REVIEW

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That Council:

1. ENDORSES this report as a submission to Transperth; and

2. PROVIDES a submission to Transperth which:-

2.1 Indicates general support for the CAT bus service;

2.2 Makes the following REQUESTS:

(a) Extension of Green CAT service times to include weekends and evenings;
(b) Consideration of an additional Green CAT stop west of Loftus Street;
(c) Extension of bus route 97 to Leederville train station; and
(d) Review of bus services in the inner suburbs, and appropriate funding mechanisms to improve services.

Motion put and CARRIED EN-BLOC (9/0)

SUMMARY:

Transperth is currently seeking community feedback on the Perth CAT service. The feedback provided will be used in the review of the Perth CAT system, with recommendations for any changes (subject to funding) available in mid-2019.

It is recommended that Council endorse a submission to be made on the Perth CAT service, as detailed in this report.

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 Perth CAT (Central Area Transit) system consists of four bus routes in the inner city area (Attachment 1). The bus routes operate every 5 - 15 minutes and are a free service.

The Perth CAT services operate predominantly within the Perth Parking Management Area and are funded by the Perth Parking Management Fund. The service is operated by Transperth with the fund being managed by the Department of Transport. The consultation material provided states that there are no plans at this stage to extend the Perth CAT services beyond the Perth Parking Management Area.

The Town has the most direct interest in the Green CAT service which has been operating since July 2013. The Green CAT travels between Leederville station and Elizabeth Quay Bus Station via City West, West Perth and St Georges Terrace. The Leederville station interchange/bus stop is located within the Town, between Southport Street and Cambridge Street.

DETAILS:

General Comments

Overall, the Town is supportive of the provision of public transport, particularly high frequency, well connected routes such as the CAT services. The Town is supportive of increasing the reach, frequency and hours of operation of the CAT services where possible, to reduce car dependency and facilitate efficient movement in the central area of Perth.

In regard to the investigation of a night-time CAT service, the Town provides in-principle support. Increased evening services will provide transport options for residents and visitors, encourage modal shift and support the nigh time economy.

West Leederville Activity Centre

The West Leederville Activity Centre is envisaged to increase in prominence as a centre for retail, commercial, and residential activities. Updates to the planning framework for this area are continuing, to incorporate population and business growth and to coordinate planning for the infrastructure and services required to support the centre.

Public transport is a high priority to support current and future residents, employees and visitors to the centre. The Leederville and West Leederville train stations are adjacent to the centre, providing significant public transport interchange opportunities and Cambridge Street has been identified in local and state plans as a ‘High Frequency Public Transport’ corridor.

As the West Leederville Activity Centre develops, improved public transport services will be critical to ensure adequate access for residents, employees and visitors to and through the area. Reducing dependence on private vehicles for transport to and from the area will require
efficient and convenient public transport supported by good quality public transport infrastructure. The availability of high-frequency public transport will also allow reductions in parking rates in the centre and support households moving away from private vehicle ownership.

Green CAT

The Green CAT services the West Leederville area via the Leederville Station interchange/bus stop between Southport Street and Cambridge Street at a frequency of 8 minutes, weekdays only.

In order to support the aims of the West Leederville Activity Centre into the future, the Town suggests:

• Extending service times to include weekends and evenings.
• Consideration of an additional stop, west of Loftus Street, to service activities in the Southport Street-Railway Parade-Loftus Street area.

These modifications to the existing Green CAT service will strengthen the public transport network in the West Leederville centre and provide increased interchange opportunities with the Joondalup Train Line, Fremantle Train Line and Cambridge Street High Frequency Corridor. Extending service times beyond traditional business and commute hours will support resident and visitor modal shift and recognise the centre's vibrant and diverse character.

It is noted that the review of the CAT system will include data collection by Transperth, including origin-destination data and passenger counting, in addition to the data and statistics already held by Transperth and the Public Transport Authority. If this review suggests operational or infrastructure changes are required to the Green CAT route as it is within the Town of Cambridge, the Town welcomes further engagement with the relevant authorities.

Bus Route 97

Bus route 97 (Subiaco Shuttle) travels between Subiaco train station and the University of Western Australia, via QEII Medical Centre. For a time this service continued north to Leederville train station.

The Town of Cambridge requests the bus route 97 be extended to Leederville train station. This extended route addresses a significant gap in the public transport network of the inner western suburbs, providing a connection from Leederville train station to the West Leederville Activity Centre, Subiaco, QEII Medical Centre and the University of Western Australia. The route would also provide a convenient interchange opportunity between it and the Green CAT stop servicing Leederville train station.

Additional Comments

This consultation period is considered an opportune time to provide additional comments relating to bus services within the Town, as follows:

• Review frequencies of bus routes 81 - 85. Within the West Leederville centre, these bus routes share common stops which combined, result in a high frequency service. Where these services diverge (west of Harborne Street), the service times are considered too infrequent to encourage modals shifts for trips other than CBD-bound commuter journeys.
• More generally, review bus services in the inner suburbs. The Town suggests there is a need to review services within (for example) 5 kilometres of the CBD, particularly linking non-CBD destinations and services. The inner suburbs of Perth include many centres
and corridors identified for more intense development, in line with the state government's *Perth and Peel @ 3.5 million* suite of documents. Quality infill development is challenging to deliver, particularly where community support of such development in these areas may be conditional upon the resolution of key issues such as traffic congestion and parking. In order to support increased residential and commercial development, it is important to ensure that there are suitable high frequency transport services in close proximity. It is important that these services reflect the needs of the diverse range of residents expected to occupy these areas. The inner city suburbs may be well served for CBD-bound commuter trips, but generally lack routes that link destinations within or across inner suburbs.

- Related to the above point, it may be beneficial to revisit the mechanisms to fund public transport in the inner city. There have now been a number of services funded by mechanisms other than the general state budget, such as the Perth Parking Management Fund (which funds the CAT system) and cost-sharing with various public and private entities (local government, universities, businesses). Alternative funding mechanisms including; cash in lieu for car parking, parking levies, public - private partnerships, developer contributions, etc., could be explored to more effectively link public transport and desired development outcomes.

**POLICY/STATUTORY IMPLICATIONS:**

There are no Policy or Statutory Implications related to this report.

**FINANCIAL IMPLICATIONS:**

There are no Financial Implications related to the recommendations of this report.

**STRATEGIC DIRECTION:**

This report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:-

**Our Neighbourhoods**

**Goal 6: Efficient transport networks**

- **Strategy 6.1** Coordinate our approach to transport planning, acknowledge transport pressures and respond to local needs and broader district and regional initiatives
- **Strategy 6.2** Engage with surrounding local governments to ensure a more coordinated response to land use and transport planning and noise impacts

**Our Council**

**Goal 12: Advocacy for the Community**

- **Strategy 12.1** Foster key relationships with all levels of government and other major stakeholders

**COMMUNITY ENGAGEMENT:**

Public consultation is being undertaken on the state government's My Say Transport website until 31 January 2019. No further consultation has been undertaken by the Town of Cambridge.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.196 SUBMISSION TO PARLIAMENTARY INQUIRY INTO SHORT STAY ACCOMMODATION

COUNCIL DECISION:
That Council:-
1. ENDORSES this Report, as AMENDED, as a submission;
2. SUPPORTS regulation of short-stay accommodation, based on the following principles;
   2.1 Short-stay accommodation is a land use that is distinct from residential dwellings;
   2.2 Regulatory discretion rests with local government;
   2.3 Low risk short-stay accommodation proposals to be permitted as of right; and
   2.4 Ongoing compliance, monitoring and enforcement of short-stay accommodation must be efficient and consistent; and
3. ADVISES that it does not wish to present to the Economics and Industry Standing Committee on this matter.

Motion, as AMENDED, put and CARRIED (9/0)

AMENDMENT
Moved by Cr Timmermanis, seconded by Cr Bradley
That the section relating to Low-risk proposals to be permitted be amended to read as follows:-

"The Town is interested to pursue a framework based on risk. It is reasonable to assume that there is less likely to be amenity issues where;

• The landowner or permanent resident of a dwelling used for short term rental accommodation also resides at the property, and
• The operation is of a small scale (as measured by bedrooms or maximum number of occupants).

As such, it is proposed that a threshold for proposals to be deemed 'low risk' be defined as above, and exempted from requiring development approval. If a proposal does not meet the low risk threshold, then a development application would be required, and the application is assessed against its impact on the amenity of adjoining properties and locality. It is likely that the definition of 'low risk' is dependent upon the local context."

Amendment put and CARRIED (5/4)

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

Cr Powell departed the meeting at 7.25 pm and returned at 7.27 pm.
Cr Carr departed the meeting at 7.28 pm and returned at 7.29 pm.
COMMITTEE AND ADMINISTRATION RECOMMENDATION:

Moved by Mayor Shannon, seconded by Cr Nelson

That Council:-

1. ENDORSES this Report as a submission;

2. SUPPORTS regulation of short-stay accommodation, based on the following principles;
   2.1 Short-stay accommodation is a land use that is distinct from residential dwellings;
   2.2 Regulatory discretion rests with local government;
   2.3 Low risk short-stay accommodation proposals to be permitted as of right; and
   2.4 Ongoing compliance, monitoring and enforcement of short-stay accommodation must be efficient and consistent; and

3. ADVISES that it does not wish to present to the Economics and Industry Standing Committee on this matter.

SUMMARY:

The Economics and Industry Standing Committee is seeking public submissions regarding the regulation of short-stay accommodation, to assist in its inquiry into this matter.

As the Town has recently considered regulating short-stay accommodation and has an interest in this matter, it is recommended that Council endorse a submission to the Economics and Industry Standing Committee, as detailed in this report.

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 September 2018, Council considered options to address the regulation of short term rental accommodation in the Town and resolved as follows (refer DV18.137);

That Council:-

1. CONSIDERS Short Term Rental Accommodation as a distinct land use in the planning framework;

2. INSTRUCTS the Administration to prepare appropriate documentation for a regulatory framework applicable to Short Term Rental Accommodation, based on the following principles:

   2.1 Short term rental accommodation is to be generally consistent with the applicable Zone;

   2.2 Low risk short term rental accommodation proposals to be permitted as of right; and

   2.3 Ongoing compliance, monitoring and enforcement of short term rental accommodation is efficient and consistent.

In November 2018, the Economics and Industry Standing Committee (a committee of the Legislative Assembly) resolved to conduct an inquiry into the regulation of short-stay accommodation in Western Australia, with particular reference to:

1. The forms and regulatory status of short-stay accommodation providers in regional and metropolitan Western Australia, including existing powers available to local government authorities;

2. The changing market and social dynamics in the short-stay accommodation sector;

3. Issues in the short-stay accommodation sector, particularly associated with emerging business models utilising online booking platforms; and

4. Approaches within Australian and international jurisdictions to ensure the appropriate regulation of short-stay accommodation.

The Committee's report is due to be tabled in parliament in June 2019.

Advice from the Department of Planning, Lands and Heritage indicated that, at this stage, nothing further will be progressed to the Western Australian Planning Commission or the Minister in this area, pending the outcomes of the inquiry. This means that Administration will not progress to presenting scheme amendment or local law documentation to Council until the outcomes of the inquiry are known.

This report uses the terms 'short term rental' and 'short-stay accommodation' interchangeably. The former was the preferred term in the September 2018 report to Council, and the latter is the preferred term in the inquiry documentation. The inconsistency in definitions and terminology is likely to be raised during the inquiry.
DETAILS:

The Town of Cambridge would find it difficult to determine the exact number of short term rentals operating in the Town. There are a number of platforms where this type of accommodation can be advertised and the same property might be advertised across any number of these. Also, some short term rental properties may be permanently available for rent, while others are available for particular periods of time or as a 'one-off' occurrence.

At the time of preparation of the September 2018 report to Council, the Airbnb analytics website AirDNA was accessed to gather basic information. AirDNA gathers data that is publicly available from Airbnb listings and returns various statistics for a selected location. A simple search across the suburbs wholly (or mostly) within the Town of Cambridge returned the following information:

<table>
<thead>
<tr>
<th>Suburb</th>
<th>No. of active rentals</th>
<th>No. of 'entire home' listings</th>
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</thead>
<tbody>
<tr>
<td>City Beach</td>
<td>18</td>
<td>61 %</td>
</tr>
<tr>
<td>Floreat</td>
<td>25</td>
<td>64 %</td>
</tr>
<tr>
<td>Wembley</td>
<td>59</td>
<td>69 %</td>
</tr>
<tr>
<td>West Leederville</td>
<td>20</td>
<td>70 %</td>
</tr>
</tbody>
</table>

The Town regularly receives queries regarding the planning framework as it applies to short term rental accommodation of this nature. However, there have not been a large number of complaints or concerns regarding these uses, suggesting that there is not a pressing need for regulation and enforcement. A search of the Town’s records for complaints about short term rental accommodation returned six instances of compliance action in the last three years. There does not appear to be any ongoing or recurring compliance matters being reported to the Town.

Current Statutory Framework

The Town's Planning Scheme No. 1 (TPS1) includes a definition of 'Bed and Breakfast' and corresponding permissibility in the Zoning Table. This captures instances where the owner/permanent resident of the house is present. There is not a definition of short term rental accommodation (or similar) and therefore no indication of permissibility in the Zoning Table. This has the effect that a discretionary decision of Council is required where short term rental accommodation is proposed and the owner/permanent resident is not present.

There is limited guidance for assessment, potentially resulting in ad hoc decision making that does not provide certainty for those considering operating short term rental accommodation or those residing in the vicinity of short term rental accommodation.

In addition to the uncertainty around land use definitions, ongoing management of permitted or approved short term rental accommodation is not addressed in the current framework. Should approval be granted for short term rental accommodation, conditions are likely to be added based on the merits of the proposal. Compliance with an approval would be enforced under the Planning and Development Act 2005.

Proposed Framework

While the Town may not currently be experiencing issues with short term rental accommodation at the same scale as other locations, there is an opportunity for some level of planning control over short term rental accommodation that provides more clarity than the current situation.
In September 2018, Council considered whether or not to pursue the regulation of short term rental accommodation and resolved as follows:

That Council:-

1. CONSIDERS Short Term Rental Accommodation as a distinct land use in the planning framework;

2. INSTRUCTS the Administration to prepare appropriate documentation for a regulatory framework applicable to Short Term Rental Accommodation, based on the following principles:

   2.1 Short term rental accommodation is to be generally consistent with the applicable Zone;

   2.2 Low risk short term rental accommodation proposals to be permitted as of right; and

   2.3 Ongoing compliance, monitoring and enforcement of short term rental accommodation is efficient and consistent.

The first part of the resolution confirms that Council believes short term rental accommodation is a land use in its own right, i.e. a land use that is different from 'dwelling'. The second part of the resolution considers regulation. The regulatory framework outlined in the report to Council was based on the City of Fremantle’s approach. A desktop review of the City of Fremantle framework, and discussion with staff, suggests the approach has been well received and successful in managing short term rental accommodation.

In order to establish the proposed framework there are two main proposals to be drafted by the Town, a scheme amendment to TPS1 and a local law. It should be noted that these documents have not been drafted for consideration by Council, and as such, the framework described above has only in-principle support.

**Issues**

**Differences across local governments**

It is evident that different local government areas face different challenges in relation to short term accommodation. In popular tourist destinations, the large number of dwellings operated as short term rental accommodation has prompted a strong regulatory response from the local authority. As the overwhelming majority of dwellings within the Town of Cambridge are occupied permanently by residents, the Town's regulatory framework may not be required to be as complex.

The Town is supportive of achieving some consistency in regard to the regulation of short term rental accommodation, but not at the expense of losing the ability to respond to the local context.

**Environmental and amenity impacts**

As the Town is dominated by permanent residential dwellings, the most likely local issues relate to environmental and amenity impacts such as; noise, parking and waste management.

It is suggested that a risk-based framework, coupled with a mandatory licencing regime, will be adequate to manage these actual or perceived impacts.
**Low-risk proposals to be permitted**

The Town is interested to pursue a framework based on risk. It is reasonable to assume that there is less likely to be amenity issues where;

- The landowner or permanent resident of a dwelling used for short term rental accommodation also resides at the property, or
- The operation is of a small scale (as measured by bedrooms or maximum number of occupants).

As such, it is proposed that a threshold for proposals to be deemed 'low risk' be defined, and exempt from requiring development approval. If a proposal does not meet the low risk threshold, then a development application would be required, and the application is assessed against its impact on the amenity of adjoining properties and locality. It is likely that the definition of 'low risk' is dependent upon the local context.

**Enforcement**

In any regulatory scenario, it is likely that local government will be responsible for enforcement. The Town's preference is for a licencing regime (via a local law) that can be applied to all short term rental accommodation operations to ensure the local government is able to liaise with the operator to resolve any issues quickly.

The Town acknowledges that there will be some enforcement burden in any regulatory environment, and associated difficulties such as rare instances where individuals knowingly seek to circumvent regulatory requirements.

**Planning response**

Regulation of short term rental accommodation can be accommodated via a number of mechanisms; however, it is likely to involve the planning framework.

The Town is supportive of achieving some consistency with short term rental accommodation but believes regulatory discretion should be at a local government level. Short term rental accommodation proposals are small scale, local land use matters; clearly within the realm of local government planning control.

Increased consistency could be introduced via 'model' or 'deemed' definitions and scheme provisions. The Town raises concerns with introducing deemed provisions for what is ultimately a local land use issue and can foresee technical inconsistencies with existing schemes, policies or local laws. Model definitions and provisions are considered a more reasonable approach, but clear guidance will be required as to the Western Australian Planning Commission's expectations and the statutory weight of any such guidance.

It is noted that there are some community concerns related to short term rental accommodation (such as taxation and insurance) that remain beyond the reach of the planning framework, and the Town provides no comment on these matters.

**POLICY/STATUTORY IMPLICATIONS:**

It is likely that there will be policy and statutory implications associated with the outcomes of the inquiry. These will be reported to Council as required.

There are no Policy or Statutory Implications related to the recommendations of this report itself.
FINANCIAL IMPLICATIONS:

There are no Financial Implications related to the recommendations of this report.

STRATEGIC DIRECTION:

The recommendations of this report are consistent with the following strategies of the Town's Strategic Community Plan 2018-2028:-

Our Council

Goal 9:  **Transparent, accountable governance**
Strategy 9.1 Implement initiatives that strengthen governance skills, transparency and knowledge.

Goal 12:  **Advocacy for the Community**
Strategy 12.1 Foster key relationships with all levels of government and other major stakeholders

COMMUNITY ENGAGEMENT:

The public may make a submission to the Committee until 25 January 2019.

It is likely that the progression of any policy or regulatory responses (at a state or local government level) recommended by the Committee would be subject to a public consultation process.
### DV18.197 LOCAL LAW 43: BUILDINGS ON ENDOWMENT LAND AND LIMEKILN ESTATE - COMMENCEMENT OF STATUTORY REVIEW

**COUNCIL DECISION:**
(Committee and Administration Recommendation)

Moved by Mayor Shannon, seconded by Cr Nelson

**That:**-

1. the Council in accordance with Section 3.16 of the Local Government Act 1995, **COMMENCES** a review of Bylaw 43 (Local Law 43) - Buildings on Endowment Lands and Limekilns Estate, the purpose and effect of the Local Law being as follows:

   **Purpose:**
   Bylaw 43 (Local Law 43) determines the requirements for buildings on Endowment Lands and Limekilns Estate;

   **Effect:**
   Bylaw 43 (Local Law 43) contains provisions which include various Town Planning and Building requirements, some of which are duplicated or covered in contemporary Town Planning and Building Legislation and Policy.

2. Council **GIVES** a statewide public notice and local public notice, stating:

   2.1 It proposes to review Bylaw 43 (Local Law 43);

   2.2 Copies of the proposed Bylaw 43 (Local Law 43) may be inspected at the Town’s Administration Offices; and

   2.3 Submissions about the proposed Bylaw 43 (Local Law 43) may be made to the local government within a period of not less than six (6) weeks after the notice is given;

3. In accordance with Section 3.12(3)(b) of the Local Government Act 1995, as soon as the notice is to be given, a copy of the proposed local law and notice is to be given to the Minister for Local Government;

4. In accordance with Section 3.12(3)(c) of the Local Government Act 1995, a copy of the proposed local law be supplied to any person requesting it; and

5. After the close of the statutory public consultation period, a report be submitted to Council on any submissions received on the proposed law to enable the Council to consider the submissions made and to determine whether to adopt the local law in accordance with Section 3.12(4) of the Act.

Motion put and **CARRIED EN-BLOC** (9/0)
SUMMARY:

The purpose of this report is to inform the Council of the statutory eight (8) year review of Bylaw 43 (Local Law 43) - Buildings on Endowment Lands and Limekilns Estate. Local Law 43 has been in existence since 1939, with the last amendments made in 1993. It appears that no formal review has occurred since this time.

It is a requirement under the Local Government Act 1995 that local laws are reviewed every eight years, and it has been more than eight years since the last review of Local Law 43.

Local Law 43 contains provisions that address a number of matters, including various town planning and building requirements. Many of these provisions are duplicated, or covered in contemporary town planning and building legislation and policy and therefore clarity of the effect and weight of these provisions is necessary.

A consolidated version of Local Law 43 has been prepared by Jackson McDonald lawyers, in accordance with Council's resolution on 28 August 2018 (Attachment 1). This version will be made available for viewing during the advertised review.

It is therefore recommended that Council initiate a review of Local Law 43.

AUTHORITY / DISCRETION

- ☑ 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.

- ■ 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.

- ■ 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:

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<td>20 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Brett Cammell, Manager Planning Strategies and Economic Development</td>
</tr>
<tr>
<td>Contributing Officers:</td>
<td>Christie Downie - Senior Strategic Planning Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Local Law 43 - Buildings on Endowment Lands and Limekilns Estate</td>
</tr>
<tr>
<td></td>
<td>2. Map of Local Law 43 land descriptions</td>
</tr>
</tbody>
</table>
On 28 August 2018, Council considered a similar report (DV18.120), however, decided:

*That the item relating to Local Law 43: Buildings on Endowment Land and Limekiln Estate - Initiation of Review be DEFERRED until October 2018 for further consideration.*

**Previous History:**

The deferral was to enable the Town to prepare a consolidated version of Local Law 43. Following a procurement process, Jackson McDonald lawyers were engaged by the Town and have prepared a consolidated version of Local Law 43 by reviewing the Government Gazette and numerous amendments since the local law's first gazettal (see Attachment 1).

The following points provide an overview of the history of Local Law 43:

1. The *Cambridge Endowment Lands Act 1920* enabled the creation of Bylaws (later referred to as Local Laws) for a variety of purposes, including the control of land use, subdivision and development. This was reflective of the time given the first specific Town Planning Legislation was not passed until the *Town Planning and Development Act 1928*.

2. The first appearance of Local Law 43 - Endowment Lands and Limekilns Estate in the Government Gazette was 28 July 1939, where existing Bylaws 43 and 44 were repealed. Local Law 43 has since been amended on 33 occasions, the most recent being the entry in the Government Gazette of 2 April 1993.

3. Section 42 of the *Cambridge Endowment Lands Act 1920* (reprinted 2 December 2011) empowers the Town of Cambridge to make a Local Law, in accordance with the *Local Government Act 1995*.

4. Note 23 'Endowment Act Bylaws (transition)' of the *Cambridge Endowment Lands Act 1920* provides for the continuation of Bylaws made under the Endowment Act to remain in force after 'Division Day', as if they had been made under that Act by the Town of Cambridge. Division Day refers to the formation of the Town of Cambridge from the City of Perth on 1 July 1994.

5. A report considering the repeal of Local Law 43 was presented to Council on 25 August 1998. Council endorsed community consultation on the possible repeal of Local Law 43.

6. A Notice of Motion to repeal Local Law 43 was lost on 23 February 1999, following the above period of public consultation.

7. Amendment 5 to Town Planning Scheme No. 1 was initiated in November 1999, and proposed to incorporate certain development standards of Bylaw 43 into Town Planning Scheme No 1 (TPS1). Upon gazettal of Amendment 5, it was intended that Local Law 43 would be repealed.

8. At its meeting of 26 April 2000, Council determined to defer the consideration of Amendment 5 to TPS1 and repealing Local Law 43. It is unclear whether any further progress or decision was made on Amendment 5 or repealing Bylaw 43.

9. Part of Local Law 43 is included in the Town Planning Scheme Policy Manual as 'Schedule 3: Local Law 43 - Building on Endowment Lands and Limekilns Estate'. This excerpt of Local Law 43 refers to materials of construction, roof reflectivity and outbuildings.
10. Attachment 1 to this report is Local Law 43 - Buildings on Endowment Lands and Limekilns Estate; prepared as a consolidated version by Jackson McDonald lawyers.

11. Attachment 2 to this report is a map of the land descriptions referenced in Local Law 43 - Buildings on Endowment Lands and Limekilns Estate.

DETAILS:

There is evidently a long history to Local Law 43. It appears that the last amendment to Local Law 43 was made in 1993, and whilst the purpose of the Local Law was considered during 1998-1999 and again in 2000, no formal review of the Local Law was undertaken.

Issues with current By-law

The attached consolidated version of Local Law 43 (and the map showing the land descriptions as written in the Local Law) shows a number of anomalies that have emerged over time. There are typographical errors, inconsistencies in clause numbering and land descriptions that no longer identify land as intended. Attachment 2 in particular, highlights areas where land subdivision and amalgamation has occurred in a manner that is inconsistent with the way the land was identified in the Local Law. More detailed mapping (including current cadastral boundaries) will be made available during the public submission period.

The Local Government Act 1995 (LG Act) provides for the review and making of Local Laws. The amending or repealing of a Local Law is, in fact, the making of a new Local Law and must follow the full statutory process.

Section 3.16(1) of the LG Act requires a review of Local Laws to be undertaken every eight years (refer to excerpt below). It is therefore recommended a review of Local Law 43 be undertaken. While it is recommended that the review process be commenced (as per Section 3.16 of the LG Act), it is already evident that Local Law 43 is, at least in part, obsolete. Much of Local Law 43 consists of provisions that are duplicated or covered in contemporary town planning and building legislation and policy.

As it is known that Local Law 43 will require amending or repealing, advice from the Department of Local Government, Sport and Cultural Industries indicates that the Town may commence procedures to amend or repeal the Local Law without formally reviewing the Local Law as per Section 3.16 of the LG Act. This approach has not been taken as it is considered more beneficial to allow for community concerns would be raised during the review period, before drafting the required amendment or repeal documentation.

If the Town proceeded directly to drafting amendment or repeal documentation, an appropriate Council resolution would be required and following this, a six week public submission period would commence. If any submissions raised issues that resulted in significant changes to what had been proposed, the procedure for making the Local Law must be recommenced. This is considered an unnecessary risk and as such, is not the approach taken in this report.
POLICY/STATUTORY IMPLICATIONS:

Section 3.16(1) of the Local Government Act 1995 states:

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

Section 3.16(2) of the Local Government Act 1995 requires the local government to give Statewide public notice when the local government is proposing to review the local law and prescribes the manner of how the public notice is to occur.

FINANCIAL IMPLICATIONS:

Funds are available in the Operating Budget for Financial Year 2018-2019 to undertake the review. It is noted that legal opinion will likely be sought during the course of the review.

STRATEGIC DIRECTION:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2018-2028:

Our Council

Goal 9: Transparent, accountable governance
Strategy 9.1 Implement initiatives that strengthen governance skills, transparency and knowledge.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with Section 3.16(2) of the Local Government Act 1995, community consultation will be undertaken via Statewide and Local Public Notice of the proposed review of Local Law 43 - Buildings on Endowment Lands and Limekilns Estate.
COUNCIL DECISION:  
(COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That Council:-

1. NOTES the information related to the Strategic Priorities for 2018/19 for Strategic Planning, Economic Development and Sustainability;

2. DEFERS the West Leederville Hub project until such time that the Local Planning Strategy and West Leederville Activity Centre Plan are further advanced towards final approval; and

3. DEFERS the Short Term Rental Accommodation project until the outcomes of the Inquiry into Short-Stay Accommodation being undertaken by the Economics and Industry Standing Committee are known.

Motion put and CARRIED EN-BLOC (9/0)

Committee Meeting 11 December 2018

During discussion, the Mayor agreed that, in accordance with Clause 9.8 of the Standing Orders, the motion be divided into separate motions.

That Council:-

1. NOTES the information related to the Strategic Priorities for 2018/19 for Strategic Planning, Economic Development and Sustainability;

Motion put and CARRIED (5/0)

2. DEFERS the West Leederville Hub project until such time that the Local Planning Strategy and West Leederville Activity Centre Plan are further advanced towards final approval;

Motion put and CARRIED (3/2)

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

3. DEFERS the Short Term Rental Accommodation project until the outcomes of the Inquiry into Short-Stay Accommodation being undertaken by the Economics and Industry Standing Committee are known.

Motion put and CARRIED (5/0)
ADMINISTRATION RECOMMENDATION:

That Council:-

1. NOTES the information related to the Strategic Priorities for 2018/19 for Strategic Planning, Economic Development and Sustainability;
2. DEFERS the West Leederville Hub project until such time that the Local Planning Strategy and West Leederville Activity Centre Plan are further advanced towards final approval; and
3. DEFERS the Short Term Rental Accommodation project until the outcomes of the Inquiry into Short-Stay Accommodation being undertaken by the Economics and Industry Standing Committee are known.

SUMMARY:

On 24 July 2018, Council adopted a number of priority projects for the Strategic Planning, Economic Development and Sustainability business areas of the Town.

This report is the second quarterly progress report on the projects.

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:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>27 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Brett Cammell, Manager, Planning Strategies and Economic Development</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
</tbody>
</table>
On 24 August 2018, Council resolved as follows (refer DV18.104):

That:-

1. The strategic project priorities and timetable for the Financial Year 2018/19, as detailed in the following table be ADOPTED:-

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FY2017/18 ongoing projects:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Local Planning Strategy</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>2. Town Planning Scheme 1 review - omnibus amendment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Wembley Activity Centre Plan - statutory planning controls</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. West Leederville Activity Centre Plan - update and statutory planning controls</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>5. West Leederville Hub Project</td>
<td></td>
<td></td>
<td>To be determined</td>
<td></td>
</tr>
<tr>
<td>6. Review of Local Government Inventory and Heritage List</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Economic Development Strategy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Sustainability Strategy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FY2018/19 new projects:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Local Planning Policy 3.1: Streetscape - review</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>10. Local Planning Policy 5.1: Parking - review</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>11. Short Term Rental Accommodation - discussion paper</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>12. Review of centres</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
</tbody>
</table>

* Project will likely continue through to FY2019/20

2. Quarterly reports on the progress of the priority projects identified in the table above be received.

This report is the second progress report on the priority projects.

DETAILS:

1. **Local Planning Strategy (LPS)**

<table>
<thead>
<tr>
<th>Project status</th>
<th>Draft Local Planning Strategy (LPS) was adopted by Council on 24 July 2018. Community consultation occurred between 20 August 2018 and 17 September 2018 resulting in 532 submissions. A separate report on this agenda details the community consultation and recommends the adoption of the draft LPS and submission to the WAPC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project on target</td>
<td>On target.</td>
</tr>
<tr>
<td>Risk or barriers</td>
<td>None identified at this stage.</td>
</tr>
</tbody>
</table>
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

2.

Town Planning Scheme No. 1 (TPS1) review

Project status

Project on target
Risk or barriers

3.

Wembley Activity Centre Plan (ACP) - statutory planning controls

Project status

Project on target
Risk or barriers

4.

An omnibus 'basic' amendment to TPS1 (Amendment 38) was adopted by
Council on 25 September 2018. Following referral to the Environmental
Protection Authority, the amendment was submitted to the WAPC on 9
November 2018. Under the 2015 Regulations, the WAPC must make a
recommendation on the amendment to the Minister or authorised person within
42 days of receiving the 'basic' amendment, that being 21 December 2018.
On target.
No new risks or barriers have been identified.

The Wembley ACP received final approval by the WAPC on 26 June 2018.
Further review of the statutory planning controls (local planning policy) for the
activity centre area has commenced and a report on recommended amendments
to the local planning policy will be presented to Council in early 2019.
On target.
No new risks or barriers have been identified.

West Leederville Activity Centre Plan - update and statutory planning controls

Project status

The West Leederville ACP was considered by the WAPC on 29 May 2018 who
decided that the ACP requires modification to:
a) include appropriate residential density targets as guided by higher level
strategic planning documents;
b) preparing a traffic impact assessment; and
c) updating the document to ensure the content and data is up to date,
mapping standards are adequate and the plan is consistent with the
guidance provided in the draft Local Planning Strategy.
The ACP is then required to be advertised in accordance with the 2015
Regulations and resubmitted to the WAPC.
Further detailed analysis of the residential targets for the area has been
undertaken as part of the draft Local Planning Strategy and this work will be
incorporated into the revised ACP. Traffic consultants have commenced the
traffic impact assessment. Work has commenced on updating the document as
required by part c) of the WAPC's resolution.

Project on target
Risk or barriers

5.

It is anticipated the revised ACP will be presented to Council for adoption to
advertise for public comment in early 2019.
On target.
No new risks or barriers have been identified.

West Leederville Hub Project

Project status

Project on target
Risk or barriers

In accordance with Council resolution on 28 August 2018 (refer DV18.121) this
project was discussed at an Elected Member forum held on 14 November 2018.
Given the potential implications on the Hub land arising from the Local Planning
Strategy and West Leederville Activity Centre Plan, it is considered appropriate to
defer this project until further progress and certainty is determined regarding the
LPS and West Leederville ACP.
To be determined.
Not applicable

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6. Review of Local Government Inventory (LGI) and Heritage Listing under TPS1

<table>
<thead>
<tr>
<th>Project status</th>
<th>Council adopted the Heritage List and revised LGI on 27 November 2018. Also adopted was Local Planning Policy 3.15: Development of Heritage Places, and Amendment 37: Heritage related provisions. LPP3.15 has taken effect, however, Amendment 37 is to be forwarded to the WAPC for assessment and recommendation to the Minister. There are other more minor matters to complete relating to the heritage project (eg. policy for heritage grants), however, this project is now considered to be substantively complete.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project on target</td>
<td>Complete.</td>
</tr>
<tr>
<td>Risk or barriers</td>
<td>No new risks or barriers have been identified.</td>
</tr>
</tbody>
</table>

7. Economic Development Strategy (incorporating strategies for commercial centres)

<table>
<thead>
<tr>
<th>Project status</th>
<th>The Economic Development Strategy 2018-2022 (EDS) was endorsed by Council on 24 July 2018. This project is now effectively complete as the Town is now implementing the actions of the EDS. Annual reports on the implementation of the EDS will be prepared for the life of the document (first report scheduled for July 2019), with a review of the document as a whole occurring in the final year (2022).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project on target</td>
<td>Complete.</td>
</tr>
<tr>
<td>Risk or barriers</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

8. Sustainability Strategy

<table>
<thead>
<tr>
<th>Project status</th>
<th>The draft Sustainability Strategy has been public advertised for comment and the final additional two school sessions recently undertaken. A report on the submissions and final document will be presented to Council in February 2019.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project on target</td>
<td>On target.</td>
</tr>
<tr>
<td>Risk or barriers</td>
<td>No known risks or barriers.</td>
</tr>
</tbody>
</table>

9. Local Planning Policy 3.1: Streetscape - review

<table>
<thead>
<tr>
<th>Project status</th>
<th>An internal review of the policy has been undertaken within the planning department and it is intended that a 'principles' report will be presented to Council in February 2019 to guide specific modifications to the policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project on target</td>
<td>On target.</td>
</tr>
<tr>
<td>Risk or barriers</td>
<td>No known risks or barriers.</td>
</tr>
</tbody>
</table>

10. Local Planning Policy 5.1: Parking - review

<table>
<thead>
<tr>
<th>Project status</th>
<th>Not yet started - due to commence January 2019.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project on target</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Risk or barriers</td>
<td>No known risks or barriers.</td>
</tr>
</tbody>
</table>

11. Short Term Rental Accommodation - discussion paper

<table>
<thead>
<tr>
<th>Project status</th>
<th>The discussion paper was presented and endorsed by Council on 25 September 2018. Substantive progress on the preparation of the scheme amendment and local law in line with the discussion paper had been undertaken. However on 1 November 2018 the state government announced an inquiry into short-stay accommodation to be undertaken by the Economics and Industry Standing Committee. The Town sought advice from the Department of Planning, Lands and Heritage on the impact of this inquiry on the Town's initiative and have since been advised that nothing relating to short stay accommodation will be progressed to the Minister by the Department until the outcomes of the inquiry are known.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project on target</td>
<td></td>
</tr>
<tr>
<td>Risk or barriers</td>
<td></td>
</tr>
</tbody>
</table>
This is unfortunate and therefore it is recommended that this project be deferred until the outcomes of the inquiry, and their effect on the Town's initiative, are known.

Project status: Not yet started - due to commence January 2019.

Risk or barriers: No known risks or barriers.

12. Review of centres

<table>
<thead>
<tr>
<th>Risk or barriers</th>
<th>Project on target</th>
<th>Project status</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Recommended to be deferred.</td>
<td>Not yet started - due to commence January 2019.</td>
</tr>
</tbody>
</table>

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report.

FINANCIAL IMPLICATIONS:

The projects discussed in this report are financed through the Town's operating budget for FY2018/19 under the 'Strategic Projects' budget line. There are no further financial implications related to this report.

STRATEGIC DIRECTION:

The proposed projects identified in this report relate to goals and strategies from the Strategic Community Plan 2018-2028 as follows:

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents

Strategy 4.1: Examine and better identify through planning and consultation those features and qualities which define our individual neighbourhoods

Strategy 4.2: Create opportunities for greater housing choice in forms relevant to demand, lifestyle needs and location

Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing ‘sense of place’ and our unique character

Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

Goal 5: Successful commercial, retail and residential hubs

Strategy 5.1: Ensure future planning recognises the emerging diverse role, mixed use potential and opportunities of our centres, and integrates change and growth with surrounding local areas

Strategy 5.4: Develop and implement activity centre planning and/or local development plans for all centres to reflect the community’s expectations for these nodes and corridors of activity

COMMUNITY ENGAGEMENT:

The recommendation of this report has been assessed against the Community Engagement Policy and Community Engagement Framework. No specific consultation on the content or recommendation of this report is required.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

DV18.199 DELEGATED DECISIONS AND NOTIFICATIONS FOR NOVEMBER 2018

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION:

Moved by Mayor Shannon, seconded by Cr Nelson

That Council RECEIVES the report on Delegated Decisions and Notifications dealt with under delegated authority for the period ending 30 November 2018.

Motion put and CARRIED EN-BLOC (9/0)

SUMMARY:

To report on matters which have been dealt with under delegated authority and notify the Council of other proceedings in relation to Planning and Development matters.

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.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
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<tbody>
<tr>
<td>Report Date:</td>
<td>30 November 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>Not applicable</td>
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<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jenny Heyes, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>John Carter, Planning Administration and Business System Support Officer</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

BACKGROUND:

The following items (for the month of November 2018) have been dealt with under delegated authority, in accordance with Council's policy, as they were deemed to comply in all respects with the requirements of the Town Planning Scheme and Council Policy.
DETAILS:

City Beach

- 10 Dartmouth Avenue, City Beach - Additions and Alterations (Dwelling Extension and Alfresco)
- 28 Bent Street, City Beach - Double storey single dwelling
- 17 Boronia Crescent, City Beach - Two-Storey Dwelling, Retaining Walls & Front Fencing
- 12 Gali Lane, City Beach - Two Storey Dwelling
- 11 Dodonia Gardens, City Beach - Retaining wall
- 35 Branksome Gardens, City Beach - Privacy Screen
- 15 Marimba Crescent, City Beach - Single Storey Dwelling

Floreat

- 335 Salvado Road, Floreat - Outbuilding
- 27 Kinross Crescent, Floreat - Letter Box
- 8 Lothian Street, Floreat - Additions and Alterations to Two-storey Dwelling
- 493A Cambridge Street, Floreat - Patio

Wembley

- 120 Holland Street, Wembley - Additions and alterations - shed
- 24 Collier Street, Wembley - Additions and alterations
- 12 Keane Street, Wembley - Additions and alterations - storeroom

West Leederville

- 55 Woolwich Street, West Leederville - Patio
- 78-84 Kimberley Street, West Leederville - Additions and alterations - storeroom and covered garden area
- 32 Joseph Street, West Leederville - Carport and picket fence
- 15 Northwood Street, West Leederville - Change of Use (from Industry - Light to Warehouse/Shop) and Patio

Subdivision/amalgamation applications

The following items were referred to the Western Australian Planning Commission with a recommendation for approval:

- Nil

State Administrative Tribunal

Applications for Review (Appeals) - received

No new applications for review were lodged with the State Administrative Tribunal against decisions of the Council during November 2018.

Applications for Review (Appeals) - determined

No applications for review were determined by the State Administrative Tribunal during November 2018.
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:

Our Community Life

Goal 3: An active and, safe and inclusive community.
Strategy 3.4: Act to create and maintain safe, friendly and open environments that residents can access and enjoy

Our Council

Goal 11: An efficient local government
11.3 Embrace innovation and continuously strive to improve services delivered to the community

COMMUNITY ENGAGEMENT:

To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, and/or solutions.
DV18.200 BUILDING PERMITS APPROVED UNDER DELEGATED AUTHORITY FOR NOVEMBER 2018

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That Council RECEIVES the schedule of Building and Demolition Permits approved under delegated authority for the month of November 2018, as attached to and forming part of the agenda.

Motion put and CARRIED (9/0)

Council Meeting 18 December 2018

Cr McKerracher - Impartiality Interest

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to item DV18.200, I disclose that I have an association in the form of a friendship involving occasional social interaction with a neighbour of an Applicant who received a building approval certificate. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Committee Meeting 11 December 2018

Cr McKerracher - Impartiality Interest

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to item DV18.200, I disclose that I have an association in the form of a friendship involving social interaction with a neighbour of an Applicant at 3 Lentara Crescent, City Beach who received a building approval certificate. As a consequence, there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

SUMMARY:

The following report is provided as building permits have been issued under delegated authority.

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.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
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<tbody>
<tr>
<td>Report Date:</td>
<td>3 December 2018</td>
</tr>
<tr>
<td>File Reference:</td>
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<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Steve Cleaver, Acting Manager Health Building and Compliance</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>1. Confidential Attachment</td>
</tr>
</tbody>
</table>

BACKGROUND:

Listed below are the total numbers of permits issued for the month of November 2018. Also shown are the Comparative figures of the numbers of permits issued on the same month of the previous year and year to date fields. A detailed report is attached.

<table>
<thead>
<tr>
<th>Building Permits (Certified)</th>
<th>November 2018</th>
<th>November 2017</th>
<th>Financial Year to date 2018/2019</th>
<th>Corresponding Financial Year to date 2017/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permits (Uncertified)</td>
<td>35</td>
<td>40</td>
<td>161</td>
<td>179</td>
</tr>
<tr>
<td>Demolition Permits</td>
<td>5</td>
<td>8</td>
<td>23</td>
<td>31</td>
</tr>
<tr>
<td>Building Approval Certificate (Unauthorised Work)</td>
<td>3</td>
<td>1</td>
<td>6</td>
<td>8</td>
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<tr>
<td>Building Approval Certificate (Strata)</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Occupancy Permits</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Occupancy Permits (strata)</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>56</td>
<td>65</td>
<td>202</td>
<td>309</td>
</tr>
<tr>
<td>Value of Construction</td>
<td>$8,980,634.00</td>
<td>$12,876,148</td>
<td>$51,808,259</td>
<td>$53,988,588</td>
</tr>
</tbody>
</table>

POLICY/STATUTORY IMPLICATIONS:

There is no Policy or Statutory Implications related to this report.
FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

Our Community Life

Goal 3: An active and, safe and inclusive community.
Strategy 3.4: Act to create and maintain safe, friendly and open environments that residents can access and enjoy

Our Council

Goal 11: An efficient local government
Strategy 11.3 Embrace innovation and continuously strive to improve services delivered to the community

COMMUNITY ENGAGEMENT:

To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, and/or solutions.
COMMUNITY AND RESOURCES COMMITTEE

The report of the Community and Resources Committee meeting held on Monday 10 December 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>
</tr>
</thead>
<tbody>
<tr>
<td>Members:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cr Andres Timmermanis (Presiding Member)</td>
<td>6.00 pm</td>
<td>7.39 pm</td>
</tr>
<tr>
<td>Cr Rod Bradley</td>
<td>6.00 pm</td>
<td>7.39 pm</td>
</tr>
<tr>
<td>Cr Louis Carr</td>
<td>6.00 pm</td>
<td>7.39 pm</td>
</tr>
<tr>
<td>Cr Jo McAllister</td>
<td>6.00 pm</td>
<td>7.39 pm</td>
</tr>
<tr>
<td>Observers:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cr Ian Everett (until 7.37 pm)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cr Kate McKerracher (until 7.18 pm)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Officers:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Giorgi, JP, Acting Chief Executive Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cam Robbins, Acting Director Corporate and Community Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Bell, Manager Infrastructure Works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walter Van Der Loo, Manager Infrastructure Parks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peter Maloney, Manager Infrastructure Asset and Design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carole Lambert, Manager Community Development</td>
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<tr>
<td>Rosemary Arnephie, Community Development Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Josh Madden, General Manager Wembley Golf Course</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul O'Keefe, Coordinator Property &amp; Governance</td>
<td></td>
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<tr>
<td>Luke Evans, Coordinator Ranger Services</td>
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<tr>
<td>Lee Gyomorei, Coordinator Governance</td>
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<tr>
<td>Denise Ribbands, Executive Assistant - Council Support Officer</td>
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</tr>
<tr>
<td>Members of the Public:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 persons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Media:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjournments:</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Time meeting closed:</td>
<td></td>
<td>7.39 pm</td>
</tr>
</tbody>
</table>

APOLOGIES/LEAVE OF ABSENCE

Mayor Keri Shannon
3. PUBLIC QUESTION TIME

Sharon McKenzie, 30 Omaroo Terrace, City Beach
Item CR18.190 Investigation of On-Street Parking in Ocean Mia Estate

Question

Would the Council consider removing the footpath on the north side of Omaroo Terrace to allow residences to park in their drive to stop street congestion.

Response provided by the Presiding Member Cr Timmermanis

This matter will be considered at tonight's meeting, during consideration of the item.

4. DEPUTATIONS AND PETITIONS

Item CR18.194 Pat Knott, YMCA Hockey Club
               David Eaton, 334 Salvado Road, Floreat

5. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of the Community and Resources Committee held on 19 November 2018 as contained in the November 2018 Council Notice Paper be confirmed.

6. DECLARATION OF MEMBERS' INTERESTS

Items CR18.195 and 196 - Cr Carr - Impartiality Interest

7. REPORTS
CR18.187 KALINDA DRIVE KISS AND DRIVE PARKING AMENDMENTS

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That Council ADOPTS the Parking amendments along Kalinda Drive City Beach, as shown in Plan E 066 18 01 Attachment 1.

Motion put and CARRIED EN-BLOC (9/0)

SUMMARY:

Due to changes involving crossover access points from the introduction of the expanded City Beach Residential College on Kalinda Drive, a revised parking restriction plan has been prepared which complies with safe sight distance during the school pickup/drop off periods. Furthermore, after considering comments from community consultation, parking restrictions on the west side of Kalinda Drive have been introduced in order to maintain amenity and safety. It is recommended that the west side of Kalinda Drive be 'No Stopping' during the school pickup and drop off times, while the eastern side of Kalinda Drive as per Plan E 066 18 01 be designated as Kiss and Drive, P 2 Minutes 8am-9am, 2:30-4pm Monday to Friday, School Days.

AUTHORITY / DISCRETION

- Advocacy: When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- Information: For the Council/Committee to note.

Address/Property Location: Kalinda Drive
Report Date: 22 November 2018
File Reference: 
Responsible Executive/Director: Acting Director Infrastructure
Reporting Officer: Frank Strever, Coordinator Infrastructure Design
Contributing Officer: 
Attachments: Plan E 066 18 01
BACKGROUND:

The existing Kiss and Drive bays on the eastern side of Kalinda Drive serve the International School of WA (ISWA), which caters for students from Kindergarten to Year 12. The new City Beach Residential College (CBRC) is located to the north of ISWA on the same Department of Education site and is currently undergoing constructions works. As part of these works, the crossover entry off Kalinda Drive that serves ISWA and CBRC was shifted approximately 35 metres south which required a re-working of where the Kiss and Drive bays are located.

In conjunction for the need to modify the Kiss and Drive area to the eastern side of Kalinda Drive, it was noted from officer's observations that safety and amenity issues arose on the western side of Kalinda Drive during school pickup and drop-off times.

DETAILS:

An amended parking plan was produced on Attachment 1, Plan E 066 18 01 and distributed to the residents along Kalinda Drive between Marimba Crescent and Kalari Drive as well as the schools in order to gauge some comments.

The amended Kiss and Drive Plan E 066 18 01 was formed in order to provide compliant sight lines for vehicles exiting the crossover onto Kalinda Drive. Both ISWA, CBRC and the Department of Education are in support of the proposed new Kiss and Drive layout on the eastern side of Kalinda Drive due to its improved safety for students and the public.

Furthermore, the parking plan allows for a restriction on the western side during the schools pickup and drop-off times of No Stopping 8am-9am and 2:30-4pm Monday to Friday, School Days.

Kalinda Drive is recognised as a local distributor road in the Town's Road Hierarchy and attracts about 2000 vehicles per day. During the AM and PM peaks periods, crossing the road at school pickup and drop-off times is not recommended. For safety reasons, it is preferred practice that school pickups and drop-off does not occur on the opposite side of a street to a school to avoid uncontrolled road crossings by children.

The results of the community consultation received 100% endorsement with five out of five responses received.

<table>
<thead>
<tr>
<th>In favour?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>NA</td>
</tr>
</tbody>
</table>
| With amendments | • Restricting parking on the West of Kalinda Drive as indicated on changed signage will be an improvement, particularly with safety.  
• With the relocation of the Kiss and Drive we are concerned that it would be hazardous to locate the strip further North than the “No Standing” sign, opposite the driveway to our residence.  
• Late yesterday we parked a car North of the sign, causing cars travelling downhill to almost come to a stop, inconvenienced by our proximity to the median strip. |
| Yes        | • I have noticed between these times cars are parked on the western side of Kalinda and the driver has gone into the school.  
• Cars parked on both sides of Kalinda is creating problems with traffic flow. It's a great idea but how would you police it? I came home one afternoon to find an SUV parked across my driveway and the driver nowhere to be seen. |
COUNCIL MINUTES
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Yes

- I doubt these signs will remedy the situation of people, cars, vans, trucks and buses converging on the one-only, entry/exit road that is going to service this massive new complex but am prepared to support a trial.
- I also strongly support the view put forward by the Mayor that parking should take place on Dept Education's land.
- Real solutions - re-open the north road as an entry road. Restore 'No Parking' along the western side of Kalinda, as previously was the case, or at least place a 'yellow strip' between numbers 15 and 17 to avoid overhanging vehicles and the inevitable disaster from blocked vision or a tree.

Yes

- In front of 15 Kalinda Drive please include signage to include No Stopping on Road or Verge, concern that people will park on our verge

From officer observations around the school pickup and drop off times, it is probable that the adjacent streets of Marimba Crescent and Kalari Drive will be impacted by some overflow parking in order to attain better safety and amenity along the Kalinda Drive Kiss and Drive section.

This can be mitigated to a degree by some regular communication strategies between the Town, schools and carers.

In summary, the proposed parking amendments along Kalinda Drive are:-

- West Side - No Stopping 8am-9am, 2:30-4pm Monday - Friday, School Days
- East Side - P 2 Minutes 8am-9am, 2:30-4pm Monday to Friday, School Days, Pick Up or Set Down Only.

POLICY/STATUTORY IMPLICATIONS:

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 minimal financial implications related to this report. All signage will be procured from an existing budget allocation for signage.
STRATEGIC DIRECTION:

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents  
Strategy 4.5 Liaise with relevant agencies on planning, including provision for education and health facilities and service

Goal 6: Efficient transport networks  
Strategy 6.1 Coordinate our approach to transport planning, acknowledge transport pressures and respond to local needs and broader district and regional initiatives

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 as "CONSULT" with the objective "to obtain community feedback on problems, analysis, alternatives, and/or decisions and to assist in decision making".
CR18.188  TENDER RFT60-18 CONSTRUCTION OF CONCRETE FOOTPATHS AND CROSSOVERS

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council APPROVES the tender recommendation contained in the confidential report.

Motion put and CARRIED EN-BLOC  (9/0)

SUMMARY:

To seek Council approval for the award of a contract to a preferred tenderer for the Construction of Concrete Footpaths and Crossovers on road-work projects for a period of one year, commencing 1 January 2019, with the option of extending two more one year periods.

Five tenders were received and assessed. It is recommended that Tender 60-18 "Construction of Concrete Footpaths and Crossovers" be awarded to the contractor identified in the attached confidential report.

AUTHORITY / DISCRETION

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- Information  For the Council/Committee to note.

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
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</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>22 November 2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Acting Director Infrastructure</td>
</tr>
<tr>
<td>Responsible Manager:</td>
<td>Jon Bell, Manager Infrastructure Works</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Jon Bell, Manager Infrastructure Works</td>
</tr>
<tr>
<td>File Reference:</td>
<td>N/A</td>
</tr>
</tbody>
</table>
2. Evaluation Matrix (Confidential).  
3. Schedule of Rates (Confidential). |
BACKGROUND:

The current contract RFT 12-16 Construction of Concrete Footpaths and Crossovers was awarded to Techsand Pty Ltd for a period of one year with a one year extension. This will expire on 31 December 2018. It is necessary to recall this tender to ensure these services are provided to the Town.

It is desirable to have a contract for the provision of concrete footpaths and crossovers:

The Town has a long term asset management program of constructing new concrete paths and replacing panels of cracked concrete footpaths.

The value of for this work is listed in the current 2018/19 Budget under the following headings:-

<table>
<thead>
<tr>
<th>Item of Work involving concrete footpaths and crossovers</th>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bike Plan Projects New Paths (red coloured concrete)</td>
<td>$250,000</td>
</tr>
<tr>
<td>Renewal concrete paths</td>
<td>$100,000</td>
</tr>
<tr>
<td>Footpath Maintenance (minor repairs)</td>
<td>$100,000</td>
</tr>
<tr>
<td>New Concrete Paths (missing links in the path network):</td>
<td>$16,000</td>
</tr>
<tr>
<td>Crossovers affected by roadwork projects</td>
<td>$15,000</td>
</tr>
<tr>
<td><strong>Total funding in year</strong></td>
<td><strong>$481,000.00</strong></td>
</tr>
</tbody>
</table>

The value of this contract is estimated to be in the order of $480,000 each year. To provide adequate incentive to potential tenderers, the contract term is for one year with an option for one plus one year extensions, entirely at the Town's discretion.

DETAILS:

An advertisement for tenders was placed in the Western Australian newspaper on Saturday 20 October 2018 and tenders closed on Tuesday 6 November 2018. The tender is for one year period, with an option for two x one year extension if agreed by the Town and the Contractor.

Five tenders were received from the organisations listed below:-

1. Axiis Contracting Pty Ltd
2. Cobblestone Concrete
3. Dowsing Concrete
4. PSP Smart Solutions
5. Techsand Pty Ltd.

All tenders were evaluated in accordance with the Town's Policy 3.2.1 Contracts and Procurement, Procurement Business Rules Manual and as specified in the RFT documentation. The evaluation identified a preferred organisation to award the tender to, based on "best value for money".

The Confidential Attachment to this report details the assessment applied to the tenders received. It is recommended that the contractor as detailed in the attached confidential report be awarded the contract.
POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report. This tender will ensure that Council operates 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:

There are no Financial Implications related to this report.

Funding for the tendered services are included in the capital and operational programs in the current 2018/19 Budget that require the services of this contract. The total expenditure for these tendered services is expected to be similar in the 2019/20 Budget and 2020/21 Budget.

The Rise and Fall clause in the specification allows for rise or fall in the tendered prices at the commencement of each one year extension and determined by the Perth CPI index.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:-

Our Planned Neighbourhoods

Goal 5  Successful commercial, retail and residential hubs
Strategy 5.3  Ensure a high standard of public infrastructure is maintained in and around our centres throughout the Town.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy No. 1.2.11. "INFORM" with the objective "to provide the public with balanced and objective information to assist them in understanding the problem, alternative, opportunities and/or solutions"
COUNCIL MINUTES
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CR18.189 LAKE MONGER FENCED DOG EXERCISE AREAS

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council:-

1. RECEIVES the Lake Monger Dog Exercise Area Concept Plan;

2. APPROVES the advertising of the Lake Monger Dog Exercise Concept Plan for public comment in February 2019; and

3. NOTES that a further report on the outcome of the public consultation will be submitted to Council at the conclusion of the public consultation period.

Motion put and CARRIED (8/1)

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

Against: Cr Bradley

SUMMARY:

The Lake Monger Activity Plan endorsed by Council in September 2018 identifies a dog exercise area in the Southeast corner of Lake Monger Reserve. Council approved an amount of $65,000 in the 2018/19 financial year budget for dog exercise areas. This report outlines a preliminary concept design option for the dog exercise area and proposes the next steps for community consultation.

A further report will be presented to Council on the outcome of the community consultation process.

AUTHORITY / DISCRETION

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- Information: For the Council/Committee to note.
BACKGROUND:

At the Ordinary Council Meeting on Tuesday 25 September 2018, Council endorsed the Lake Monger Activity Plan and Implementation Program as presented in report CR18.144. The Lake Monger Activity Plan identifies the Southeast corner of Lake Monger Reserve as a dog exercise area. The Council decided at the meeting in part, that Council:

9. REQUESTS a report be submitted to the Council by no later than December 2018 detailing concept designs for the fenced dog exercise area for endorsement to go to broader community consultation;

Subsequent to the Council Meeting, signs were placed in Cowden Park and several prominent locations around Lake Monger inviting park users "to be a part of a working group providing initial input and feedback on preliminary ideas" before broader community engagement being carried out.

On 17 October 2018, representatives of the Town met with approximately ten people including the Mayor and Elected Members at Lake Monger Reserve to discuss the project. Attached 1 is the material presented to the group, which facilitated discussion regarding project context, site opportunities and constraints, examples of other similar projects and potential elements that could be considered in current or potential future stages of the project.

DETAILS:

A concept layout plan has been developed for the dog exercise area. The concept is informed by the following:

- Research into documented guidance and strategies regarding fenced dog exercise areas such as "Unleashed: A guide to Successful Dog Parks", 2013 by the Government of South Australia and People, Parks and Dogs: A Strategy for Sharing Vancouver's Parks, 2017 by the Vancouver Board of Parks and Recreation (The WA government has yet to develop a specific guide or strategy on this topic).
- Attendance at seminars and presentations on dog exercise areas coordinated by Parks and Leisure WA and City of Stirling;
- Site visits to several fenced dog exercise areas in the metropolitan area; and
- Inputs and feedback from attendees at the October 17 site meeting.
The following concept layout plan (and provided in Attachment 2) illustrates the functional arrangement of the dog exercise areas.

The design enables the work to be carried out in stages depending on availability and prioritisation of funds. It is proposed the two fully fenced areas, gates and access path be
constructed initially with other fencing, paths, landscaping, formalised car park and support infrastructure to occur at later stages.

Fence style and form selection will seek to visually integrate the fencing in the landscape and may include planting. Fence styles may vary depending on location. It is proposed to construct the fencing between 1.2m and 1.5m high. The fencing will not be designed to prevent every dog escaping - it is a boundary to discourage the majority of dogs roaming beyond the exercise area and owners are expected to keep their pets under control at all times.

To assist in finalising the design and determining if staging may be required, as part of the consultation on the proposal, respondents will be asked to indicate their priority for provision of support infrastructure including:

- Agility training elements;
- Alternative surface materials (e.g. bark chips, sand);
- Drinking fountains and dog watering dishes;
- Floodlighting for early morning and evening use;
- Logs and rocks for scrambling/climbing;
- More bins and waste bag dispensers;
- More trees;
- Seating;
- Shelters;
- Toilet (to be located near the car park and existing playground); and
- Water and/or mud play.

The project area is currently unirrigated. Given its low lying nature it tends to stay green most of the year due to the high water table. This proposal is likely to result in intensified use, which may result in significant wear of the lawn. This will be monitored and may require installation of irrigation in future to maintain viability of the lawn.

A comprehensive signage strategy and public awareness campaign will be developed as part of the implementation of this project to help ensure appropriate use of the facility.

**POLICY/STATUTORY IMPLICATIONS:**

Development application/s may be required for these works.

Provisions within the Aboriginal Heritage Act 1972 would need to be considered and addressed where required to ensure compliance during implementation.

**FINANCIAL IMPLICATIONS:**

The Town has an amount of $65,000 in the 2018/2019 budget towards fenced dog exercise areas in Lake Monger Reserve. Preliminary estimates indicate the core areas of fencing, gates and path access could be carried out within budget. A more accurate estimate will be developed once an adopted concept design is developed in further detail.

Feedback from the City of Stirling is their dog exercise areas required on average an additional maintenance budget of approximately $20,000 per year to maintain the extra facilities and deal with the high level of wear. It is proposed that this additional funding be listed on the 2019/20 financial year Parks operations budget and costs monitored throughout the year to determine future budget allocations.
STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:

**Goal 1: A sense of community, pride and belonging**

Strategy 1.1 Encourage and support participation in a range of public activities and events where residents can gather and interact.

Strategy 1.2 Promote our strong community identity and focus our responses on the needs of local residents, businesses and ratepayers.

**Goal 2: Quality local parks and open spaces for the community to enjoy**

Strategy 2.1 Adopt a more strategic and coordinated approach to the planning of our parks and greenspaces recognising their diverse roles and local community preferences.

Strategy 2.2 Improve the maintenance and provision of amenities in our local parks and district open spaces reflecting local values and priorities and the broader regional demand on facilities.

**Goal 3: An active, safe and inclusive community**

Strategy 3.1 Focus on improving and expanding those places where community groups interact to encourage greater participation.

Strategy 3.3 Encourage a range of activities that better align with the diverse needs of ratepayers of all ages, cultures and abilities.

Strategy 3.4 Act to create and maintain safe, friendly and open environments that residents can access and enjoy.

**Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents**

Strategy 4.4 Enhance and respect our existing streetscapes, setbacks and green spaces.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy No 1.2.11 as requiring a community consultation level of "Consult".

The consultation process proposed will include:

- A four week public comment period in 2019 (outside of school holidays) to be advertised in the Town's community news page and website;
- The Concept Plan be made available for review/collection at the Town of Cambridge Administration Centre, Cambridge Library and the Town's website;
- The Concept Plan is emailed to those that provided their contact details during previous consultation on the Lake Monger Activity Plan and dog exercise area; and
- Signs placed at Lake Monger and Cowden Park showing the Plan and providing details for how to submit feedback.

Following the completion of the community consultation process, all comments received will be assessed and a further report presented to Council outlining the results of the consultation and the Administration's recommendations for implementation of the project.
CR18.190 INVESTIGATION OF ON-STREET PARKING IN OCEAN MIA ESTATE

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council:

1. RECEIVES the report and Parking Plan E 336 18 03 for the Ocean Mia Estate;

2. DEFERS implementation of the Parking Plan E 336 18 03 until further engagement and consultation with the landowner and residents of Ocean Mia Estate has been carried out; and

3. REQUESTS the Administration further engage and consult with the landowners and residents of Ocean Mia Estate concerning the matter and provide a further report to the council by no later than March 2019.

Motion put and CARRIED EN-BLOC (9/0)

Committee Meeting 10 December 2018

During discussion, the Administration was requested to clarify that the parking provision in the Ocean Mia Estate is in accordance with the WAPC requirements.

SUMMARY:

Resulting from the Council Notice of Motion 12.5 (28 August 2018), an investigation into the Ocean Mia parking has established that in general, parking usage is in accordance with the principles of the Outline Development Plan. Accordingly, it is proposed to fully designate that areas of potential vehicle conflict and manoeuvrability be designated as No Stopping and No Parking as per plan E 336 18 03 and that the enforcement of the Ocean Mia parking be appropriately enforced and monitored by Council Rangers. The two Ocean Mia multiple group dwellings will be reviewed independently for parking as part of each development application.

AUTHORITY / DISCRETION

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Information  For the Council/Committee to note.
BACKGROUND:

On 28 August 2018, a Notice of Motion (Item 12.5) regarding the investigation of on-street parking in Ocean Mia was passed by the Council.

The Notice of Motion was as follows:-

"That:

1. Council REQUESTS the Town's Administration carry out an investigation of the on-street parking in the Ocean Mia Estate;
2. The Town's Administration ENGAGES and CONSULTS with the Ocean Mia residents as part of the investigation, particularly concerning any parking issues; and
3. The investigation report is to include, but not limited to:
   (a) the number of on-street car parking bays recommended by the Outline Development Plan;
   (b) the number of car parking bays currently provided;
   (c) comments/issues from the Ocean Mia residents;
   (d) indicative costs for any recommended improvements and/or additional on-street car parking bays; and
4. The report be submitted to the Council meeting to be held in December 2018."

The Outline Development Plan (ODP) for Ocean Mia was adopted by Council in May 2006 following extensive public advertising. The ODP guided the principles for the subdivision design/layout and built form. The subdivision was approved by the Western Australian Planning Commission in December 2006. The Town did not choose to have extensive formal indented parking as observed in other residential estates such as Perry Lakes and Churchlands Green but allowed for a flexible parking strategy within the subdivision.

DETAILS:

The Ocean Mia Estate is comprised primarily of single dwellings, each with a two car garage for residential parking. Two proposed multi-unit lots are yet to be developed (Lots 501 and 560), and do not contribute to the existing parking. This form of development is expected to cater for residential parking within the lot envelope, with the on-street parking supply intended for visitor use. Due to the short front setback distances defined in the Ocean Mia Design Guidelines, there is insufficient space to park a vehicle at right angles to the road in the driveway between the private garage and the lot boundary/ with the exception of Akama Lane, Bimbimbie Lane and Alba Lane, all streets within the estate meet the Liveable Neighbourhood Guidelines for on-street parking, according to their place in the access street hierarchy (see below).
Prior to examining the physical context of on-street parking within the Ocean Mia Estate, it is essential to summarise the function and definition of an ODP. An ODP is a high level statutory planning instrument which guides the future zoning and subdivision of an area. An ODP achieves that by nominating the appropriate development density level and broadly identifying the indicative lot layout for an area. Typically, it also specifies road reserve widths and any land requirements for Public Open Space.

The specific designation of on-street car parking bays is not a primary factor in the ODP. Parking is a subsidiary factor. The local roads through the Ocean Mia subdivision are generally six metres wide kerb to kerb.

It is worth noting that parking embayments on the eastern side of Alkoomie Terrace currently caters for about 12 vehicles. The lanes within the estate can be described as:

<table>
<thead>
<tr>
<th>Lane</th>
<th>Status</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alba Lane</td>
<td>Currently signed No Parking</td>
<td>6m wide reserve, 4 m wide traffic zone</td>
</tr>
<tr>
<td>Akama Lane</td>
<td>Proposed to be signed No Parking</td>
<td>6m wide reserve, 4 m wide traffic zone</td>
</tr>
<tr>
<td>Bimbimbie Lane</td>
<td>Proposed to be signed No Stopping</td>
<td>8m wide reserve, 3.4 m wide kerb to kerb</td>
</tr>
<tr>
<td>Gali Lane</td>
<td>Currently signed No parking east side, Proposed No Parking west side</td>
<td>10 m wide reserve, 6 m wide kerb to kerb</td>
</tr>
</tbody>
</table>
Bimbimbie Lane is proposed to be No Stopping as the above three lanes are narrower than the roads within Ocean Mia. Gali Lane, while wider than the above lanes, uniquely possesses crossovers to properties on each side and is proposed to be designated as No Parking on the west side as the current width requires multiple vehicle movements for residents on the eastern side to enable a fair degree of access/egress. Currently there is no parking on the eastern side of Gali Lane. There are parking opportunities available nearby on Majalin Avenue or further east on Omaroo Terrace.

A geometric analysis of the roads was performed based on the manoeuvrability of a single unit truck. The result of this was checked on the Ocean Mia flexible parking plan scenario as shown in Attachment 1. The actual parking scenarios for Ocean Mia is a fluid one and the plan presents what a typical random built out parking scenario may present at peak periods. The manoeuvrability of the appropriate designated maximum vehicles proved successful in negotiating around the Ocean Mia subdivision in this typical random parking scenario.

The Ocean Mia flexible parking scenario plan - Attachment 1 demonstrates a random flexible parking scenario based on the statutory requirements of the Road Traffic Code 2000 Part 12 Division 8 - parallel parking, Clause 176 (7) states that "If the carriageway does not have a continuous dividing line or a median strip, the driver of a vehicle shall position the vehicle so there is at least three metres of the carriageway alongside the vehicle that is clear for other vehicles to pass, unless otherwise indicated by information on or with a parking control sign."

This is essentially the way vehicles park and manoeuvre within the Ocean Mia subdivision.

The Town's Rangers have surveyed and provided estate-wide Ocean Mia observations over a number of high peak on-street times during the two week consultation period and generally noted few problems with on-street parking. Photographs of parking observations during this period are included in Attachment 3. It was noted that the corner of Gali Lane and Omaroo Terrace caused occasional issues with vehicles sometimes parking either side and not allowing adequate room. This has been addressed with the proposal of signing and or lining No Stopping around this tight bend.

The ODP refers to (on page 41) the broad requirement of providing one visitor bay per lot, with additional bays near or adjacent to the grouped dwelling sites. Where lots directly front onto open space, visitor parking is to be provided on the nearest side street in a proportionate ratio.

It has been demonstrated on the Attachment 1 Flexible Parking Scenario Plan, that by using the proposed No Stopping and No Parking areas that the one visitor bay per lot requirement has satisfied the ODP guideline. A conservative range of between 100-110 vehicles is reasonable in relation to an estimated total number of bays available. Given that this estimate is based on large vehicles (slightly bigger than a Toyota Landcruiser) more spaces may actually be available in practice.

The Town's Rangers have endorsed the common existing practice of Ocean Mia motorists who choose to use the hardstand area behind the kerb within the estate in order to provide a practical minimum car space of three metres wide for the safe travel of a vehicle.
Given the collected parking observational data at peak times within Ocean Mia, it is advisable at this stage to install No Stopping/No Parking signs and lines as shown on the proposed parking layout Plan E 336 18 03 in order to further reinforce the correct parking protocol within the estate. This should provide a clearer message to residents parking in Ocean Mia.

If Council wished to entertain the feasibility of adding embayed parking areas, this could amount to costs in the order of $6,000 - $11,000 per car bay. The south side of Omaroo Terrace (west of Majalin) could accommodate embayed parking by widening, however, this only replicates the current parking supply for an extra cost, it does not create additional bays.

In summary, it is proposed to retain the flexible parking arrangement within the Ocean Mia Estate, while preserving the amenity of the existing landscaped and tree lined streets. The recommendation to Council is consistent with the strategy to minimise as practical as possible the heat sink effect by not introducing unnecessary new paved areas within the road reserve.

While the comments captured from Ocean Mia residents between 10 - 28 October 2018 expressed a wide range of views, there were four notably significant issues observed on site by officers during the peak periods. The residents were requested to comment on a suggested draft parking layout with a typical **random** parking scenario plan which verified the ODP parking see Attachment 1 plan. The four key themes which most of the feedback received related to were as follows:-

1. **Future Multiple Dwellings Impact (Lot 501, Lot 560)**

   With respect to residents' concerns about the on street parking when the two multiple dwelling sites are developed, there will be a requirement under State Planning Policy 3.1 - Residential Design Codes that parking be provided on-site for visitors to those sites. The rate of visitor parking bays would be 0.25 bays per dwelling. It is suggested that a parking on street plan be designed for each of the multiple dwelling sites as part of the development process. The commentary from residents noted future concerns to the parking effects of these sites. Given the dynamics of parking usage and demand, the build out of these multiple dwelling sites would be a better stage to consider the construction of new parking bays.
2. **Garages for storage**

From the consultation and confirmed by observations from Rangers it is noted that some residents are not using their double garages to park their cars. Some residents choose to safely park their car for example on Omaroo Terrace by parking on their verge parallel with the road - this is advocated by the Town and does not block the footpath. Unfortunately other residents repeatedly block the footpath while exhibiting a garage not in use for parking purposes.

An education program by the Town to residents recommending alternative storage areas is encouraged.

3. **Visibility and Accessibility**

The proposed parking layout plan E 336 18 03 has been revised from the draft consultation flexible scenario in order to provide extra visibility for motorists along Majalin Avenue south of Omaroo Terrace. Furthermore, the No Stopping designation on the north side of Omaroo Terrace proposed on the draft plan has been modified to remove restrictions, as this will allow residents to pick up and drop off and allow the residents more ownership to regulate themselves in the use of the road. To ensure accessibility for all driveway crossovers, parking should be prohibited wherever the kerb length between crossover aprons is less than 5.4 metres (consistent with Australian Standard AS2890.5). This would generally impact the north side of Omaroo Terrace and the west side of Gali Lane.

With regard to the proposal to construct additional embayments within the verge area, there appears to be limited benefit due to the following reasons:-

- It is unlikely to increase the total supply of car parking, as sufficient width is available for on-street parking in all locations where embayments could reasonably be constructed;
- It would reduce the extent of landscaping and future tree canopy, reducing pedestrian amenity;
- It would incur an unnecessary additional cost for construction.

4. **Road Safety**

The Ocean Mia Estate has been designed in a way that is likely to result in a very low speed environment. The internal road network provides no reasonable through movement, with the exception of a secondary access to the adjacent retirement community. Paths along the majority of the road length create safe corridors for pedestrian connection.

Road pavement widths are narrow and any on-street parking can be expected to reduce travelling speeds further still. As such, this Estate is considered to be a very low risk environment for both drivers and pedestrians. Extended areas of Gali Lane and Omaroo Terrace have been proposed as No Parking and No Stopping, in order to improve road access.

**POLICY/STATUTORY IMPLICATIONS:**

The Road Traffic code 2000 Part 12, Division 8, Clause 176 and The Town's Local Parking Law 2016 were used in the investigation of this report.
FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

The report reflects the following Goals and Strategies of the Town's Strategic Community Plan 2018-2028:-

Our Neighbourhoods

Goal 5: Successful commercial, retail and residential hubs
Strategy 5.1 Ensure future planning recognises the emerging diverse role, mixed use potential and opportunities of our centres, and integrates change and growth with surrounding local areas
Strategy 5.3 Ensure a high standard of public infrastructure is maintained in and around our centres throughout the Town

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Consultation Policy 1.2.11 as "CONSULT" with the objective "to obtain community feedback on problems, analysis, alternatives, and/or decisions and to assist in decision making".

A copy of the proposed flexible parking plan along with an invitation to comment was posted to all residents and non-resident property owners on 10 October 2018, with comments invited until 26 October 2018.

As at 21 November 2018, 30 responses had been received. The key points and suggestions from each response have been summarised into a consultation summary, which is Attachment 2 to this report. The respondent's details have been redacted to protect the privacy of respondents.

Should any elected members wish to view the full responses submitted by residents (with many responses being over two pages long) these can be requested through the Director Infrastructure.

It is acknowledged that the overall response of the comments received by residents proved to be inconclusive and that the proposal put forth to Council relies on the education of residents and a vigilant presence of the Town's Rangers to caution and enforce when appropriate.
COUNCIL DECISION:
(Committee and Administration Recommendation)

Moved by Cr Timmermanis seconded by Cr Carr

That Council APPROVES of a one year option to D&M Waste Management expiring 1 January 2020 for the February to April 2019 bulk verge collection.

Motion put and CARRIED EN-BLOC (9/0)

FURTHER REPORT (Post Council Meeting 23 October 2018)

In accordance with the Council decision, this matter was referred to an Elected Member Forum which was held on Tuesday 6 November 2018.

The consensus from the forum discussion was for staff to prepare a community consultation survey to seek the communities opinions. The survey is to include questions relating to the existing level of services and frequency of services and seek comments on new options like on-demand skip bins.

It was noted several residents had expressed views in The Post newspaper post Committee and Council meetings not in support of change.

Additional information tabled at the forum was from the July 2018 Community Insight Survey results. The results for the existing household waste collection and bulk waste collection indicated a high satisfaction rate of 90% for both. Comments included a dislike for a possible new skip bin based service.

Based on this information, the Administration is now preparing a community consultation survey which is intended to be circulated to Elected Members for input, prior to it being released for community comment, in early 2019.

Also detailed in the report, the existing contract with D&M Waste Management has a final one year option commencing 1 January 2019. It is recommended that this one year option expiring 1 January 2020 be given as the next bulk verge collection, which is due to commence Monday 25 February 2019 and be completed Friday 12 April 2019, being the Friday before Good Friday and the Easter break. This will ensure the bulk verge collection is completed and allows Council to review its position.

COUNCIL DECISION 23 OCTOBER 2018:

1. Notes the information provided on the report relating to the china sword policy impacts and to the alternative verge collection option using three cubic metre skip bins; and

2. Requests the matter be referred to an elected member forum during November 2018 for consideration.
SUMMARY:

The purpose of this report is to advise Council of progress and the potential future direction of the Town's Waste Minimisation Strategy and specifically review the options for verge Bulk Junk and Green waste collection services incorporating three cubic metre skip bins as an alternative option.

Specific comment is also provided on the impact of the China Sword Policy and how it will affect future waste bin collection contracts.

The Town operates a waste management service for its residents and ratepayers which is supported by a Waste Minimisation Officer and a Waste Administration Officer.

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.

Address/Property Location: N/A
Report Date: 9 October 2018
File Reference: 2499817
Responsible Executive/Director: Acting Director Infrastructure
Reporting Officer: Gráinne Whelan, Waste Minimisation Officer
Contributing Officer: N/A
Attachments: 1. Bulk Verge Information

BACKGROUND:

The Town has a population of 28,426 (ABS, 2017) and provides waste and recycling services to approximately 10,500 residential households. The Town's comprehensive waste and recycling service is designed to make it easy for residents to conserve natural resources and reduce waste destined for landfill. The Town has continued to encourage residents to aim for Maximum Recovery with an overall goal of increasing recycling rates through the kerbside 3 bin system to achieve the Waste Authority's target of 65% waste diverted from landfill by 2020.

Verge side collections have been provided in the Town since 1996 and can be categorised into two key waste streams:-

1. Junk waste; and
2. Green waste.
Council policies 5.3.1, 5.3.2 and 5.3.3 cover waste collection services provided by the Town. Specifically Policy 5.3.3 relates to Bulk Verge Collection. These policies were last reviewed in June 2018.

At the moment bulk junk waste and green waste collections are carried out twice per year, generally in Autumn (April/May) and Spring (September/October). Currently, there is no limit on the volume of material residents can place on the verge side for collection. A private waste contractor collects the junk waste and green waste on behalf of the Town.

Both collections have been very popular amongst the residents and utilisation has remained steady since its inception.

The following sections provide a detailed summary of the current junk waste and green waste collection services and a review of alternative bulk verge collection options incorporating Skip Bins of 3.0 cubic metre capacity.

DETAILS:

Bulk Verge Collection

The Town offers residents two bulk verge collections per year. Table 1 shows the tonnage of material collected from the verge from July 2013 to June 2018.

<table>
<thead>
<tr>
<th>Year</th>
<th>Junk</th>
<th>Greens</th>
<th>Metal</th>
<th>Waste Oil</th>
<th>Car Batteries</th>
<th>E-waste</th>
<th>Mattresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 13-June 14</td>
<td>1,269</td>
<td>1,043</td>
<td>131</td>
<td>1</td>
<td>0.55</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>July 14-June 15</td>
<td>1,159</td>
<td>1,048</td>
<td>191</td>
<td>1</td>
<td>0.50</td>
<td>0.00</td>
<td>23.44</td>
</tr>
<tr>
<td>July 15-June 16</td>
<td>1,134</td>
<td>921</td>
<td>86</td>
<td>1</td>
<td>0.27</td>
<td>15.12</td>
<td>21.16</td>
</tr>
<tr>
<td>July 16-June 17</td>
<td>943</td>
<td>1,004</td>
<td>60</td>
<td>1</td>
<td>0.39</td>
<td>17.11</td>
<td>15.84</td>
</tr>
<tr>
<td>July 17-June 18</td>
<td>1,005</td>
<td>1,146</td>
<td>63</td>
<td>1</td>
<td>0.44</td>
<td>19.09</td>
<td>15.88</td>
</tr>
</tbody>
</table>

In relation to all materials placed on the verge for collection on average 49% (1,116 tonnes) is landfilled and 51% (1,156 tonnes) is recovered or recycled as illustrated in Figure 1.

For the September 2018 verge collections, the Town expects to reduce the volume of material going to landfill by pre-sorting junk material at a transfer station prior to disposal to landfill. The expected diversion rate from a pre-sort process is expected to be up to 30% by weight.

Figure 1: Percentage verge material landfilled and recovered
1.1 Bulk Junk Collections

Junk waste collections are carried out each financial year as shown in Table 2.

Table 2: Junk collection services per annum

<table>
<thead>
<tr>
<th>Collection Period</th>
<th>Material Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autumn - (March/April)</td>
<td>• Junk;</td>
</tr>
<tr>
<td></td>
<td>• Whitegoods;</td>
</tr>
<tr>
<td></td>
<td>• Stoves;</td>
</tr>
<tr>
<td></td>
<td>• Furniture;</td>
</tr>
<tr>
<td></td>
<td>• Batteries (1 x 12v per household); and</td>
</tr>
<tr>
<td>Spring - (September/ October)</td>
<td>• Oil (up to 5 Litres).</td>
</tr>
</tbody>
</table>

The Town encourages residents not to place any waste on the verge any earlier than nine days before the first day of collections. Residents are encouraged to make two separate piles of waste and to separate junk waste from green waste. Large waste items larger than 1.5 metres in length must be dismantled so that they can be easily handled by waste collection staff.

The Town does not allow for the disposal of non-conforming materials during the junk waste collections including:

- Rubble, concrete or building materials;
- Asbestos products;
- Gas bottles;
- Paint;
- Flammable liquids;
- Paint;
- Electronics;
- Food stuffs;
- Tyres; and
- Motor vehicle parts.

The Town advises the community via the website and Bulk Verge letterbox leaflet that items not accepted for vergeside collections can be taken to the Western Metropolitan Regional Council's (WMRC) JFR (Jim) McGeough RRF in Shenton Park, the Mindarie Regional Council's (MRC) Tamala Park Recycling Centre in Mindarie or the City of Stirling's Balcatta Recycling Centre.

In order to assist to manage non-conforming materials placed on verges for the April/May 2018 verge collection, the waste section developed 'prohibited stickers' that the waste collection contractor affixed to items not permitted in the junk verge service. The stickers inform residents to contact the Town and seek advice on how best to dispose of the non-conforming items correctly. This initiative proved to be very effective, with residents taking responsibility for their own non-conforming waste materials left on the verge.
1.2 **Greenwaste Collections**

The Town offers two greenwaste vergeside collection services per year. The Town encourages residents not to place any waste on the verge any earlier than nine days before the first day of collections. The materials that can be presented for collection are listed in Table 3.

**Table 3: Greenwaste material collected**

<table>
<thead>
<tr>
<th>Collection Period</th>
<th>Material Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>March/April</td>
<td>Tree and shrub pruning's</td>
</tr>
<tr>
<td>September/October</td>
<td>Branches no longer than 1.5 metres</td>
</tr>
</tbody>
</table>

The Town encourages residents to place greens neatly on the verge with the cut ends facing the street and in an easily accessible area that does not obstruct footpaths, telecommunication pits, electricity domes, fire hydrants, sewer and drainage access pit, neighbouring driveways or other bin collection services. The Town does not allow residents to prune street or verge trees. The Town has no limit on the quantity or volume of greenwaste material allowed on the verge by the adjacent property owner.

The Town will generally not collect the following materials during greenwaste collections including:

- Bags and boxes of leaves and/or lawn clippings are discouraged as they are not compatible with the mulching process operated by the WMRC;
- Unless generated from the adjacent property Greenwaste generated by tree lopping/pruning contractors;
- Greenwaste contaminated with household rubbish, sand, soil or other waste; and
- Large tree stumps, tree roots, tree trunks and branches.

1.3 **Recycling Centres**

When materials are not in accordance with the Bulk Verge collection criteria residents are advised of alternative disposal site locations. There are three Recycling Facilities in close proximity to the Town where residents can dispose of recyclable and waste materials. The list of materials accepted at each facility is listed in Table 4.
Table 4: Materials accepted at the Recycling Centres.

<table>
<thead>
<tr>
<th>Waste Stream</th>
<th>Items Accepted</th>
<th>JFR (Jim) McGeough Resource Recovery Facility</th>
<th>Tamala Park Recycling Centre</th>
<th>Balcatta Recycling Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General waste</strong></td>
<td>Domestic Waste</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Green waste</strong></td>
<td>Garden Pruning’s</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Weeds</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Tree Stumps</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Cardboard (flattened)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Compact fluorescent lights</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>E-waste: computers, TV’s, printers</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Household Batteries</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Lead acid batteries</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Mobile Phones</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Domestic recyclables</strong></td>
<td>Motor oil (up to 20 litres)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Paper</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Plastic</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Printer Cartridges</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Scrap Metal</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Mattresses</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Gas bottles</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Paint</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Household Acids and Alkalis</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Hazardous waste</strong></td>
<td>Fire Extinguishers</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Aerosols</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Flammable Liquids</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Thinners/Solvents</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Engine Coolant</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Batteries</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Pool Chemicals</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Smoke Detectors</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Special waste</strong></td>
<td>LPG cylinders</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Tyres</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Asbestos</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Pesticides and Herbicides</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Poisons</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

1.4 Current Vergeside Collection Service

Currently, vergeside collections are completed within one week of material being allowed to be placed on the verge. However, as residents can place material on the verge nine days prior to the first collection occurring material remains on the vergeside for approximately two and a half weeks. The vergeside waste collection contractor informs the Town when collections are completed in a specific area of the Town by submitting junk and greenwaste GPS generated maps at the end of each working day. This assists the waste staff in dealing with queries from residents who claim their property was missed but who are actually trying to avail of an additional verge collection service.
1.5 Disposal Facilities

All bulk junk was previously disposed of at the Mindarie Regional Council's (MRC) Tamala Park Landfill site as required under the MRC Establishment Agreement. However, for the September 2018 verge collection service all junk waste is being sent to a pre-sorting facility to increase recovery of recyclable material and consequently reduce waste to the landfill. It is estimated up to 30% of material is capable of being recycled from bulk junk collections.

All greenwaste collected as part of the vergeside collection service is disposed of at the Western Metropolitan Regional Council's (WMRC) being the JFR (Jim) McGeough RRF in Shenton Park.

All other waste streams are recycled at the Bulk Verge Collection Contractors nominated Recycling Facilities.

1.6 Advertising and Education

The Town provides advertising and education material in the form of a ‘Junk Verge Leaflet’ which is distributed by the contractor to each residential property in the Town at least two weeks prior to each vergeside collection. The ‘Junk Verge Leaflet’ outlines:

- The dates when vergeside collections take place;
- The materials collected as part of the vergeside collection service;
- The materials not collected as part of the vergeside collection service; and
- Separation of waste into junk, greenwaste, metal and oil.

The Town advertises in 'The Post' newspaper, maintains a website which details the vergeside collection services and also uses social media (Facebook and Twitter) to promote the dates of the vergeside collection services.

1.7 Current Verge Collection Contract

The current vergeside waste collection contract with D&M Waste Management was awarded in December 2016. (Refer report CR 16.198). The contract commenced in January 2017 for a one year period with the option for the Town to extend the Contract for two one year option periods. The previous waste contractor was Alvito Pty Ltd t/a Incredible Junk who provided verge collection services to the Town during the period from 1996 to 2016.

The last option for period of one year for D&M Waste Management commences on 1 January 2019.

1.8 Current Waste Kerbside Bin Collection Contract

Council also has a separate contract with SUEZ for collection of General Wastes, Recyclable Wastes and Green Wastes. Details relating to this tender were presented in report CR16.138 in September 2016. This contract commenced on 28 November 2016 and is for a three year period with an option for the Town to extend the contract for two years at the absolute discretion of the Town. The initial three years expires on 27 November 2019.

This contract should be reviewed early 2019 and prior to November 2019 as a result of what is known as the 'China National Sword' crises which has had an effect on all Australian-wide collection contracts in operation as the markets for collected recyclable materials has been seriously reduced.
China has traditionally been the world’s largest importer of post-consumer recycled commodities and over the last year has introduced stringent import restrictions on a variety of those commodities. Since 1 January 2018, the Chinese government has been strictly enforcing its new contamination thresholds of 0.5% to 1.0%. The focus of the National Sword Campaign by China was to reduce imports of waste materials from other countries and improve the quality of imported recyclable materials.

In order to accommodate this matter, all recycling contracts with all Councils need to review which materials are to be placed in the yellow lid. Contamination of recycling products needs to reduce.

The estimated financial impact this policy would have on any new collection contract is an increase of 17-20% on collection costs to offset the reduced recycle commodity pricing. In reference to Cambridge, this is an estimated increase of $81,000 from the 2018/2019 budget of $473,000.

1.9 Tip Passes

As detailed in policy 5.3.3, residents who do not have a verge to safely place material on can receive up to four tip passes annually (2 junk and 2 green) to dispose of material at the WMRC’s JFR (Jim) McGeough RRF in Shenton Park. This applies for example to residents in the Perry Lakes Estate (stage 2 and 3), Parkside Walk Estate in Salvado Road Jolimont and multi-unit dwelling site within the Town.

Tip passes with WMRC cover acceptance of materials up to a 6x4 trailer size and currently cost:

- Greens pass $ 35.00
- Mixed Waste pass $ 52.00

1.10 Verge Statistics

As mentioned previously, the Town offers two vergeside collections per year.

Table 5 and Figure 2 shows the quantities of material collected from the verge from 1 July 2013 to 30 June 2018.

Table 5: Quantity of material (Tonnes) collected from the verge 2013 - 2018

<table>
<thead>
<tr>
<th></th>
<th>Junk</th>
<th>Greens</th>
<th>Metal</th>
<th>Waste Oil</th>
<th>Car Batteries</th>
<th>E-waste</th>
<th>Mattresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 13 - June 14</td>
<td>1,269</td>
<td>1,043</td>
<td>131</td>
<td>1</td>
<td>0.55</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>July 14 - June 15</td>
<td>1,159</td>
<td>1,048</td>
<td>191</td>
<td>1</td>
<td>0.50</td>
<td>0</td>
<td>23.44</td>
</tr>
<tr>
<td>July 15 - June 16</td>
<td>1,134</td>
<td>921</td>
<td>86</td>
<td>1</td>
<td>0.27</td>
<td>15.12</td>
<td>21.16</td>
</tr>
<tr>
<td>July 16 - June 17</td>
<td>1,013</td>
<td>944</td>
<td>60</td>
<td>1</td>
<td>0.39</td>
<td>17.11</td>
<td>15.84</td>
</tr>
<tr>
<td>July 17 - June 18</td>
<td>1,005</td>
<td>1,146</td>
<td>63</td>
<td>1</td>
<td>0.44</td>
<td>19.09</td>
<td>15.88</td>
</tr>
</tbody>
</table>
The tonnage of Junk collected from the verge has decreased by 264 tonnes since 2013. As part of the Town's waste education campaign, residents are advised to donate items in good condition to charities and also advised to recycle e-waste. At the same time, Greenwaste has increased by 103 tonnes and metal has decreased by 68 tonnes.

As shown in Figure 3

Figure 3, the quantity of car batteries collected has decreased by 0.11 tonne while the number of mattresses presented to the verge for collection has decreased by 7.56 tonne. The decrease in mattresses can be attributed to the weekly mattress collection service which most residents currently use. The Town's e-waste drop off day is held during bulk verge collection time continues to be very popular, as illustrated by the approximate 2 tonne increase in volume of material collected annually.

Figure 3: Batteries, e-waste and mattresses collected from the verge 2013-2018
In relation to all materials placed on the verge for collection, on average 49% (1,116 tonnes) is landfilled and 51% (1,156 tonnes) is recovered or recycled as illustrated in Figure 4. For the September 2018 verge collections, the Town expects to reduce the volume of material going to landfill by pre-sorting junk material at a transfer station prior to disposal to landfill. The expected diversion rate from a pre-sort process is expected to be up to 30% by weight.

Figure 4: Percentage verge material landfilled and recovered 2013-2018

Vergeside Collection Financials

1.11 Vergeside Expenditure

This section outlines the financial impact of the vergeside collection service from 1 July 2013 to 30 June 2018. The vergeside collection budget comprises of the cost of the collection by the contractor plus the cost to process and dispose of the junk and greenwaste materials collected. In 2013-14 the total collection costs were $692,153 and in 2017-18 the total costs were $650,639 which is a decrease of $41,514.

As illustrated in Figure 5 verge collection costs have decreased from $455,358 in 2013-14 to $336,000 in 2017-18. This is due to the commencement of a new contract in 2017 with lower contractor collection rates. Junk disposal costs have increased from $163,521 in 2013 to $178,821 in 2018 primarily due to the increase in the State Government's landfill levy and in landfill disposal rates per tonne at the MRC's Tamala Park landfill. The Mindarie Regional Council (MRC) landfill disposal rate in 2013 was $137 to $145 per tonne and increased to $178 per tonne in 2017. From 1 July 2018 the MRC landfill disposal rate increased to $205 per tonne.

Greenwaste disposal costs have remained relatively steady from $73,273 in 2013 to $81,530 in 2017, however there was a significant increase in costs in 2017-18 primarily due to an increase of 200 tonnes on the previous year. There has also been an increase in processing costs at the WMRC JFR (Jim) McGeough RRF in Shenton Park from $55 per tonne in 2013 to $91 per tonne in 2017. From 1 July 2018 there has been a further increase to $95 per tonne.
1.12 Vergeside Revenue

Revenue from the bulk junk waste collection service comes from the recycling of collected materials. The Town does not receive any income from the materials collected in the bulk vergeside collection service as any revenue generated goes directly to the Contractor. This process allows for effort to be put into recycling of various materials which have some value.

Vergeside services other Local Governments

A desktop review has been carried out to gain an understanding of what other Local Governments in Perth Metropolitan area offer residents. The results are illustrated in Table 6.

Table 6: Vergeside services other Local Government

<table>
<thead>
<tr>
<th>Council</th>
<th>Junk</th>
<th>Greens</th>
<th>Additional on demand services per property</th>
</tr>
</thead>
</table>
| City of Stirling   | 1 x 3m³ skip bin      | One verge collection every nine months | • E-waste - max 6 items (TV's Computer, monitor, printer, scanner & photocopier).  
|                    |                       |                                 | • White Goods - max 4 item (Ovens, Fridge's, Dishwashers, Air conditioners, stoves/cookers, washing machines, dryers)  
|                    |                       |                                 | • Mattresses - max 6 items |
| City of Joondalup  | 1 x 3m³ skip bin or 1 x lounge suite | One verge collection annually | • White goods - max 4 items  
|                    |                       |                                 | • Mattresses - max 6 items |
| Town of Vincent | One verge collection annually | Verge collection twice yearly | • None |
| City of Subiaco | Verge collection twice yearly | Green waste collected on demand in bags all year round | • None |
| Town of Cottesloe | Verge collection twice yearly | Verge collection twice yearly | • None |
| City of Bayswater | 3 x skip bins - can be used for junk or greens | | • White goods - max 2 items  
• Mattresses - max 2 items |
| Shire of Kalamunda | Properties are entitled to any combination of 3 junk bins per year (3m³) for junk or green waste. Larger properties can avail of additional greenwaste skips for $65 each, while an extra general waste skip bin costs $105 | | • White goods and mattresses can be collected for an additional fee of $33 (max 2 items) |
| City of Swan | On call verge service all year round on a fortnightly rotation. Each property has a limit of 2 collections per year to a max of 3m³. | | • Mattresses - max 3 items |
| City of Nedlands | Verge collection twice yearly - greens collected at the same time | | • None |
| City of Belmont | 4 x skip bins 3m³ - can be used for junk or greens | | • None |

The City of Stirling’s residents can request one 3m³ skip per year but can also request one additional white goods, mattress and e-waste collection per year. The City of Stirling greenwaste vergeside collection service has changed from a yearly cycle to one collection every nine months.

The City of Joondalup introduced skip bins for junk waste in October 2016. Each resident can request up to three collection services per year comprised of one 3m³ skip bin or one lounge suite collection, one white goods collection and one mattress collection.

The City of Bayswater provides a 3m³ skip for a combined junk waste collection three times per annum.

The Shire of Kalamunda provides a 3m³ skip for a combined verge collection service. Each resident can request between 3-5 skip bins per annum (depending on property size) and can decide whether or not to utilise it for junk waste or greenwaste. The skips are colour coded depending on the material type for disposal, green skips are used for greenwaste and red skips for junk waste.

The City of Belmont provides four 3m³ skip bins per annum on an as needs basis, however the resident decides whether or not it will be utilised for junk or greenwaste. The skip bins are coloured differently depending upon the material type for disposal, green for greenwaste and blue for junk waste.

Town of Vincent, City of Subiaco, Town of Cottesloe and City of Nedlands offer verge collection services to their residents.
The City of Swan recently changed (July 2018) from an annual verge collection service to an on demand verge collection service all year round. Residents can request two on-call verge collections per year (one junk and one greenwaste, or two junk, or two greenwaste). Mattress collections (max 3 per household) are in addition to the verge service.

Review of Alternate Service Options

There are a number of options available for collecting junk and greenwaste from the verge which has advantages and disadvantages such as:-

A) Verge collection with reduced frequency.

- Currently the Town offers two junk and two greenwaste collection services per year. If the Town was to reduce the frequency of collections from two to one the following issues are identified as the advantages and disadvantages of this service:

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents familiar with vergeside service</td>
<td>Reduced frequency</td>
</tr>
<tr>
<td>Reduced collection and disposal costs for the Town</td>
<td>Collections may take longer depending on volume of material placed out for collection</td>
</tr>
<tr>
<td>Service continues to be provided but at a reduced frequency</td>
<td>Residents complain of reduced service</td>
</tr>
<tr>
<td>Less material may be placed on the verge</td>
<td>Potential increase in illegal dumping</td>
</tr>
<tr>
<td>Visual amenity improves as there is only one collection per year</td>
<td>Waste piles unsightly, kerb crawls scavenging through other people materials</td>
</tr>
<tr>
<td>Ability to separately collect reusable materials, greater source separation</td>
<td>No limits imposed on resident on the volume of material placed on the verge</td>
</tr>
</tbody>
</table>

B) On demand skip bins

Some Local Governments in Perth Metropolitan area offer residents the delivery and collection of a skip bin in lieu of a verge collection service. A scheduled skip bin service is an option that could be introduced in the Town to replace the current junk and greenwaste verge service. To request a skip bin, the resident contacts the contractor who delivers the skip bin to the resident's verge for a few days or over the weekend. Once the skip bin is full, the resident contacts the contractor to remove the skip. Skip bins have a 3.0 cubic meter capacity and materials collected should not exceed 500 kg. as this is the maximum lifting capacity of the collection vehicle.

Attachment 1 provides an example of a DRAFT contract clause to use skip bins as an option.

The advantages and disadvantages of this service are:

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restricts volume of waste presented i.e. various skip sizes available, standard size is 3m$^3$ or if a larger skip is required the resident pays more</td>
<td>Not suitable for all residents as some may not have a verge</td>
</tr>
<tr>
<td>More suitable for recovery at a transfer station as material is not compacted</td>
<td>Not suitable for Multi-Unit dwellings or properties located in small laneways</td>
</tr>
</tbody>
</table>
Less uptake by residents as more effort is required by residents to organise a skip bin - City of Stirling and City of Joondalup have reported on average a 30% uptake by residents

The Town is charged a reduced rate per skip by the contractor due to economies of scale

In areas where a skip bin could potentially be placed the Town may have to issue temporary parking permits to residents to park elsewhere during delivery/collection times.

Material presented in a tidy manner - no unsightly material on the verge

Potential damage to residents verge

Not suitable for the elderly or disabled

The Town is charged a reduced rate per skip by the contractor due to economies of scale

In areas where a skip bin could potentially be placed the Town may have to issue temporary parking permits to residents to park elsewhere during delivery/collection times.

C) Combined collection service (both skip bin and verge services)

This option involves skip bins to collect junk and a verge service to collect greenwaste.

**Table 9: Advantages and Disadvantages of combined collection services**

<table>
<thead>
<tr>
<th><strong>Advantages</strong></th>
<th><strong>Disadvantages</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>All residents provided with a service</td>
<td>Residents provided with two different levels of service</td>
</tr>
<tr>
<td></td>
<td>The Town would be providing two different service levels for one waste stream (i.e. verge and skip) which may be difficult to administer.</td>
</tr>
<tr>
<td></td>
<td>In areas where a skip bin could potentially be placed the Town may have to issue temporary parking permits to residents to park elsewhere during delivery/collection times.</td>
</tr>
<tr>
<td></td>
<td>Parked cars may pose issues for the delivery and collection of the skip bin</td>
</tr>
<tr>
<td></td>
<td>The skips could potentially damage sprinkler systems.</td>
</tr>
<tr>
<td></td>
<td>Skips could potentially be a hazard by blocking paths and potentially cause accidents.</td>
</tr>
</tbody>
</table>

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Cost of service options

Financial modelling was carried out on a range of vergeside options to gain an understanding of the potential costs involved in providing a vergeside collection service. A number of assumptions were required to be made in relation to the data used in the model as follows:

Table 10: Assumptions used for financial modelling

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of residential properties in the Town who could participate</td>
<td>10,000</td>
</tr>
<tr>
<td>Uptake of skip bins by property owner / occupiers</td>
<td>30%</td>
</tr>
<tr>
<td>Average skip bin weight assumed at 300kg ( Maximum possible 500kg)</td>
<td>0.3</td>
</tr>
<tr>
<td>Annual tonnage of junk collected</td>
<td>1,000</td>
</tr>
<tr>
<td>Annual tonnage of greenwaste collected</td>
<td>1,000</td>
</tr>
<tr>
<td>Mindarie Regional Council landfill disposal rate 2017/18</td>
<td>$178</td>
</tr>
<tr>
<td>Mindarie Regional Council landfill disposal rate 2018/19</td>
<td>$205</td>
</tr>
<tr>
<td>Western Metropolitan Regional Council greenwaste processing rate 2017/18</td>
<td>$91</td>
</tr>
<tr>
<td>Western Metropolitan Regional Council greenwaste processing rate 2018/19</td>
<td>$95</td>
</tr>
<tr>
<td>Junk disposal rate per tonne (Skip bin taken to pre-sorting facility)</td>
<td>$150</td>
</tr>
<tr>
<td>Skip bin collection cost per skip bin ( Estimate Only - subject to RFT process)</td>
<td>$60</td>
</tr>
<tr>
<td>Annual verge collection costs 2017/18</td>
<td>$336,000</td>
</tr>
<tr>
<td>Annual verge collection costs 2018/19 Forecast Budget</td>
<td>$355,253</td>
</tr>
</tbody>
</table>

The following vergeside options were subsequently analysed:

Option 1: Two annual verge collections for junk and greenwaste

These costs are based on 2018/19 rates where junk is disposed of at the MRC’s Tamala Park landfill site and greenwaste is processed at WMRC in Shenton Park.

<table>
<thead>
<tr>
<th></th>
<th>Collection costs ($)</th>
<th>Disposal costs ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junk</td>
<td>355,253</td>
<td>205,000</td>
</tr>
<tr>
<td>Green</td>
<td></td>
<td>95,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>355,253</td>
<td>300,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$655,253</td>
</tr>
</tbody>
</table>

Option 2: (Existing Service) - Two annual verge collections for junk and greenwaste. These costs are based on 2018/19 rates where junk is sent to a pre-sorting facility to increase recovery of recyclable materials and divert waste from landfill and greenwaste is processed at WMRC.

<table>
<thead>
<tr>
<th></th>
<th>Collection costs ($)</th>
<th>Disposal costs ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junk</td>
<td>355,253</td>
<td>150,000</td>
</tr>
<tr>
<td>Green</td>
<td></td>
<td>95,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>355,253</td>
<td>245,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$600,253</td>
</tr>
</tbody>
</table>
Option 3: Reduce verge collections from two to one per year
Residents are provided with one junk and one greenwaste verge service annually.

<table>
<thead>
<tr>
<th></th>
<th>Collection costs ($)</th>
<th>Disposal costs ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junk</td>
<td>177,626</td>
<td>75,000</td>
</tr>
<tr>
<td>Green</td>
<td></td>
<td>47,500</td>
</tr>
<tr>
<td>Subtotal</td>
<td>177,626</td>
<td>122,500</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$300,126</td>
</tr>
</tbody>
</table>

Option 4: Introduce two skip bins per property per year
Residents can request two skip bins annually one for junk and/or one for greenwaste. Assume a 30% uptake on skip bins from Town properties.

<table>
<thead>
<tr>
<th></th>
<th>Collection costs ($)</th>
<th>Disposal costs ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junk</td>
<td>180,000</td>
<td>135,000</td>
</tr>
<tr>
<td>Green</td>
<td>180,000</td>
<td>85,500</td>
</tr>
<tr>
<td>Subtotal</td>
<td>360,000</td>
<td>220,500</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$580,500</td>
</tr>
</tbody>
</table>

Option 5: Introduce four skip bins per property per year
Residents can request four skip bins annually two for junk and two for greenwaste. Assume a 30% uptake on skip bins.

<table>
<thead>
<tr>
<th></th>
<th>Collection costs ($)</th>
<th>Disposal costs ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junk</td>
<td>360,000</td>
<td>150,000</td>
</tr>
<tr>
<td>Green</td>
<td>360,000</td>
<td>95,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>720,000</td>
<td>245,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$965,000</td>
</tr>
</tbody>
</table>

Option 6: Introduce one skip bin and one verge service annually
Residents can avail of one skip bin for junk and one verge greenwaste service annually. Assume a 30% uptake on skip bins and 100% uptake for verge greenwaste.

<table>
<thead>
<tr>
<th></th>
<th>Collection costs ($)</th>
<th>Disposal costs ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junk</td>
<td>180,000</td>
<td>150,000</td>
</tr>
<tr>
<td>Green</td>
<td>177,626</td>
<td>95,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>357,626</td>
<td>245,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$549,626</td>
</tr>
</tbody>
</table>

Option 7: Introduce two skip bins and two verge services annually
Residents can avail of two skip bins for junk and two verge greenwaste services annually. Assume a 30% uptake on skip bins and 100% uptake for verge greenwaste.

<table>
<thead>
<tr>
<th></th>
<th>Collection costs ($)</th>
<th>Disposal costs ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junk</td>
<td>180,000</td>
<td>150,000</td>
</tr>
<tr>
<td>Green</td>
<td>355,253</td>
<td>95,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>535,253</td>
<td>245,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$780,253</td>
</tr>
</tbody>
</table>

The following is a summary of the options and associated costs starting with the least expensive and increasing to the most expensive option.
### Service Costs ($)

<table>
<thead>
<tr>
<th>Option</th>
<th>Service</th>
<th>Costs ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Reduce verge collections from two to one annually</td>
<td>300,126</td>
</tr>
<tr>
<td>6</td>
<td>Introduce one skip bin and one verge greenwaste service annually</td>
<td>549,626</td>
</tr>
<tr>
<td>4</td>
<td>Introduce two skips bins per property annually</td>
<td>580,500</td>
</tr>
<tr>
<td>2</td>
<td>Introduce two skip bins per property annually</td>
<td>580,500</td>
</tr>
<tr>
<td>1</td>
<td>Current Service: Two verge collections annually for junk and greenwaste. Junk sent to a pre-sorting facility and greenwaste processed at WMRC</td>
<td>600,253</td>
</tr>
<tr>
<td>7</td>
<td>Introduce two skip bins and two verge services annually</td>
<td>780,253</td>
</tr>
<tr>
<td>5</td>
<td>Introduce four skip bins per property annually</td>
<td>965,000</td>
</tr>
</tbody>
</table>

The viability of all of these options may require further clarification on assumptions and investigation and could be implemented in the 2019/2020 budget from 28 November 2019 following the Spring 2019 collection if considered practical.

Prior to implementing any revised service, Council may wish to seek the views of the Cambridge Community in accordance with the Community Engagement Policy 1.2.11 prior to consideration making any amendments to the Bulk Vergeside Collection Service.

If a revised service is to be provided, the contract for waste management covering all bin collections currently collected by SUEZ and bulk verge collections could be incorporated into one tender document mid 2019 and any new contract could commence on 28 November 2019 if the existing SUEZ contract is not extended past the initial three year contract period.

### POLICY/STATUTORY IMPLICATIONS:

Three policies relate to this report. Based on a decision of council to review and amend the existing service provision in relation to the service to be provided these policies may require amendment.

1. Policy No: 5.3.1 - Waste Removal Service - Residential Properties
2. Policy No: 5.3.2 - Waste Removal Service - Commercial/Business Premises
3. Policy No: 5.3.3 - Waste Removal Service - Bulk Verged Collection

There are no Statutory Implications related to this report.

### FINANCIAL IMPLICATIONS:

There are no implications relating to this report unless a revised policy of collections is considered.
STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Towns Strategic Community Plan 2018-2028:-

Our Natural Environment

Goal 7: Council is environmentally responsible and leads by example
Strategy 7.4: Minimise waste to landfill and increase recycling

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11. In accordance with the assessment criteria and the assessment matrix two options are available.

1. INFORM - To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions; and

2. CONSULT - To obtain feedback on analysis, alternatives and/or decisions.
CR18.192 RECREATION CYCLING FACILITIES ASSESSMENT

COUNCIL DECISION:
(COMMITTEE AND RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council:-

1. ADOPTS the proposed recreation cycling facilities assessment scope of consultancy services, as detailed in this report, with the consultancy items to be prioritised to reflect the order as listed in the Notice of Motion;

2. AUTHORISES to the Acting CEO to appoint the consultant(s) to complete the recreation cycling facilities scope of works; and

3. NOTES that a further report on the outcome of the recreation cycling facilities scope of works will be submitted to the Council.

Motion put and CARRIED (8/1)

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

Against: Cr Powell

Committee Meeting 10 December 2018

During discussion, Members queried the priority order of the items listed in the draft Scope of Works.

Amendment

Moved by Cr Timmermanis, seconded by Cr Bradley

That clause 1 of the motion be amended to read as follows:-

1. ADOPTS the proposed recreation cycling facilities assessment scope of consultancy services, as detailed in this report, with the consultancy items to be prioritised to reflect the order as listed in the notice of motion.

Amendment put and CARRIED ON CASTING VOTE OF THE PRESIDING MEMBER (3/2)

For: Crs Bradley and Timmermanis (Casting and Deliberative Vote)

Against: Crs Carr and McAllister

(Mayor Shannon was an apology for the meeting)

ADMINISTRATION RECOMMENDATION:

That Council:-

1. ADOPTS the proposed recreation cycling facilities assessment scope of consultancy services as detailed in this report;
2. AUTHORIZES to the Acting CEO to appoint the consultant(s) to complete the recreation cycling facilities scope of works; and

3. NOTES that a further report on the outcome of the recreation cycling facilities scope of works will be submitted to the Council.

SUMMARY:

A refined scope of works has been completed for a recreation cycling facilities assessment. The refined scope was a result of a Notice of Motion, 12.1, dated 23 October 2018 to address provision of children’s bike skills, mountain bike and BMX/pump track recreation facilities in the Town of Cambridge.

It is recommended that the Council authorises the A/CEO the appointment of a consultant(s) via a Request for Quotation process.

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.

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<td>Report Date:</td>
<td>3 December 2018</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>John Giorgi, JP Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Walter Van Der Loo, Manager Infrastructure Parks</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Cam Robbins, Acting Director Corporate and Community Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Attachment 1 - Mountain Bike Facilities Presentation - Common Ground</td>
</tr>
</tbody>
</table>

BACKGROUND:

At the Ordinary Council Meeting of Tuesday 23 October 2018 the Mayor submitted a Notice of Motion (12.1) that included the following background information:

- Mountain biking is one of the world’s fastest growing recreational, sport and tourism activities and Western Australia is following this global trend.
- Almost 120,000 mountain bikes are purchased every year in Western Australia.
- 19% of Western Australians own a mountain bike.
• Mountain bikers are seeking places to ride in increasing numbers.

• Over 50 competitive mountain bike events take place in WA each year, with 1,200 riders taking part in the Cape to Cape and more than 1,000 people riding the Dwellingup 100 in 2014.

• Given the nearest mountain bike trail in the metropolitan area is at the Camel Farm in Kalamunda, some 40 minutes away, it is anticipated that this project will be likely to attract funding from Lottery West.

In regard to the Notice of Motion the Council resolved:

That Council:-

1. APPROVES the proposal to investigate the concept of providing children’s bike skills, mountain bike, and bmx/pump recreation facilities within the Town of Cambridge locale;

2. REQUESTS a draft Scope of Works be prepared by the Administration for consideration by Council at the December 2018 meeting, as the basis for the Feasibility Study;

3. The draft Scope of Works briefly addresses but not be limited to:-

   (a) Site selection criteria and methodology (include central placement for residents of Town of Cambridge, suggestions for mutually beneficial locations not controlled by Town of Cambridge);

   (b) Identification of potential suitable locations for different facilities, identification of locations based on benefit to maximum number of ratepayers;

   (c) Identification of options to include Bold Park previously disturbed areas;

   (d) Land tenure and zoning (including any changes proposed within Town Planning Scheme revision);

   (e) Environmental impacts, processes and mitigation;

   (f) Community impacts and engagement;

   (g) Stakeholder engagement;

   (h) Compatibility and synergies with other uses and users;

   (i) Operational and infrastructure requirements;

   (j) Parking and traffic impacts;

   (k) Risk and liability;

   (l) Funding arrangements;

   (m) Potential staging options; and

4. APPROVES BY AN ABSOLUTE MAJORITY an amount up to $30,000 expenditure from the 2018/19 Budget to prepare the Feasibility Study once the final Scope of Works is approved. The funds to be reallocated from Budget Item Governance Management - Risk Program.

DETAILS:

The Department of Local Government, Sport and Cultural Industries, Department of Biodiversity, Conservation and Attractions and peak cycling bodies have established strategic frameworks for provision of recreation cycle facilities. Strategic reviews/plans, master plans and management guidelines have been developed for the State and Perth and Peel Metropolitan Area. These documents support more facilities at a local, district and regional scale throughout metropolitan Perth. Potential sites for local facilities have been identified in Cambridge at Bold Park, along the coast, and at Perry Lakes.
Officers of the Town met with Mr David Willcox from Common Ground, an industry leading consultant in the mountain bike recreation field on Monday 11 June 2018 to gain a better oversight on the topic. Attached is a presentation from Common Ground, which provides a good overview of the many forms of, particularly mountain bike, recreation development typologies and the strategic planning context for provision of these facilities in the Town of Cambridge (Refer Attachment 1).

The first and most significant consideration regarding provision of these facilities is the strategic context i.e. the Town needs to make sure it develops the right facilities in the right format in the right place at the right time to maximise benefit to the community for the investment made. This also needs to take into account that any proposals being considered for the proposed facilities are the best use of the locations nominated.

The second major consideration is community demand. These facilities are quite unique; there is currently very little formal provision in the metropolitan area and none known to be planned north of the river anywhere close to Cambridge. Most enthusiasts have to travel to the Perth Hills and beyond. The potential is that any facility built in Cambridge could become very popular and potentially demand could outstrip supply, causing issues to surrounding residents, management challenges and reputational risk. Local residents may also become dissatisfied with potential difficulties in accessing the facilities. The potential positive outcomes of a very popular facility could be that it attracts tourism and flow on economic impacts to the Town and businesses. It is therefore critical to determine appropriate goals and objectives to ensure the scale and typologies of the facilities proposed meet the desired outcomes.

Lastly, it is essential that the community and stakeholders are adequately engaged in this process. The Town needs to better understand who needs and wants these facilities and ensure we don’t create any unforeseen negative impacts on others. These potential impacts also cross over our boundaries to surrounding local government authorities and other key land stakeholders (e.g. Botanic Gardens and Parks Authority). Therefore it is important that a comprehensive community and key stakeholder engagement process is undertaken.

The objective of the proposed scope of works is to examine the need for a diverse spectrum of children's bike skills, mountain bike and BMX/pump track recreation facilities in the Town, with a focus on catering to the needs of 'Locals First'.

Taking into consideration the points raised above, a revised scope of works is outlined below which will be subject to a Request for Quotation process.

Scope of Works:

- Develop a community engagement and stakeholder management process;
- Determine current and future demand for recreation cycle facilities in Cambridge;
- Identify and assess potential impacts on meeting the needs of the local Cambridge community;
- Identify potential typologies of recreation cycle facilities for consideration in Cambridge (as defined by the relevant peak body strategies and guidelines);
- Review potential sites (including those not necessarily controlled by the Town) that could accommodate the different typologies and identify the constraints and opportunities of each site including potential colocation with complementary facilities;
- Develop a methodology for assessing options to determine the most suitable (i.e. impacts risk assessment and multi-criteria analysis) and the best way forward (i.e. priorities and staging);
- Identify all planning and legislated approvals processes required to enable development of facilities;
• Determine lifecycle costs - capital, operational and replacement;
• Identify funding opportunities (internal and external); and
• Identify the best process to implement development of designs and construct proposals
  including potential for community involvement to engender greater buy-in, stewardship
  and participation rates.

Consultants will be required to submit a detailed methodology and schedule with their quotation
submissions and will need to indicate likely key hold points for Town of Cambridge review,
Council decision making, consultation etc. It anticipated the consultancy be completed over
approximately three months to enable any recommendations to be considered as part of the
2019/20 budget preparation process.

Following the undertaking of the Request for Quotation process, it is recommended that the
A/CEO through authorisation from Council, appoint the consultant(s). A further report will be
presented to Council on the completion of the works and any financial implications will be
considered as part of the 2019/2020 Draft Budget deliberations.

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report.

FINANCIAL IMPLICATIONS:

An amount of $30,000 has been reallocated from 2018/2019 Budget Item Governance - Risk
Program, in accordance with Council's decision dated 23 October 2018 (Item 12.1).

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's Strategic
Community Plan 2018-2028:-

Our Community

Goal 1: A sense of community, pride and belonging
Strategy 1.1 Encourage and support participation in a range of public activities and events
  where residents can gather and interact
Strategy 1.2 Promote our strong community identity and focus our responses on the needs of
  local residents, businesses and ratepayers

Goal 2: Quality local parks and open spaces for the community to enjoy
Strategy 2.1 Adopt a more strategic and coordinated approach to the planning of our parks
  and greenspaces recognising their diverse roles and local community
  preferences
Strategy 2.2 Improve the maintenance and provision of amenities in our local parks and
district open spaces reflecting local values and priorities and the broader
  regional demand on facilities

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and
  planning is responsive to residents
Strategy 4.4 Enhance and respect our existing streetscapes, setbacks and green spaces
Our Environment

Goal 7: The Town is environmentally responsible and leads by example
Strategy 7.1 Manage our bushland areas and reserves to enhance and protect conservation values and protect our native animals and plant species

Our Council

Goal 9: Transparent, accountable governance
Strategy 9.2 Consult with the community using techniques that engage more widely to inform and be informed on local matters of priority

Goal 12: Advocacy for the Community
Strategy 12.1 Foster key relationships with all levels of government and other major stakeholders
Strategy 12.3 Take actions and make decisions that adopt a “locals first” approach at all times

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy No 1.2.11. In accordance with the assessment criteria, a "Consult" level of assessment has been made at this stage. However, this will be reviewed and adjusted as required upon commencement of the consultancy.
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

CR18.193 DISABILITY ACCESS AND INCLUSION PLAN (DAIP) 2019-2022 ADOPTION

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council:-

1. ADOPTS the proposed Draft Disability Access and Inclusion Plan January 2019 –
   June 2022; and

2. CONSIDERS the key priority areas identified with financial implications in the
   January 2019–June 2022 Disability Access and Inclusion Implementation Plan
   during the annual budget process.

Motion put and CARRIED EN-BLOC (9/0)

Committee Meeting 10 December 2018

During discussion, Members expressed their thanks and appreciation to Mrs Carole Lambert,
Manager Community Development for her service to the Town of Cambridge over the years.

SUMMARY:

The Towns DAIP 2015 - 2018 has been reviewed and a new DAIP 2019 - 2022 (2019 - 2022)
has been developed and is presented to Council for endorsement.

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 Disability Services Act 1993 (amended 2004) requires all local governments to develop and implement a Disability Access and Inclusion Plan (DAIP) to assist in planning and implementing improvements to access and inclusion. These plans can benefit many people in the community including people with disability, the elderly, parents and carers with young children, workers with trolleys and people from culturally and linguistically diverse backgrounds. The Town's DAIP meets the requirements of the Disability Services Act 1993.

In 2018, the Town of Cambridge engaged E-Qual Disability Consultants to undertake the review of its 2015 – 2018 DAIP and develop a new DAIP 2019–2022. This new DAIP includes strategies to address access barriers and promote inclusion, identified through the review and consultation with our community. Consultation was undertaken with the Town's staff and the broader community through surveys and face to face meetings and forums. Community consultation was promoted through the local newspaper, the Town’s website, notices at various Town facilities and by invitation. A total of 69 individual submissions were received and informed the preparation of the draft DAIP 2019 - 2022.

The draft DAIP was made available for public comment for a two week period from 29 October 2018 to 9 November 2018. The public comment period was advertised on the Town's website and in the Post Newspaper and key stakeholders, including those who had contributed to the review process, were invited to make comment. No feedback was received from the public during the comment period. The Draft DAIP was then forwarded to the Department of Communities - Disability Services (formally Disability Services Commission) for compliance review and was deemed to be compliant.

The new DAIP 2019-2022 will continue to focus on strategies to address physical access barriers to Town facilities and services and in addition, to improve opportunities for people with a disability to be included within the Town.

DETAILS:

1. Disability Access and Inclusion Plan (DAIP)

The Australian Bureau of Statistic 2016 data shows that 934 people in the Town of Cambridge (3.5% of the population) reported needing help in their day-to-day lives due to disability i.e. had severe or profound disability. In addition 2,410 people identified themselves as carers providing unpaid assistance to a person with disability, long term illness or old age.
A disability is any continuing condition that restricts everyday activities. The Disability Services Act (1993) defines disability as a condition that:

- is attributable to an intellectual, cognitive, neurological, sensory or physical impairment or a combination of those impairments;
- is permanent; and may or may not be episodic in nature.

A range of barriers may prevent people with a disability from accessing community services, events, public buildings and facilities, and from gaining access to information, public consultation and decision making processes. The Town is committed to ensuring these barriers are overcome and the DAIP is one of these mechanisms for achieving this.

The Town’s Disability Access and Inclusion Plan (DAIP) is required under the Disability Services Act (1993) and will provide a planned approach to progressively improving access and inclusion in the Town. The DAIP builds upon the work already achieved in improving physical access to buildings and facilities, raising awareness through training and events, encouraging inclusive programs and increased opportunities for communication with people with disability within the Town.

2. DAIP Outcomes

The DAIP Outcomes (as stipulated by the Department of Communities - Disability Services) are:

**Outcome 1: Services and events**
People with disability have the same opportunities as other people to access the services of, and any events organised by, the Town of Cambridge.

**Outcome 2: Building and facilities**
People with disability have the same opportunities as other people to access the buildings and other facilities of the Town of Cambridge.

**Outcome 3: Information**
People with disability receive information from the Town of Cambridge in a format that will enable them to access the information as readily as other people are able to access it.

**Outcome 4: Service from staff**
People with disability receive the same level and quality of service from the staff of the Town of Cambridge.

**Outcome 5: Complaints**
People with disability have the same opportunities as other people to make requests or complaints to the Town of Cambridge.

**Outcome 6: Public consultation**
People with disability have the same opportunities as other people to participate in any public consultation by the Town of Cambridge.

**Outcome 7: Employment**
People with disability have the same opportunities as other people to be employed by the Town of Cambridge.

The strategies in the DAIP and Implementation Plan outline how the Town of Cambridge plans to meet these required outcomes.
The Town’s Draft 2019-2022 DAIP was forwarded to the Department of Communities, Disability Service who have endorsed the document. The next stage in the process is for endorsement by Council. The Draft DAIP 2019-2022 and Implementation Plan has been provided as an attachment.

POLICY/STATUTORY IMPLICATIONS:

Policy No. 2.1.2 – Access to Services and Facilities for People with Disabilities, their families and Carers.

The Town is required by the Disability Services Act 1993 (amended 2004) to develop and implement a Disability Access and Inclusion Plan (DAIP) and to report annually on the DAIP to the Department of Communities - Disability Services.

FINANCIAL IMPLICATIONS:

The implementation of the DAIP 2019 -2022 may require financial resources for the following:-

- Upgrade of physical access to Town facilities including capital work upgrades.
- Improve opportunities for inclusion through Town community services and events.
- Provide staff with disability awareness training.
- Provide information in accessible formats, on request.
- Facilitate inclusion of people with disability in complaint and consultation processes.

The Town will include amounts for DAIP strategies to be considered in the Draft Budget, for the relevant financial year.

STRATEGIC DIRECTION:

The Disability Access and Inclusion Plan reflects the following Goals and Strategies of the Town's Strategic Community Plan 2018-2028:-

**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

**Goal 2:** Quality local parks and open spaces for the community to enjoy

**Goal 3:** An active, safe and inclusive community  
Strategy 3.1: Focus on improving and expanding those places where community groups interact to encourage greater participation

Strategy 3.3: Encourage a range of activities that better align with the diverse needs of rate payers of all ages, cultures and abilities

**Goal 6:** Efficient transport networks

**Goal 10:** The Town is a proactive local government that provides financially sustainable public assets, services and facilities

Strategy 10.2: Promote equity and transparency in the provision of infrastructure and services throughout the Town.
COMMUNITY ENGAGEMENT:

Community Engagement is required as part of the Disability Access and Inclusion Plan review process and was undertaken at a Consultation level and involved the following opportunities for the community to provide comments and feedback:

During the Community Consultation period from 30 July 2018 to 24 August 2018, community members could have their say by:

- Completing an online or hard copy survey
- Attending a community forum (with Auslan interpreter if required)
- Contacting E-QUAL for a face to face or phone interview; and/or
- Participating in a focus group meeting at their local service.

The promotion of the consultation included the following advertising:

- In The Post newspaper, on 28 July 2018;
- On the Town of Cambridge website;
- On the Town’s social media - Facebook page and Twitter;
- At the Town of Cambridge Library, Community Centre, Youth Centre, Bold Park Aquatic and the Town’s Administration Building;
- To all staff via email; and
- Directly to other key stakeholders identified by the Town and E-QUAL including diverse service providers from government and community sectors and people who had previously provided feedback or interest in access at the Town, via email and social media.
CR18.194 ALDERBURY SPORTS GROUND MASTER PLAN FOR CONSULTATION

COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council:-

1. RECEIVES the Alderbury Sports Ground Draft Master Plan;

2. ADVERTISES the Alderbury Sports Ground Draft Master Plan, excluding those elements dealing with fencing options for the dog exercise area, for public comment in February/March 2019, including a direct mail-out to owners and residents of properties within 800 metres of Alderbury Sports Ground; and

3. NOTES a further report on the outcome of 2 above will be submitted at the conclusion of the consultation period.

Motion put and CARRIED (9/0)

Committee Meeting 10 December 2018

During discussion, Members agreed that it was not necessary to seek public comment in relation to options for fencing in the current off-leash dog exercise area in the southern part of the reserve as this has already been undertaken.

Amendment

Moved by Cr Timmermanis, seconded by Cr Bradley

That clause 2 of the motion be amended to read as follows:-

2. ADVERTISES the Alderbury Sports Ground Draft Master Plan, excluding those elements dealing with fencing options for the dog exercise area, for public comment in February/March 2019, including a direct mail-out to owners and residents of properties within 800 metres of Alderbury Sports Ground.

Amendment put and CARRIED (3/1)

For: Crs Bradley, Carr and Timmermanis
Against: Cr McAllister
(Mayor Shannon was an apology for the meeting)

Discussion ensued. The Presiding Member advised that, in accordance with Clause 9.8 of the Standing Orders, the motion be divided into separate motions.

That Council:-

1. RECEIVES the Alderbury Sports Ground Draft Master Plan.

Motion put and CARRIED (4/0)
(Mayor Shannon was an apology for the meeting)
2. **ADVERTISES** the Alderbury Sports Ground Draft Master Plan, excluding those elements dealing with fencing options for the dog exercise area, for public comment in February/March 2019, including a direct mail-out to owners and residents of properties within 800 metres of Alderbury Sports Ground.

Motion put and **CARRIED** (4/0)
(Mayor Shannon was an apology for the meeting)

3. **SEEKS** public comment specifically in relation to options related to fencing in the current off-leash dog exercise area in the southern part of the reserve.

Motion put and **LOST** (0/4)
(Mayor Shannon was an apology for the meeting)

4. **NOTES** a further report on the outcome of (2 and 3) above will be submitted at the conclusion of the consultation period.

Motion put and **CARRIED** (4/0)
(Mayor Shannon was an apology for the meeting)

**ADMINISTRATION RECOMMENDATION:**

That Council:-

1. **RECEIVES** the Alderbury Sports Ground Draft Master Plan;

2. **ADVERTISES** the Alderbury Sports Ground Draft Master Plan for public comment in February/March 2019, including a direct mail-out to owners and residents of properties within 800 metres of Alderbury Sports Ground;

3. **SEEKS** public comment specifically in relation to options related to fencing in the current off-leash dog exercise area in the southern part of the reserve, and

4. **NOTES** a further report on the outcome of (2 and 3) above will be submitted at the conclusion of the consultation period.

**SUMMARY:**

Following the completion of the Alderbury Sports Ground Needs Assessment in August 2017, the analysis of a series of development options, and a Council forum on 13 March 2018, the preferred Alderbury Sports Ground Draft Master Plan is presented for Council's consideration.

The Draft Master Plan focusses on the replacement of the existing toilet/change room building with a more efficient and functionally appropriate sports amenity building to service the needs of all users and mitigate anti-social behaviour. In addition, cricket training nets, upgraded floodlighting infrastructure, an off-leash dog exercise area, and other reserve embellishments as identified through the needs analysis have been incorporated.

A number of elements have been omitted from the Draft Master Plan including:

- A Men's Shed;
- A Synthetic Hockey Pitch; and
- A multipurpose Clubhouse facility.
The next step is to undertake community consultation on the Draft Master Plan with a further report to be presented to Council, envisaged May 2019.

**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 Alderbury Sports Ground is one of the Town's most highly valued sporting reserves having been used for Hockey, Cricket, "T"-ball and school sporting carnivals for decades. It is also used for other casual sporting activities, informal recreation and dog exercising. However, the existing change room pavilion/public toilet building is poorly designed, attracts antisocial behaviour, and is at the end of its useful life. Furthermore, the Des and Pam Kelly Pavilion (previously known as the YMCC Hockey Club room) is also over 45 years old and nearing the end of its useful life. In addition, the Town has received a number of requests for other facility developments at Alderbury Sports Ground including: a synthetic hockey turf and associated infrastructure for the YMCC Coastal Hockey Club; cricket training nets for the Subiaco-Floreat Cricket Club; and a Men's Shed for the Rotary Club of Cambridge.

**Note:** During the preparation of the Alderbury Sports Ground Master Plan, the proposal for a Men's Shed at Alderbury Sports Ground was superseded by the April 2018 Council decision:

"That the Cambridge Rotary Club’s preferred site for a Men’s Shed be within the Lake Monger Recreation Club precinct, in principle, be supported by the Town subject to further examination.” (CR18.53)
This decision was also further endorsed by Council at its September 2018 meeting when Council adopted the Lake Monger Activity Plan 2018 inclusive of establishing a Community Shed within the Lake Monger Recreation Club precinct (CR18.144).

Council first endorsed a Needs Assessment and Master Plan for Alderbury Sports Ground in April 2016 (CR16.57). In line with the Council decision, the project was undertaken in two phases:

- Phase 1: A Needs Assessment
- Phase 2: A Concept Master Plan

In August 2017, Council received the results of the Needs Assessment (Item CR17.129) and resolved to:-

That:-

(i) the Alderbury Sports Ground Needs Analysis Report be received;

(ii) a site survey be undertaken prior to commencing the further development options;

(iii) subject to a satisfactory outcome on (ii) above, two development options are investigated as follows:

Option 1 - all potential recommended developments outlined in the Needs Assessment Report including a repositioned integrated clubhouse together with a synthetic turf and associated infrastructure;

Option 2 - all potential recommended developments outlined in the Needs Assessment Report including a repositioned integrated clubhouse but excluding the synthetic turf and associated infrastructure;

(iv) both Option 1 and 2 will explore the developments with or without a Men’s Shed;

(v) a cost/benefit analysis be undertaken on a redeveloped or revamped clubhouse facility, with or without a Men’s Shed, being built on the combined footprint of the existing clubroom and change room/toilet block;

(vi) level of funding by the various major stakeholders - YMCA Coastal City Hockey Club, the Subiaco-Floreat Cricket Club and the Cambridge Rotary Club be determined in relation to any future development at the Alderbury Sports Ground.

The analysis of a series of development options has now been completed and the preferred Master Plan option is presented for Council’s consideration.

COMMENT:

1. Facility Development Option

Following the investigation of eight development options a preferred development option has been produced and encompasses a number of key design elements as outlined in Table 1 below:
Table 1: Facility Development Elements and Costs

<table>
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<tr>
<th>Design Element</th>
<th>Detail</th>
<th>Indicative Cost ex GST (Inclusive of headworks and services)</th>
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| Replacement Toilet/Change Room Facility (Sports Amenity Building) | Demolish the existing public Toilet/Change Room Facility (564m²) and replace with a modern design incorporating:  
• Change Rooms  
• Player Toilets  
• Public Toilets  
• Equipment Storage  
• Kitchen and Kiosk Servery  
• Umpires and First Aid Rooms  
Total proposed internal floor space - 374m² | $2,830,000 |
| Sports Infrastructure                                       | • 3 x Cricket Training Nets - located between the existing skate park and grass hockey pitch infrastructure.  
• Replacement and upgrading of existing sports floodlighting infrastructure to meet Australian Standards and be repositioned to meet sports training needs. | $645,000 |
| Community Recreation Infrastructure                        | • Existing playground south of Scouts/ Guides Building to be replaced subject to a separate design process.  
• Enhanced boundary pathways provided around the perimeter of the park, and connecting with existing pathways and the skate park to increase accessibility.  
• Seating placed at irregular intervals aligned to the pathways and shaded areas.  
• Additional trees planted along the pathways to increase natural shade within the reserve.  
• Low level lighting adjacent to pathways and access ways for increased night time safety.  
• Low level lighting to existing car parking areas. | $320,000 |
| Skate Park Precinct Infrastructure                        | To include:  
• 1 x universal access toilet facility  
• Small play facility under existing trees  
• Additional shade shelters  
• Additional seating  
• Upgraded artwork/ stencilling  
• Outdoor ping pong table  
• Upgraded landscaping | $262,000 |
| *Dog Exercise Area                                         | • The southern part of the reserve to be retained for a possible fenced off-leash dog exercise area and occasional overflow for sports training. Subject to a separate design process in consultation with the community.  
• Existing floodlighting to the south of the reserve to be retained and upgraded in accordance with a staged replacement program. | $135,000 |
| **Total Cost**                                             | **$4,192,000**                                                                                                                                   |                                                             |

* Note: an amount of $65,000 has already been included in the 2018/2019 Budget

The preferred development option is included in Figure 1 below.  
Figure 1: Preferred Development Option
A simplified graphic representation of the preferred development option has been prepared for ease of understanding by utilising icons and colour coded annotations. The plan clearly articulates elements that are fixed and others that are subject to further investigation (refer Attachment 3). It is proposed that this plan will be known as the Alderbury Sports Ground Draft Master Plan and will be used for the Community Engagement process.
A number of elements have been omitted from the Draft Master Plan including:

1. A Men's Shed;
2. Synthetic Hockey Pitch; and

1.1 Men's Shed

The Cambridge Rotary Club and the Council have endorsed the Lake Monger Recreation Club precinct area as the preferred site for a Men's Shed and therefore no facility development for a Men's Shed has been included in the Alderbury Sports Ground Master Plan.

1.2 Synthetic Hockey Pitch

Although a synthetic hockey pitch facility could be accommodated on the site, it is not supported due to the significant cost (approximately $1.8 million), together with the resultant loss of visual amenity and the detrimental impact on the existing grassed playing fields and other green space which is utilised and enjoyed by other sports and the broader community.

The Town could continue to examine other locations for a synthetic hockey turf within the Town, however, the YMCC Hockey Club's preference is for all their facilities to be co-located together. The club has approximately 550 members and is the only 1st Grade club within the Town. Their position is that if the synthetic hockey turf is located separately (off site) to the grass fields and clubhouse it will split the club and have a detrimental effect on the clubs participation, financial viability, club culture and growth.

1.3 Multi-Purpose Clubhouse Facility

A key design outcome sought from the Master Plan was a multipurpose sports clubhouse facility to replace the ageing Des and Pam Kelly Pavilion (previously known as the YMCC Hockey Club room), a leased facility which is over 45 years old and nearing the end of its useful life. Ideally a new multi-purpose clubhouse should incorporate multi-functional ablutions (for club and public use), a kitchen/kiosk, a social/function area, and equipment storage (internal and external). It should be centrally located to the playing fields and the skate park precinct to maximise access to amenities and enable spectator viewing of match play.

However, the YMCC Hockey Club's priority is a synthetic hockey turf. If the club does not receive support for the development of the synthetic hockey turf, they see no requirement to develop a replacement clubhouse at their cost, as without any benefit to the hockey experience, fund raising from members would be a very difficult proposition.

As a secondary user of the reserve, Subiaco-Floreat Cricket Club (SFCC) has confirmed they do not require function facilities at Alderbury Sports Ground and only wish to continue to rent those cricket-related spaces which they need (i.e. change rooms, toilets, kitchen/ kiosk and equipment storage areas).

1.4 Off-leash Dog Exercise Area

Capital funding was adopted by Council in the 2018/19 financial year budget for fenced dog exercise areas in Alderbury Reserve. The development of the dog exercise area project has been informed in part by feedback received during the extensive consultation carried out during the Alderbury Sports Ground Needs Analysis and via a meeting held on-site with approximately 20 interested community members on Monday 5 November 2018.
It is proposed the following options be shared with the community to obtain feedback before Council further considers the dog exercise area project for Alderbury Reserve:

1. No change to fencing (i.e. leave as is);
2. Extend fencing along Western edge of the dog exercise area to discourage unleased dog from accessing East Perry Lakes and protect wildlife and dogs from harm (location of fence will not preclude people from walking around the lake between the fence and the edge of the lake);
3. In addition to Option 2, replace the post and rail fence in the northwest corner of the dog exercise area and add a fence in the vicinity of the path from the Scout hall to Alderbury Street to discourage unleashed dogs from running onto Alderbury sporting fields;
4. Introduce at least two separate fenced off-leash dog exercise zones to cater for different temperament dogs (fencing kept away from Alderbury Street to minimise visual impact and allow other users to access the reserve); and
5. Introduce a very small totally enclosed fenced space within the dog exercise area to cater for owners with timid, frail or small dogs less able to socialise with dogs within the larger open off-leash area.

Please refer to Attachment Two for indicative arrangements of each of the above options. Combinations of options could also be considered. Options do not indicate location of gates and other infrastructure at this stage. Designs will be developed further pending which option is endorsed by Council.

2. Capital Contributions

Responses were sought from both the YMCC Hockey Club and the Subiaco-Floreat Cricket Club (SFCC) to determine the level of capital funding they could provide to any future development at Alderbury Sports Ground.

2.1 YMCC Hockey Club

- The club anticipates it would be required to contribute approximately one third of the up-front cost of a synthetic hockey turf.
- The club holds a 25% share in the Shenton Turf (co-located with Shenton College). The club successfully raised its 25% share of the required capital for Shenton Turf ($80,000) and therefore has a proven track record of raising funds for key projects.
- The clubs equity share in the Shenton Turf has been valued within the range of $400,000 - $500,000. Preliminary discussions with the other equity partners have indicated they have an interest in acquiring the YMCC share if offered. This has the potential to substantially fund the clubs contribution to a synthetic turf facility at Alderbury Sports Ground. The balance of the clubs contribution would be provided from a combination of existing club cash reserves and club fund raising.
- If the provision of a synthetic hockey turf is not supported on Alderbury Sports Ground, the club doesn't support the development of a new clubhouse and is unlikely to be able to make a financial contribution.
- In summary, the YMCC Hockey Club has the potential to raise money and invest in the long-term viability of a synthetic hockey turf; however they are apprehensive of their ability to raise money solely for a clubhouse which, they consider, would not deliver any material benefit to the club.
### 2.2 Subiaco-Floreat Cricket Club (SFCC)

- The SFCC is a secondary user of Alderbury Sports Ground and as such, hires the use of facilities from the Town. SFCC would not make any contribution to the capital cost of a new sports clubroom building and only wish to rent required facilities.
- Regarding cricket playing areas, both SFCC and Wembley Districts Cricket Club are seeking a second 5-strip wicket block at Alderbury Sports Ground as well as hard deck training nets. SFCC would seek funding support from Cricket Australia and the Department of Local Government, Sport and Cultural Industries. Both clubs would each endeavour to fund up to one third of a second turf wicket block and any required relocation of the existing wicket block, while SFCC would aim to fund up to one third of the training nets. Any funding contributions from SFCC would be subject to entering into a satisfactory maintenance agreement with the Town. Currently the Town contributes $50,000/year to SFCC and $20,000/year to Wembley Athletic Club (cricket) towards turf wicket maintenance costs.
- In summary, SFCC has no desire to commit to any development other than a second wicket block. As a secondary user of the site, with hockey being the primary user, it is unlikely that a second turf could be achieved without compromising the hockey use.

### POLICY/STATUTORY IMPLICATIONS:

Development applications may be required for future developments on Alderbury Sports Ground. This will be assessed on a case by case basis.

Provisions within the Aboriginal Heritage Act 1972 would need to be complied with for any future works.

### FINANCIAL IMPLICATIONS:

The overall estimated cost of the recommended Draft Master Plan is approximately $4.2 million. The project has the ability to be staged over a number of years pending Councils endorsement of individual budgets for various components and subject to the usual annual budgeting process.

A detailed breakdown of the cost elements is provided in Appendix B of the attached report (refer Attachment 1).

The estimated construction costs for the project, at this early stage, are based on benchmark rates from a range of projects for the buildings, along with provisional sums for the services infrastructure.

Most of the design elements within the Draft Master Plan are eligible for CSRFF funding through the Department of Local Government, Sport and Cultural Industries (i.e. Sports Amenity Building and Sports Infrastructure), with other community recreation elements possibly eligible for Lotterywest grant funding.

Note: $65,000 has been included in the 2018/2019 budget for fenced dog exercise areas.
STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018 - 2028:

Goal 1: **A sense of community, pride and belonging**
- **Strategy 1.1** Encourage and support participation in a range of public activities and events where residents can gather and interact
- **Strategy 1.2** Promote our strong community identity and focus our responses on the needs of local residents, businesses and ratepayers

Goal 2: **Quality local parks and open spaces for the community to enjoy**
- **Strategy 2.1** Adopt a more strategic and coordinated approach to the planning of our parks and greenspaces recognising their diverse roles and local community preferences
- **Strategy 2.2** Improve the maintenance and provision of amenities in our local parks and district open spaces reflecting local values and priorities and the broader regional demand on facilities

Goal 3: **An active, safe and inclusive community**
- **Strategy 3.1** Focus on improving and expanding those places where community groups interact to encourage greater participation
- **Strategy 3.2** Continue to deliver more programs which support local clubs and community groups and their capacity to run their community activities
- **Strategy 3.3** Encourage a range of activities that better align with the diverse needs of ratepayers of all ages, cultures and abilities
- **Strategy 3.4** Act to create and maintain safe, friendly and open environments that residents can access and enjoy

Goal 4: **Neighbourhoods where individual character and quality is respected, and planning is responsive to residents**
- **Strategy 4.4** Enhance and respect our existing streetscapes, setbacks and green spaces

Goal 9: **Transparent, accountable governance**
- **Strategy 9.2** Consult with the community using techniques that engage more widely to inform and be informed on local matters of priority

Goal 10: **The Town is a proactive local government that provides financially sustainable public assets, services and facilities**
- **Strategy 10.1** Ensure appropriate resources are allocated to the preparation and implementation of day to day decision making, broader strategic planning and major projects
- **Strategy 10.2** Promote equity and transparency in the provision of infrastructure and services throughout the Town
- **Strategy 10.3** Ensure sound and sustainable financial planning, management and reporting

Goal 12: **Advocacy for the Community**
- **Strategy 12.3** Take actions and make decisions that adopt a “locals first” approach at all times
COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy No 1.2.11 as requiring a community consultation level of "Consult". The consultation process proposed, aimed at finalising the Draft Alderbury Sports Ground Master Plan, will include:-

- A four week public comment period (outside of school holidays) to be advertised in the Town's community news page and website;
- The Draft Master Plan be made available for review/collection at the Town of Cambridge Administration Centre, Cambridge Library and the Town’s website;
- The Draft Master Plan is delivered to owners and residents of properties within 800 meters walking distance of Alderbury Sports Ground; and
- Signs be placed on the reserve in prominent locations showing the plan and providing details for how to submit feedback.

Note: The Consultation will seek public comment specifically in relation to options related to fencing in the current off-leash dog exercise area in the southern part of the reserve.

Following the completion of the community consultation process, all comments received will be assessed and a further report presented to Council outlining the results of the consultation, any proposed amendments to the Draft Master Plan, and a staged prioritised implementation plan.
CR18.195  WEMBLEY GOLF COURSE PROPOSED FEES AND CHARGES FROM 1 JANUARY TO 31 DECEMBER 2019

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That: Council-

1. APPROVES by an ABSOLUTE MAJORITY the fees and charges (inclusive of GST) at Wembley Golf Course effective from 1 January to 31 December 2019 as outlined in Attachment 1, effective from 1 January 2019;

2. APPROVES by an ABSOLUTE MAJORITY to delegate the authority to the Acting Chief Executive Officer to amend the fee schedule for the Wembley Golf Course to undertake promotional offers, charity events and other concessional rates in accordance with Section 6.12 of the Local Government Act 1995; and

3. NOTES the above charges at the Wembley Golf Course which will be advertised in accordance with Section 6.19 of the Local Government Act 1995.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY  (9/0)

Council Meeting 18 December 2018

Cr Carr - Impartiality Interest

Prior to consideration of the item, Cr Carr disclosed an interest affecting impartiality and declared as follows: "with regard to Item CR18.195, I declare that I am a Member of the Wembley Golf Course and as a consequence there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Committee Meeting 10 December 2018

Cr Carr - Impartiality Interest

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SUMMARY:

This document provides a review of the fees applied at the Wembley Golf Course (WGC) across 2018 and proposes an implementation of recommended fee structures effective from 1 January to 31 December 2019 for your consideration.

The WGC fees and charges remain at the upper end of Perth's metropolitan public golf course pricing. The quality of the facility, golf courses, service offering, pro shop, driving range and ongoing improvements warrants this position as WA's industry leader. The proposed fee
structures for WGC is therefore only increasing in some, not all areas for the period 1 January to 31 December 2019.

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.

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<tr>
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<td>Nil</td>
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<td>Cam Robbins, A/Director Corporate &amp; Community Services</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Joshua Madden, General Manager Wembley Golf Course</td>
</tr>
<tr>
<td>Contributing Officers:</td>
<td>Not Applicable</td>
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<tr>
<td>Attachments:</td>
<td>1. Proposed 2019 Fees and Charges</td>
</tr>
<tr>
<td></td>
<td>2. Tables 1 - 8</td>
</tr>
<tr>
<td></td>
<td>3. Fee Comparison (Confidential)</td>
</tr>
<tr>
<td></td>
<td>4. Participation Overview (Confidential)</td>
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</table>

BACKGROUND:

The fees charged at WGC are reviewed on an annual basis.

Fees at WGC are benchmarked against eight other public golf courses in the metropolitan area. This year we’ve also researched leading public facilities in other states to consider our comparative standing with the best public facilities in the country. The WGC has in the past increased fees where applicable to bring it in line with other courses to cover increasing maintenance and dividend costs.

A competitive analysis in relation to green fees, driving range fees, golf carts and hire equipment is provided as a confidential attachment.

DETAILS:

Many of the golf courses that WGC benchmarks against have increased their prices in 2017. However, at the time of writing the Town is only able to compare our 2019 prices with our 2018 counterparts. It is expected that all courses will marginally increase their costs as we do to reflect the continuing increase in expenses to maintain a golf facility, for example electricity, fuel, labour, material and building costs.

An overview of the golf participation, driving range participation and income is provided as a confidential attachment.
1.0 Current Fees

Although competitively priced, the fees at WGC are at the upper end of Perth's golf industry averages for 9 and 18 hole rounds, including concessional fees. The WGC is considered a leader in the industry and the current fee structure sits in its respective space at the top of the ladder. This reflects the proposed fee changes between 2% -11% for green fees for the coming year. WGC management recognises that visitors, members and regular golfers have a choice where they play and our goal is to provide a high service level combined with even better facilities whilst remaining competitive with other public courses.

A table highlighting the current and proposed charges with comparisons are provided as an attachment. An increase of between 2% and 11% for 9 and 18 holes has been proposed and depends on the number of holes played, category, time of day, weekend versus weekdays etc.

Concession fees apply as follows:

- Concessions are applicable weekdays only excluding public holidays. Valid for those holding State Government of WA, or Commonwealth of Australia senior or pension cards. Cards must be presented on request.

- The Super Seniors category which currently provides a further discount on concession prices is unique to Wembley only and is recommended to be changed. This will be re-adjusted to the concession rate already provided.

1.1 Corporate Golf

The demand for Corporate Golf has declined over the past 2-3 years and it is recommended that the minimum number of players stipulated should be 80 especially on Fridays when the course is generally at capacity with the general public. If the 80 players limit is not achieved corporate golf should not be offered. It is recommended that midweek corporate golf numbers is more flexible with the number of 80 not stipulated.

1.2 Driving Range

The current ball rate has been charged within a specific time period, broken down into four time zones as approved by Council in May 2012.

Income derived from the Driving Range remains positive and is achieving budgets. The proposed driving range prices have been re-calibrated to compare our competitors more accurately after analysis provided showed no discernible patterns regarding time of day purchases. Our pricing now reflects the quality of the product, undercover bays, automated bays etc. There have been no significant increases for a number of years. It is therefore proposed that increases apply at the following rates.

<table>
<thead>
<tr>
<th>Range ball Purchases</th>
<th>Price per ball (Inc GST) January 2018</th>
<th>Proposed Price per ball (Inc GST) January 2019</th>
<th>% Increase</th>
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</thead>
<tbody>
<tr>
<td>X Large (150)</td>
<td>$0.17</td>
<td>$0.20</td>
<td>18%</td>
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<td>Large (95)</td>
<td>$0.19</td>
<td>$0.21</td>
<td>10%</td>
</tr>
<tr>
<td>Medium (70)</td>
<td>$0.21</td>
<td>$0.21</td>
<td>0%</td>
</tr>
<tr>
<td>Small (45)</td>
<td>$0.23</td>
<td>$0.22</td>
<td>-4%</td>
</tr>
<tr>
<td>Warm Up (20)</td>
<td>NA</td>
<td>$0.30</td>
<td>NA</td>
</tr>
<tr>
<td>Exclusive Use - 5 Bays 60 minutes</td>
<td>$300</td>
<td>$300</td>
<td>Nil</td>
</tr>
</tbody>
</table>
1.3 Range Membership

The membership model was approved by Council in May 2010 (Item GC10.34)

The model recommended provides entry points for all levels, with additional ball value and other features included.

Range membership prices have increased for a number of years and as an incentive to the increased ball prices above provides further incentive to purchase at this level.

1.4 Teaching (Lessons)

Golf lessons with the PGA professionals is price sensitive service and after consultation with the Town's teaching contractors and a review of other facilities there will be no further increases for group clinics, group lessons, holiday programs and or junior clinics that include My Golf and RGX across 2019.

It is however proposed that individual lesson prices are up to each contractor to decide. This recommendation is on the proviso that there is a base lesson rate equal to our current amount. If the contracted teaching professionals can demand more because of their expertise, experience, and or additional qualifications linked to their teaching then WGC will approve this new amount.

The figures that contracted teaching professionals have personal professional rates are listed as + figures in the table.

An overview of the current and proposed teaching fees is provided in Table 4, Attachment 2.

1.5 Electric Golf Cart Hire

It is recommended that the fees remain unchanged.

1.6 Hire Clubs

Hire clubs did not increase in 2018 and is recommended to increase by $2 and $3 keeping in line with our competitors pricing in this space. The WGC are slightly above the average but stock and offering when it comes to hire equipment is significantly better.

1.7 FootGolf

It is recommended that the various fees remain unchanged.

1.8 Golf Membership

The Golf Membership, following a report to Council in February 2017 (Item CR17.8) was introduced in February 2017. The 2019 fees are recommended to stay the same.

- Adults - $199 per annum
- Juniors - $99 per annum

1.9 Miniature Golf

The Miniature Golf fees and charges were approved by Council in September 2016 (CR 16.144) and opened to the public on 14 November 2016. It has been a very successful addition to the Wembley Golf Course and is still well received by the general public.
WGC is now in the 3rd year of operation and the novelty has slowed. Marketing strategies including advertising at cinemas has been implemented to showcase this facility and broaden our reach. The current 2018 usage figures and return is a more realistic expectation in regards to ongoing popularity. WGC now compete against other offerings in the market and pressures linked to disposable income. This has been reflected in the numbers throughout 2018.

The demand and subsequent numbers mid-week have plateaued (except for school holidays periods) and therefore it is recommended to bring in a discounted midweek rate to attract more mid-week play. The re-adjusted mid-week fees will only be implemented after the 2018 December 2018/ January 2019 school holidays, i.e. 1 February 2019 and not applicable during school holidays throughout the 2019 calendar year.

It is also recommended to decrease the corporate mini golf hire rate to attract more corporate entertainment days across both 2 and 3 hour packages.

All other mini golf fees are recommended to stay the same, i.e. no change.

POLICY/STATUTORY IMPLICATIONS:

Section 6.16 of the Local Government Act 1995 provides the authority for Council to levy fees and charges for the provision of goods and services. Council’s decision to levy a fee or charge must be made by an absolute majority.

According to section 6.19 of the Local Government Act 1995, if the Council proposes to impose any fees or charges after the Annual Budget has been adopted, then the Council is to give local public notice of its intention to do so and advise the effective date of change.

Accordingly, it is recommended that statutory advertising as required by Section 6.19 of the Local Government Act 1995 are undertaken in the Post Newspaper, Council and WGC website and noticeboards.

FINANCIAL IMPLICATIONS:

The setting of fees will have a direct impact on the amount of revenue generated at the Wembley Golf Course. The proposed fees are forecast to result in the Town achieving its budgeted revenue of approximately $8.6 million for 2018/2019.

STRATEGIC DIRECTION:

The Wembley Golf Course proposed fees and charges effective from 1 January 2019 supports the following Goals and Strategies of the Town’s Strategic Community Plan 2018-2028

Our Council

Goal 10: the Town is a proactive local government that provides financially sustainable public assets, services and facilities

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. However the new proposed fees and charges will be advertised in the Post Newspaper, Council and WGC website and noticeboards.
CR18.196  2019 WEMBLEY GOLF COURSE SOLE SOURCE SUPPLIERS

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council:-

1. APPROVES BY AN ABSOLUTE MAJORITY to delegate the authority to the Acting CEO to:

   (a) procure goods from the list of sole source suppliers as listed in the attachment in accordance with Section 5.42 of the Local Government Act 1995 and section 11(2) (f) of the Local Government (Functions and General) Regulations 1996 for the Wembley Golf Course; and

   (b) add to the list of the Wembley Golf Course sole source suppliers;

2. NOTES that a register of approved Sole Source Suppliers for the Wembley Golf Course will be maintained by the Town.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

Council Meeting 18 December 2018

Cr Carr - Impartiality Interest

Prior to consideration of the item, Cr Carr disclosed an interest affecting impartiality and declared as follows: "with regard to Item CR18.196, I declare that I am a Member of the Wembley Golf Course and as a consequence there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Committee Meeting 10 December 2018

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SUMMARY:

To seek delegated authority to procure goods from sole suppliers for retail supplies, club fitting and teaching technology at Wembley Golf Course, under Section 11(2) (f) of the Local Government (Functions and General) Regulations 1996 for 2019.
AUTHORITY / DISCRETION

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.

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<td>Attachment(s):</td>
<td>Sole Source Supplier List</td>
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BACKGROUND:

At the July 2009 Council meeting (GC09.53), the Chief Executive Officer was delegated to authorise a list of sole suppliers of golfing equipment/accessories and technologies for retail sales and golf tuition. This has been regularly updated since then with the latest update being November 2015 (CR15.140).

The Golf Shop at Wembley Golf Course (WGC) is a successful retail outlet, offering all of the major golfing brands. The majority of those brands can only be sourced from one company or distributor in Australia.

DETAILS:

The list of companies who are sole suppliers of particular brands of golfing equipment/accessories is listed as an Attachment.

1. Golf Suppliers

The Golf Shop operates with these product categories as stock items.

- Accessories
- Bags
- Balls
- Belts
- Buggies
- Drivers
- Fairway and Hybrids
- Globes
- Irons
- Packages
• Putters
• Sunglass
• Towels
• Wedges
• GPS
• Headwear
• Junior
• Ladies pants
• Ladies outerwear
• Ladies tops
• Ladies shoes
• Men’s pants/shorts
• Men’s outwear
• Men’s tops
• Men’s shoes
• Umbrellas

Within each product category there are specific brands that can only be sourced through one supplier. The lists of suppliers are reviewed annually, and the suppliers on the list are not guaranteed any business with the Town. Individual terms and conditions are negotiated with each supplier.

2. Technology - Teaching and Club Fitting

From 1 January 2019, Project Golf will be re-branded to the PGA Learning & Performance Centre. It is a busy teaching and club fitting service at WGC. Within that service area, there is a range of specialised teaching/club fitting technologies that are only available from one supplier.

As with the Golf Shop, none of the suppliers are guaranteed any business with the Town. Terms and conditions will be negotiated with each supplier and quotes will be sought on items before purchase.

POLICY/STATUTORY IMPLICATIONS:

The Local Government Act 1995 requires public tenders to be called when the consideration value of the contract exceeds $150,000.

Section 11 (2)(f) of the Local Government (Functions and General) Regulations 1996 provides that tenders are not required where:

“the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier”

It is believed that the listed suppliers can be viewed as sole suppliers under Section 11(2)(f) of the Local Government (Functions and General) Regulations 1996 for a number of reasons including

• Research undertaken; and
• Experience with retail operations
FINANCIAL IMPLICATIONS:

The Gross Profit from Sales (Sales less Cost of Goods Sold) Retail Sales and Cost of Goods Sold contribute directly to the Wembley Golf Course annual budget. In the 2018/2019 Budget the Gross Profit from Sales is approximately $480,000.

STRATEGIC DIRECTION:

Sole Source supplies and the Teaching Technology at the Wembley Golf Course supports the following Goals and Strategies of the Town’s 2018/2028 Strategic Community Plan

Our Council

Goal 10: The Town is a proactive local government that provides financially sustainable public assets, services and facilities.

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.
CR18.197 PROPOSAL FOR A PEDAL CAR HIRE BUSINESS AT PERRY LAKES RESERVE

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council:

1. APPROVES the proposal for a Pedal Car hire business to operate from Perry Lakes Reserve;

2. AUTHORISES the Town to seek Expressions of Interest (public) from interested parties in January 2019 to operate a Pedal Car hire business at Perry Lakes Reserve from a Sea Container from a location to be determined;

3. CONSIDERS the submissions from the surrounding residents, Clubs, Associations and use groups in relation to the proposal for a Pedal Car hire business operate from Perry Lakes; and

4. RECEIVES further report in early March 2019 outlining the preferred operator and terms of the Occupation Licence for the operation of a Pedal Car hire business at Perry Lakes.

Motion put and CARRIED EN-BLOC (9/0)

Committee Meeting 10 December 2018

Amendment

Moved by Cr McAllister, seconded by Cr Carr

That clause 2 of the motion be amended by deleting 'quotations' and inserting 'expressions of interest (public)'.

Amendment put and CARRIED (4/0)
(Mayor Shannon was an apology for the meeting)

ADMINISTRATION RECOMMENDATION:

That Council:

1. APPROVES the proposal for a Pedal Car hire business to operate from Perry Lakes Reserve;

2. AUTHORISES the Town to seek quotations from interested parties in January 2019 to operate a Pedal Car hire business at Perry Lakes Reserve from a Sea Container from a location to be determined;
3. CONSIDERS the submissions from the surrounding residents, Clubs, Associations and use groups in relation to the proposal for a Pedal Car hire business operate from Perry Lakes; and

4. RECEIVES further report in early March 2019 outlining the preferred operator and terms of the Occupation Licence for the operation of a Pedal Car hire business at Perry Lakes.

SUMMARY:

At its meeting held on 23 October 2018, Council authorised the Administration to undertake Community Consultation on the proposal to offer a licence to operate for a Pedal Car hire business at Perry Lakes Reserve.

A letter box drop was undertaken for a 14 day period commencing on 24 October 2018 to nearby residents within 300 metre radius of Alderbury Reserve Scout Hall seeking comments in relation to the proposed Pedal Car Hire.

A total of 89 letters were distributed with 2 (3%) of responses being received at the conclusion of the 14 day consultation period from the surrounding residents. One of the responses was against the Pedal Car proposal, with another supporting the proposal. Clubs, Associations and use Groups were also consulted and no written submissions were received.

It is therefore recommended that the Town seeks quotations from interested parties in January/February 2019 to operate a Pedal Car hire business at Perry Lakes and a further report presented to Council recommending a preferred operator.

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 the 28 August 2018, (via a Notice of Motion 12.6) the Council requested the following additional information and this be provided in a further report:

1. REQUESTS the Towns Administration to investigate the possibility of a pedal cart hire business being provided in the Perry Lakes Reserve;

2. REQUESTS a report by Town's Administration to include, but not limited to:
   2.1 Demonstrated Need;
   2.2 Statutory approvals;
   2.3 Community and Stakeholder Consultation;
   2.4 Possible use of existing shed for storage of pedal carts with relocation of Gardeners Shed to alternative site at Alderbury Reserve; and

3. REQUESTS a report be submitted to Council in October 2018

As a result of the above recommendation, a report was prepared for the Ordinary Council meeting held on the 23 October 2018 where it was decided that Council:

1. AUTHORISES the Town to undertake a letter box drop to nearby residents and businesses within a 300 metre radius of Perry Lakes and Alderbury Reserves on the proposal to grant a licence to operate a Pedal Cart hire service at Perry Lakes Reserve from a sea container to be located in the vicinity of the Scout Hall; and

2. PRESENTS a further report on the outcome of (1) above.

DETAILS:

Community Consultation

Community Consultation was undertaken from 24 October 2018 to 19 November 2018 on the proposal to introduce a Pedal Car hire business at Perry Lakes Reserve.

Letters outlining the proposal were sent to residents within a 300 metre radius of the Alderbury Reserve Scout Hall where the proposed pedal Car hire business would be located. A copy of the letter is attached to this report.

A total of 89 letters were sent to surrounding residents outlining the proposal. A total of 2 responses were received by the Town during the consultation period from residents.
The resident who opposed the proposal felt that a container in the park would be unsightly and was disappointed the Council would want something as ugly in the park as people pay a lot of money to purchase homes in the area and to look at a sea container would be unsightly. The other resident indicated his support for the proposed Pedal Car Business at Perry Lakes.

Clubs, Associations and user groups were also consulted in relation to the proposal for a Pedal Car hire business to operate from Perry Lakes. The Town received one submission from a Club that operates from Alderbury Reserve. The comments related to the location of the Sea Container within the vicinity of the Scout Hall. The Club was very concerned at the parking space availability implications particularly in summer when available parking spaces adjacent to the Scout Hall are already inadequate for cricket plus hockey. The Club also indicated the Sea Container should be located away from the Club buildings and placed within Perry Lakes.

**Preferred Operator and Occupational Licence**

The Administration will seek quotations from interested parties in February 2019 (outside of the Christmas school holiday period) to operate a Pedal Car hire business at Perry Lakes Reserve. A final report will be submitted to Council in March 2019 to determine the preferred operator and terms of the Occupation Licence.

**POLICY/STATUTORY IMPLICATIONS:**

The requirements under s3.58 of the *Local Government Act 1995* (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.

Under policy 3.1.3 where a commercial enterprise is expected to realise a return of less than $50,000 gross profit over the term of that agreement. The Administration may call for quotations from interested parties and permit the enterprise on local government property.

A Development Application will be required via a MRS Form 1, signed by Acting Chief Executive Officer. It must be noted that parts of Perry Lakes Reserve are within a bushfire prone area and therefore may need a Bushfire Attack Level Report and a Bushfire Protection Criteria Assessment (that is dependent though on intensification of the land i.e. more visitors/staff on site)

**FINANCIAL IMPLICATIONS:**

The financial implications of the successful operator will be subject of a future report to Council

**STRATEGIC DIRECTION:**

The proposal of pedal cart hire at Perry Lakes Reserve embraces the following strategies of the Town's Strategic Community Plan 2018-2028

**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

**Goal 2: Quality local parks and open spaces for the community to enjoy;**

Strategy 2.1 Focus on activating our major public open spaces
COMMUNITY ENGAGEMENT:

Community consultation was undertaken within a 300 metre radius from the Cambridge Scout Hall where the Sea Container would be located. Consultation was undertaken with a broad range of stakeholders including but not limited to:

- Seasonal and Casual Hirers of Alderbury Reserve and Perry Lakes Reserve
- Subiaco/Floreat Cricket Club
- Cambridge Scouts/ City Beach Girl Guides
- YMCC Coastal Hockey Club
- Nearby residents within 300 metres of Perry Lakes

The proposal was also mentioned in a Newspaper Article in the Post Newspaper dated 27 October 2018 "Pedal Cars could make comeback"
COUNCIL MINUTES
TUESDAY 18 DECEMBER 2018

CR18.198 LAKE MONGER RECREATION CLUB - VARIATION TO AREA 5 SOCCER'S SUB LEASE

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis seconded by Cr Carr

That Council:

1. AUTHORISES a trial be undertaken from 19 December 2018 to 19 April 2019 to extend the Area 5 Soccer's operation times by half an hour from 9am to 9.30pm Monday to Friday; (note no change to Saturdays or Sundays, 8.30am to 5pm)

2. AUTHORISES the cancellation of Area 5 Soccer’s operation times trial if any adverse complaints are received from the surrounding residents during the trial period; and

3. PRESENTS a further report in May 2019 on the outcome of (1) above.

Motion put and CARRIED EN-BLOC (9/0)

SUMMARY:

A request has been received by the Town from Lake Monger Recreation Club ("the Club") to vary the Sub Lease between the Club and Area 5 Soccer to extend the weekly operational times on Mondays and Fridays from 9pm to 9.30pm to accommodate the summer intake of teams.

It is recommended that a trial period of 4 months (19 December 2018 to 19 April 2019) be approved for the extension of Area 5 Soccer operation times from 9pm to 9.30pm Monday to Friday. The Town will have the option to cancel the trial period if any adverse complaints are received from residents.

If no complaints are received during the trial period, a further report will be submitted to Council in May 2019 to vary the Sub Lease to extend the summer operational times to 9.30pm, Monday to Friday from 1 December to 30 April each year.

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 Town was approached by the Lake Monger Recreation Club (LMRC) in February 2012 seeking support for the conversion of an unused bowling green into a Five-a-Side soccer facility. The Five-a-Side soccer facility (encompassing 2 soccer fields within the disused Bowling Green) are within the leased area of the LMRC and have been operational for a period of 6 years.

At its meeting held on 24 April 2012, Council supported the introduction of Five-A-Side Soccer at the Lake Monger Recreation Club (LMRC) subject to the following:

"(i) 
(a) the operating hours being:

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<td>Saturday and Sunday</td>
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(b) all capital and maintenance costs of the Five-A-Side Soccer facility (including lighting, netting and playing surface) being the responsibility of the lessee (and sub-lessee) for the duration of the sub lease;

(c) the development and implementation of a Parking and Traffic Management Plan to the satisfaction of the Town;

(d) sub-lease documentation being finalised to the satisfaction of the Town’s Chief Executive Officer and

(ii) a 6 month review be undertaken to access, parking and traffic management and impact on local residents and a further report presented to Council; and

(iii) the external lights to comply with Australian Standards in relation to the acceptable level of spill and appropriate Lux standards."

The Five-A-Side Soccer facility was officially opened at the LMRC on 21 November 2012 and involved the transformation of an unused bowling green into a soccer facility.

A further report was submitted to the Council in May 2013 after a review of Area 5 Soccer's operations, parking and traffic management and the impact on local residents from the Area 5 Soccer operation was undertaken.
On 28 May 2013, the Council decided that:

"(i) comments received from residents in relation to the extra use of the Five-A-Side Soccer facility at the Lake Monger Recreation Club be noted;
(ii) the request for additional time for Five a Side Soccer at the Lake Monger Recreation Club be supported, by providing a weekly increase of three evening hours and three morning hours only;
(iii) the operating hours for Five-A-Side Soccer at the Lake Monger Recreation Club be amended to the following:

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<tr>
<td>Monday to Thursday</td>
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<td>Saturday and Sunday</td>
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(iv) the sub-lease document between the Lake Monger Recreation Club and Area 5 be amended to incorporate (iii) above."

It must be noted that since the Five-A-Side Soccer facility was officially opened on 21 November 2012, the facility has been well received by the local community, has caused minimal disturbance to nearby residents and has provided the Lake Monger Recreation Club with an additional source of income.

DETAILS:

The LMRC has written to the Town on Area 5 Soccer’s behalf to extend the playing times from 9am to 9.30pm Monday to Friday during the summer period, an overall increase of 2.5 hours per week.

Area 5 is experiencing a growth in the sport and participation rates. As a result, more teams are coming on line wanting to play in the summer period. The hours of operation have not changed for a period of 6 years. The opportunity to increase the night time use of the Five-A-Side soccer would provide an opportunity for more people to participate (particularly due to work commitments during the day).

The proposed extension to the operating hours is as follows:

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<td>Monday to Friday</td>
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<td>Saturday and Sunday</td>
<td>8.30am to 5.00pm</td>
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Area 5 Soccer wishes to commence the proposed additional hours in late December 2018 so other soccer teams can be organised. However, this does not allow the Town to undertake community consultation on the proposal to extend the hours from 9pm to 9.30pm Monday to Friday with the surrounding residents.

If Council decides to undertake community consultation on the extension of the operating times by Area 5 Soccer in December 2018/January 2019, the outcome of that consultation and the decision to reject or approve the extension could only be determined by Council in February 2019. This would not permit the extension of the operating hours to commence this year.

It is therefore proposed to allow a trial period of 4 months (19 December 2018 to 19 April 2019) on this occasion. However, the Town will have the right to cancel the 4 month trial if any adverse comments or complaints are received from the surround residents.
On completion of the trial, a report will be submitted in May 2019 to advise the Council on the outcome of the trial, any community feedback received and to either approve or reject the proposal for a permanent extension to Area 5 Soccer's operating hours to 9.30pm Monday to Friday.

POLICY/STATUTORY IMPLICATIONS:

Town Planning Scheme No.1 Metropolitan Region Scheme

The Lake Monger Recreation Centre leased area is reserved under the Metropolitan Region Scheme for ‘Parks and Recreation’. The use of the land for sporting activities is consistent with the Parks and Recreation reservation of the site. As such, planning approval from the Western Australian Planning Commission is not required for this activity.

Lighting Policy 2.1.17:

The Town's Lighting Policy allows lights to be on until 10.30pm. The proposal of 9.30pm Monday to Friday is under the limit of 10.30pm.

Lake Monger Recreation Club Lease

Clause 7.1(a) of the lease between the Town and the Lake Monger Recreation Club states that subletting of the premises requires the prior written consent of the Town, which consent the Town may refuse or grant (with or without conditions) in the Town's absolute and unlimited discretion.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC DIRECTION:

A variation to the Sub Lease between LMRC and Area 5 Soccer to increase participation hours by half an hour Monday to Friday supports a number of goals in a number of Priority Areas within the Town's Strategic Community Plan 2018 - 2028 specifically:

Our Community

Goal 3  An active, safe and inclusive community

Strategy 3.1  Focus on improving and expanding those places where community groups interact to encourage greater participation

Strategy 3.2  Continue to deliver more programs which support local clubs and community groups and their capacity to run their community activities

COMMUNITY ENGAGEMENT:

A 4 month trial will be implemented between 19 December 2018 to 19 April 2019 on the proposed extension to Area 5 Soccer's operational times from 9pm to 9.30pm Monday to Friday in lieu of any community consultation. Any feedback or complaints from the community during the trial will be reported to Council in May 2019.
8 CONFIDENTIAL ITEM

CR18.199 LOT 231, (2) FINISHLINE VIEW, PERRY LAKES

Refer Item 13.1
AUDIT COMMITTEE

The report of the Audit Committee meeting held on Monday 17 August 2018 was submitted as under:

1. DECLARATION OF OPENING

The Presiding Member declared the meeting of the Audit Committee open at 6.04 pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

<table>
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<th>Present:</th>
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<tr>
<td><strong>Members:</strong></td>
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<tr>
<td>Mayor Keri Shannon (Presiding Member)</td>
<td>6.04 pm</td>
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<td>Cr Rod Bradley</td>
<td>6.04 pm</td>
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<td>Cr Kate McKerracher</td>
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<td>Cr James Nelson</td>
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<td>Cr Jane Powell</td>
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<td>Meg Anklesaria (Community Representative)</td>
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<tr>
<td>James Cottrill (Community Representative)</td>
<td>6.04 pm</td>
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| Observers: | |
| Cr Ian Everett | |

| Officers: | |
| John Giorgi, JP, Acting Chief Executive Officer | |
| Cam Robbins, Acting Director Corporate & Community Services | |
| Josh Madden, General Manager Wembley Golf Course | |
| Roy Ruitenga, Manager Finance | |
| Lee Gyomorei, Governance Coordinator | |
| Denise Ribbands, Executive Assistant - Corporate Support | |

Also in attendance:

| Caroline Spencer, Auditor General, Officer of the Auditor General (until 6.39 pm) | |
| Kellie Tonich, Audit Director, Office of the Auditor General | |
| Annie Lei, Assistant Director | |
| Cameron Palassis, Paxon Group | |

| Media: | |
| 1 person | |

| Public: | |
| Nil | |

| Adjournments: | Nil |

| Time meeting closed: | 7.17 pm |

| APOLOGIES/LEAVE OF ABSENCE | Nil |
3. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of the Audit Committee held on 26 March 2018 be confirmed.

4. DECLARATION OF MEMBERS’ INTERESTS

Nil

5. REPORTS
COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr McKerracher

That Council:-

1. ACCEPTS the Financial Report for the year ended 30 June 2018, as shown in Attachment 1; and

2. REQUESTS a further report be submitted to each Audit Committee, detailing any outstanding audit issues, key dates and the status of each issue, to provide oversight on actions undertaken.

Cr McAllister departed the meeting at 8.10 pm and returned at 8.11 pm.

Motion put and CARRIED (9/0)

Committee Meeting 17 December 2018

Mayor Shannon requested all persons other than Elected Members and staff of the Office of the Auditor General to leave the meeting at 6.07 pm in order for Elected Members to have a confidential discussion with the Auditor General. All persons, except those approved to remain, departed the Council Chamber.

All staff returned at 6.38 pm.

Discussion ensued. Cr McKerracher suggested that a further report be submitted to the Audit Committee on outstanding audit issues and key dates to provide oversight on actions undertaken. Cr Nelson suggested that the report should be presented to every Audit Committee.

AMENDMENT

That a further clause be added to the motion as follows:-

2. REQUESTS a further report be submitted to each Audit Committee, detailing any outstanding audit issues, key dates and the status of each issue, to provide oversight on actions undertaken.

Amendment put and CARRIED (7/0)

ADMINISTRATION RECOMMENDATION:

That Council ACCEPTS the Financial Report for the year ended 30 June 2018, as shown in Attachment 1.
SUMMARY:

The audit of the Annual Financial Statements has been completed with a qualified audit opinion to be issued shortly. The Annual Financial Report is submitted for consideration and referral to Council for adoption, in accordance with Section 5.54 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and the Australian Accounting Standards.

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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- 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.

Address/Property Location: Town of Cambridge 1 Bold Park Drive Floreat
Report Date: 12 December 2018
File Reference: N/A
Responsible Executive: John Giorgi, JP Acting Chief Executive Officer
Reporting Officer: Nil
Contributing Officers: Cam Robbins, A/Director Corporate and Community Services
Roy Ruitenga, Manager Finance
Attachment(s):
2. Findings of Interim Audit
3. Findings During Final Audit
4. Annual Financial Audits Exit Brief
5. Audit Committee - 5 February 2010 - refer pages 6,7and 10
6. Audit Committee - 27 March 2012 - refer pages 5 and attachment page 3;
7. Audit Committee - 17 March 2014 - refer page 5
8. Audit Committee - 3 June 2014 - refer page 12

BACKGROUND:

Previous reports refer:

- August 2018 - Item 10.8 Year End Review for the 2017/2018 Financial Year.
- July 2018 - Item 10.4 Budget For Year Ending 30 June 2019 (providing list of 2018/2019 works carried forward.)
The audit for the year ended 30 June 2018 has been completed and the draft Annual Financial Report has been prepared for the year ended 30 June 2018. The Annual Financial Report takes into account the compliance requirements as required by the Australian Accounting Standards and Financial Management Regulations.

A review of the pre-audit annual financial (management) statements was presented to Council in August 2018, with commentary on financial performance and variations to budget.

DETAILS:

The statement of comprehensive income, statement of financial position, statement of cash flows, rate setting statement and supporting notes have been prepared for the financial year ended 30 June 2018. In summary, the following results:

- **Statement of Comprehensive Income** - operating result of ($1.1 million) against the original budgeted operating result of ($17.1 million).
- **Statement of financial position** - net assets increased by $52 million.
- **Net cash flows from operating activities** were $24.6 million above budget.
- **Rate Setting Statement** - $211k deficit compared to the budgeted balanced budget position.

A brief overview is provided below:

1. **Statement of Comprehensive Income**

1.1 **Operating Result**

The Statement of Comprehensive Income shows the operating result before non-operating grants, subsidies and contributions and disposal of assets.

The operating result (including depreciation), is a deficit of $1.1 million against the original adopted budget deficit result of $17.1 million, a difference of $18.2 million.

The main factors attributing to this operating result were a combination of the following variances to budget:

**Revenue**
- Commonwealth Financial Assistance Grants of $500k received in advance for the 2018/2019 financial year.
- Proceeds of $11.75 million from St Johns Wood Estate land sales reflected in other revenue/income. (Note this was budgeted for in gain on disposal of assets)
- Interest earnings $772k below budget with internal generated interest earnings eliminated from actual year end results as per accounting standards.

**Expenditure**
- Materials and contracts expenditure $4.4 million below budget predominantly due to less underground power project expenditure and carried forward projects and programs.
- Interest expense $800k below budget with internal loan interest expense eliminated from actuals in the accounts at year end as per accounting standards.
- Depreciation expense of $10 million is $1.2 million above budget resulting from an increase in the Town's asset base. The Town's has $362 million of property, plant and equipment and infrastructure assets at year end, after booking a revaluation increase of $50 million in the Town's infrastructure assets.
1.2. Net Result

The Statement of Comprehensive Income shows an overall net operating result of $1.7 million compared to an expected deficit result of ($1.3 million), a variance of $3 million predominantly due to the variations mentioned above and booking an increase of $605k during the year being the Town's share of equity in Mindarie and Tamala Park Regional Councils and to a lesser extent Local Government House.

1.3. Total Comprehensive Income

The Statement of Comprehensive Income shows a total comprehensive income of $52.1 million against a budgeted deficit position of ($1.3 million) due to a change in infrastructure asset revaluations of $50 million.

2. Statement of Financial Position

Overall, net assets increased by $52 million as a result of the following movements.

**Current Assets**

Current assets decreased from $67.6 million to $56.2 million during the year. The major movements being:

- a decrease in inventories of $11.5 million, predominantly due to a reclassification from current to non current of the remaining apartment site, Lot 231 within the Perry Lakes Estate valued at $11.8 million.

**Non Current Assets**

Property, Plant and Equipment and Infrastructure increased during the year by $49 million to $362 million, reflecting the infrastructure asset revaluation and Town's continued commitment to maintaining and enhancing its infrastructure. The Town expended $8.9 million on assets against depreciation and disposals/write offs of $10.3 million.

Investments in Mindarie Regional Council and Tamala Park Regional Council increased nominally by $705k. This is after the Tamala Park Regional Council paid the Town a return in equity of $333k. The Town has also for the first time recognised the price paid for its 2 units in the Local Government House Trust valued at $35,034 as at 30 June 2018.

Inventories increased by $11.8 million being the recognition of the remaining apartment lot in the Perry lakes Estate held for resale as non current as there is no commitment as at year end to sell this within the 2018/2019 financial year.

**Current Liabilities**

Current liabilities increased by $8.2 million to $17.3 million. This was predominantly due to an increase in trade and other payables of $8.6 million which included a Western Power underground power invoice $7.45 million, due for payment in July 2018. Current borrowings of $1.1 million represent the Wembley Golf Course irrigation system loan maturing in June 2019.

**Non Current Liabilities**

The Town’s non-current liabilities have decreased by $10.1 million to $1.6 million, largely due to a decrease in non-current borrowings of $10.2 with the remaining Wembley Golf Course Driving Range and Proshop development loan of $9.1 million repaid to Western Australian Treasury Corporation in June 2018 and converted to an internal loan.
**Equity**

Total equity increased by $52 million to $421 million, mainly due to an increase in the revaluation surplus of $50.4 million with a revaluation of the Town's infrastructure assets. Cash reserves decreased from $44 million to $35.2 million predominantly due to underground power project payments made during the year.

3. **Statement of Cash Flows**

The following observations are made with respect to the Statement of Cash Flows.

Net cash flows from operating activities of $17.1 million compared to a budgeted deficit position of ($7.5 million) with underground power project payments $4.2 million less than budget and the recognition of $11.75 million of proceeds from lands sales within the St Johns Estate as operating revenue.

Cash inflows from investing activities of $2 million, were $14.7 million less than budget with proceeds from St Johns Wood Estate of $11.75 million reclassified as other operating revenue, sales from the Catalina Estate land sales (Tamala Park) $400k less than anticipated and $340k of proceeds for the City Beach Shopping Centre (The Boulevard) budgeted for, not received at year end.

Cash outflows from investing activities were $8.8 million below budget predominantly due to outflows associated with capital projects of $5.8 million being carried forward into the 2018/2019 financial year for completion.

Net cash flows from financing activities were $9 million below budget with the remaining Wembley Golf Course Driving Range and Proshop development loan principal of $9.1 million repaid to Western Australian Treasury Corporation in June 2018.

Overall, there has been an increase in cash flow of $470k during the year resulting in an increase in the amount of cash and cash equivalents at 30 June 2018 from $52.3 million to $52.7 million as per the Statement of Financial Position.

4. **Rate Setting Statement**

The overall rate-setting surplus, which takes into account operating, capital and financing transactions, after allowing for carry forwards, was a ($211k) deficit compared to an adopted balanced budget position. The deficit resulted from a number of year end adjustments including an adjustment of $450k for interest earned on trust funds.

The rate setting statement closing balance of $4.6 million represents carried forward operating and capital programmes either in progress or yet to commence at the end of the financial year. A list of these carry forward items was provided to the July 2018 Council meeting.

5. **Audit Opinion**

The year-end audit has been completed. The scope of the audit included verification of all statement of financial position account closing balances at year end, ensuring that Australian Accounting Standards, *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* had been complied with.

The Town’s Auditors (Office of the Auditor General for Western Australia) advised that there was one significant issue, being the retention of interest on trust funds, as listed in the Audit Report, resulting in a qualified audit opinion being issued. Other matters identified include the following for the period of audit, which is from 1 July 2017 – 30 June 2018:
### INDEX OF FINDINGS

<table>
<thead>
<tr>
<th>Index of Findings</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>1. Delegations</td>
<td>X</td>
</tr>
<tr>
<td>2. Journals</td>
<td>X</td>
</tr>
<tr>
<td>3. Business Continuity Plans</td>
<td></td>
</tr>
<tr>
<td>4. Wembley Golf Course policies and procedures</td>
<td></td>
</tr>
<tr>
<td>5. Wembley Golf Course Reconciliations</td>
<td></td>
</tr>
<tr>
<td>6. Stocktake</td>
<td></td>
</tr>
<tr>
<td>7. Payroll Reconciliation</td>
<td></td>
</tr>
<tr>
<td>8. Untimely Updates of User Profile</td>
<td></td>
</tr>
<tr>
<td>9. Outdated Active Directory</td>
<td></td>
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<tr>
<td>10. Credit Card Processes</td>
<td></td>
</tr>
<tr>
<td>11. Depreciation for infrastructure</td>
<td></td>
</tr>
<tr>
<td>12. IT Disaster Recovery Planning and Testing</td>
<td></td>
</tr>
<tr>
<td>13. Monthly financial activity statement</td>
<td></td>
</tr>
</tbody>
</table>

### INDEX OF FINDINGS

<table>
<thead>
<tr>
<th>Index of Findings</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>1. Trust Funds</td>
<td>X</td>
</tr>
<tr>
<td>2. Major trading undertaking – Wembley Golf Course</td>
<td></td>
</tr>
</tbody>
</table>

**Key to Ratings:**

The Ratings in this management letter are based on the audit team’s assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

**Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.

**Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

**Minor** - Those findings that are not of primary concern but still warrant action being taken.

**Management Comments:**

The Town's Management comments have been included in response to the Auditor Findings, as shown in Attachment 2.

With regards to the Trust Fund monies, in the short time available to the Town, investigations into the matter reveal that:

1. There are approximately 5,000 bonds held by the Town, covering the past ten year period.
2. The matter was previously reported to the Council’s Audit Committee on the following dates:
   (a) 15 February 2010 - refer pages 6, 7 and 10;
   (b) 27 March 2012 - refer pages 5 and attachment page 3;
   (c) 17 March 2014 - refer page 5;
   (d) 3 June 2014 - refer page 12;
   (e) 18 August 2014 - refer page attachment page 5.

3. Due to the large number of bonds held by the Town, additional resources will be required and it is intended to employ a suitable qualified person to specifically address the matter.

The Town’s Management comments have been included in response to the Auditor Findings, as shown in Attachment 2.

The Audit Report will be tabled at the Council meeting on 18 December 2018, subject to any amendments or comments, if any, made at the Audit Committee meeting to be held on 17 December 2018.

POLICY/STATUTORY IMPLICATIONS:

The Local Government Act 1995 stipulates that:

Financial Reports are prepared and comply with all relevant accounting standards and legislation (s.6.4);

The Annual Report is to contain the Financial Report for the financial year; and the Auditor’s Report for the financial year (s.5.53 (2) (f) & (g));

The Annual Report for a financial year is to be accepted by the local government by no later than 31 December after that financial year (s.5.54).

FINANCIAL IMPLICATIONS:

The report presents the Town's position at 30th June 2018.

The operating result from normal operations was an improvement on the budgeted year end position with a deficit of ($1.1 million) against a budget deficit of ($17 million). This was due to additional revenue of $11 million and savings in expenditure of $5 million.

The Town currently has $420 million in net assets with $35 million in cash reserves.

STRATEGIC DIRECTION:

The preparation of financial reports is consistent with the Town's Strategic Community Plan 2018-2028:

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.
COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr McKerracher

That Council ENDORSES the Internal Audit Reports relating to:-

• 2018 Wembley Golf Course Hospitality Centre Commission Review
• Wembley Golf Course Administrative Operations;
• Wembley Golf Course Stock Take Process; and
• IT General Controls and Building Access Security.

Motion put and CARRIED (9/0)

SUMMARY:

A number of internal audits were completed during the 2018 calendar year to date, specifically:-

1. Review of the financial reporting under the terms of the Lease between the Town of Cambridge (“Town”) and Clubhouse Catering/Spices WA Pty Ltd for the Wembley Golf Course Hospitality Centre, also referred to as 300 Acres;

2. Review of Wembley Golf Course administrative operation;

3. Attend the stock takes at the Wembley Golf Course on 28 June and 29 June 2018; and

4. Review of the Town’s IT general controls and external user’s security access cards.

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 (Financial Management) Regulations 1996, specifically Regulation 5 (2) (c) requires the CEO to:

"undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews."

In order to satisfy this requirement, an internal audit process has been established to cover areas of the Town's financial management systems within this time frame. The following audits are presented for consideration:-

1. Wembley Golf Course Hospitality Function Centre Commission Review.
3. A review of the Wembley Golf Course year end stock take; and

The Town engaged the services of auditors, Paxon Group to undertake the Internal Audit Program and their reports are included as an attachment to this report.

DETAILS:

1. **Wembley Golf Course Hospitality Function Centre Commission Review**

A review of the financial reporting under the terms of the lease between the Town and Clubhouse Catering/Spices WA Pty Ltd managing the Wembley Golf Course Hospitality Function Centre, also referred to as "300 Acres" was conducted by the internal auditor.

The internal audit review covered the period July 2017 to February 2018 and included the following areas:

- Commission payable monthly calculations;
- Commission Report revenue to Spices internal records, both the Weekly Turnover Report and Daily Take Sheets;
- Revenue from weddings and private functions to invoices raised;
• POS takings as per Weekly Turnover Report to Point of Sale - Daily SwiftPOS report;
• Non-commissionable revenue to supporting documentation to ensure it is in accordance with the Lease Agreement; and
• Function and wedding bookings to invoices raised and ensuring inclusion in the Commission Reports to ensure revenue completeness.

The audit concluded that no material variances were which were of a material nature.

Over the entire period under review, there has been a variance in reported revenue of $679 not in favour of Town, giving rise to an under payment of commission of $68. However, it should also be noted that in the same period last year there was an overstatement of revenue of $1,495.

2. Review of the Wembley Golf Course Administrative Operations

As part of the Internal Audit Plan, a review of the Wembley Golf Course administrative operations to assess whether management controls as per the Town's developed operational procedures were complied with in relation to the golf course's administration, accounting and operations and whether they complied with legislation and related policies and procedures in order to identify any potential management control risk areas. The internal audit covered the period 1 July 2017 to 30 May 2018.

An executive summary of the audit outcome of the processes and procedures reviewed and categorised into risk ratings of excellent, very good, satisfactory, needs improvement and not satisfactory, is as follows:

2.1. Policies, procedures and instructions - these were rated as satisfactory with an approved stock management policy is in place. However it was found that policy and procedure documents provided an incomplete guidance to golf course employees, and exposes the Wembley Golf Course to operational risks.

Management Comment

All policies and procedures: have been reviewed and updated and will be made available in the Pro-Shop and the GM's Office (hard copies) and will be circulated to all employees.

2.2. Procurement - rated as Needs Improvement. Duties are segregated between raising purchase orders and approving suppliers' invoices for payment; and access is restricted to the accounting software system used to process procurement. However instances were found where procurement transactions did not follow procurement procedures.

Management Comment

The procurement procedure documentation has been updated to include an appropriate approval structure for both purchase orders and supplier invoices and a map illustrating the procurement process. The mapping document will be circulated to all golf course employees.

2.3 Payments made to golf course professionals - rated as satisfactory. A comprehensive record is maintained in respect of golf lessons provided by golf instructors. However proof of payment made for golf lessons provided was not kept in all instances which resulted in inefficiencies in processing payments to golf instructors.
Management Comment

Golf professionals have been instructed that if no proof of payment is provided for a lesson by the golf professional then the professional is not paid. This has been the practice put in place for some time. However moving forward, the golf course administration is currently considering the implementation of a new integrated booking system.

2.4. Cash Control - Rated as satisfactory. Cash receipts are kept in a double lock safe with keys held by a designated employee and the security firm "Armaguard" who have been appointed by the Town to collect takings. However procedure documentation provides insufficient guidance to employees about the required response to discrepancies identified during till reconciliation procedures.

Management Comment

Guidance regarding discrepancies has been implemented with the procedure document being updated to reflect the recommendation and has been put into practice.

2.5. Payroll - rated as satisfactory. It was found that employee records are physically secured. Access is restricted to the payroll software used to process payroll transactions and payroll duties are segregated as to between preparation, certification, reconciliation and approval of pay runs. However Wembley Golf Course employees, depending on their position are paid by either the Town of Cambridge or the WGC. The risk exists that salary payments may be duplicated and personnel files do not provide a comprehensive current and consistent audit trail.

Management Comment

A reconciliation of payroll between the Town and WGC will occur on a regular basis, this has been implemented.

2.6. Stock - rated as very good. It was found that there is a stock management policy in place and access is restricted to the inventory control software system used to process stock transactions. No weaknesses were noted.

In conclusion the overall risk rating of the processes and procedures in place at the Wembley Golf Course were assessed to be satisfactory.

3. Review of the Wembley Golf Course year end stock take of Procurement Management Processes

The Wembley Golf Course professional golf shop year end stocktake was conducted on 28 June 2018 and 29 June 2018 and attended by internal audit. The objective of the audit was to evaluate the adequacy of the stocktake process, analyse the results to ensure that all stock groups recorded in the inventory system were counted during the stocktake and were updated in the inventory system. And any large discrepancies were recounted and investigated.
The audit found that:

- The stocktake process was properly managed;
- Proper segregation of duties was evident between employees conducting the stock take;
- All stock groups recorded in the inventory system were subjected to a physical stock count.
- Several variances in quantities between the system and the count performed of individual stock items were within standard business protocols.

Stock variances between the system and the count greater than $500 were as follows:

<table>
<thead>
<tr>
<th>Stock Group</th>
<th>Net Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irons</td>
<td>($868)</td>
</tr>
<tr>
<td>Packages (Golf Sets)</td>
<td>$3,694</td>
</tr>
<tr>
<td>Putters</td>
<td>$1,088</td>
</tr>
<tr>
<td>Headwear</td>
<td>($685)</td>
</tr>
</tbody>
</table>

The variance of $3,694 relates to a timing difference with items received during the stock take count which were added to the stock take count.

It was also noted that after the inventory system was updated to reflect the stock count, that thirteen stock items in the system had negative stock quantities. The total value of these items was less than $1,000 or 0.4% pf the total stock on hand.

The overall total variance between the inventory system and the physical stock count was $4,554 which represents 1.88% of the adjusted closing stock balance of $242,702 as at 30 June 2018 in the inventory system.

It was also noted that several boxes of stock were boxed and kept in secured lock storage facility. These items had been received but not included in the count nor reflected in the inventory system, representing future seasonal items. The total value of these items was $7,127. It was decided to include these items in the stock take figure and inventory system, increasing the total stock value to $249,830 as at 30 June 2018.

**Management Comment**

*The Town will continue to improve the stock take process and conduct rolling stock takes throughout the year to ensure variances are kept to a minimum at year end.*

4. **Review of the I.T. General Controls and Building Access Security**

The objective of the audit was to provide assurance that effective and efficient controls are in place with a focus on the following:

- Undertake a review of the Town’s IT general controls environment including identifying and reviewing the IT controls in place at selected external service/operational out centres;
- Undertake a limited review of the Town’s building security arrangements regarding management of staff and external user’s security access cards and where appropriate keys; and
- Provide an assessment of the Town’s overall IT general control environment and building security process and where appropriate recommend improvements.
The following sites were reviewed and discussions held with the appropriate managers:

- Main Administration Building
- Cambridge Youth Centre
- Cambridge Library
- Wembley Community Centre
- Bold Park Aquatic Centre
- The Boulevard Centre
- Cambridge Works Depot
- Quarry Amphitheatre
- Leederville Town Hall

Overall Assessment and Recommendations

The overall audit opinion of the general control environment within the Town's information technology control environment was found to be satisfactory. The following feedback has been provided by the internal auditor in providing this opinion:

The Town of Cambridge, like many other Local Government organisations have an historic issue with keys that have been issued. The Town of Cambridge has undertaken a comprehensive internal review within this area in providing a more stringent record and control over the issue of ‘S-Keys’ and other access items.

The Town of Cambridge should also consider developing an overall ‘building access control’ policy that covers all non-commercially leased sites that are managed internally by the Town of Cambridge. From Paxon’s review, the responsibility of managing access to these sites rests with each Manager, this produced differing results. To ensure stricter controls and equal efficiency across the Town of Cambridge, it is recommended that a general policy be produced.

Management Comment

The following actions have been taken:

A management practice document has been put in place regarding user key access across the Town. This requires a register of the keys issued and each holder of those keys.

Key registers and registers of building access cards in place and subject to regular review to ensure only active users have access.

An employee termination property and equipment checklist form in place, issued by Human Resources and given to each departing employee’s supervisor to ensure all items are returned including physical keys.

System controls with respect to alarms system access by users at the various sites enhanced to minimise risk by non authorised users. These are now reviewed on a regular basis to ensure only active staff and users have access.
POLICY/STATUTORY IMPLICATIONS:

Pursuant to Regulation 5(2) (c) of the Local Government (Financial Management) Regulations 1996, “The Chief Executive Officer is to undertake review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the Local Government the results of those reviews”.

Internal controls are administered in accordance with administration policies and procedures.

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

Our Council

The internal audit function is consistent with the Town's Strategic Community Plan 2018-2028:

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.
10. COUNCIL REPORTS

10.1 CAMBRIDGE LIBRARY PROPOSED OPENING HOURS

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Bradley, seconded by Cr Everett

That Council:-

1. APPROVES the following Cambridge Library opening hours, effective as from Monday 4 February 2019:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>9am to 7pm</td>
</tr>
<tr>
<td>Tuesday</td>
<td>9am to 7pm</td>
</tr>
<tr>
<td>Wednesday</td>
<td>9am to 7pm</td>
</tr>
<tr>
<td>Thursday</td>
<td>9am to 7pm</td>
</tr>
<tr>
<td>Friday</td>
<td>9am to 5pm</td>
</tr>
<tr>
<td>Saturday</td>
<td>9am to 1pm</td>
</tr>
<tr>
<td>Sunday and Public Holidays</td>
<td>11am to 3pm</td>
</tr>
</tbody>
</table>

2. AUTHORISES the Acting Chief Executive Officer to monitor the Cambridge Library operational hours, as part of the Organisational Review, and to make any minor adjustments as necessary;

3. REQUESTS that a further report be submitted to the May 2019 Council meeting to report on the library usage, statistics and operations; and

4. LISTS for consideration additional funds in the 2019-2020 Draft Council Budget to cover additional costs.

Cr Everett departed the meeting at 8.27 pm and returned at 8.30 pm.

Motion put and CARRIED (6/3)

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

Against: Crs Carr, McAllister and Powell

SUMMARY:

The Cambridge currently operational hours are Monday to Saturday. To facilitate the Cambridge Library opening on a Sunday, as requested by the Council, it is recommended to reduce the Saturday operational hours and to monitor the operational hours during the first six months of 2020. The new opening hours can be achieved, effective from Monday 4 February 2019, without too much disruption and whilst maintaining the cost to a minimum.
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.

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Cambridge Library 99 Cambridge St Floreat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>12 December 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>Nil</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Cam Robbins, A/Director Corporate &amp; Community Services</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Leesa Cheah, Acting Manager Library Services</td>
</tr>
<tr>
<td>Contributing Officers:</td>
<td>Ann Blakeney-Britter - Human Resources Manager</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Staffing Costs (Confidential)</td>
</tr>
</tbody>
</table>

BACKGROUND:

At the Council meeting held on 27 November 2018, the Council considered a Notice of Motion submitted by Mayor Shannon (Number 12.5), resolved that a report be submitted to Council in December 2018 on the opening the Cambridge Library on Sundays between the hours of 10am to 4pm (total of 6 hours).

The Cambridge Library, via numerous customer surveys has consulted with patrons seeking their comments about its operational hours. The feedback received over a number of years is that they are generally satisfied with the operational hours of the Cambridge Library.

However, Council has previously specifically examined opening the Cambridge Library on Sundays in April 2018 (CR18.54 refers) where the report on the cost of opening the Cambridge Library on Sundays, between the hours of 10am to 4pm was noted.

A number of libraries in the Western Suburbs hours of operations over the weekends vary as outlined in Table 1 below:
Table 1: Libraries Hours

<table>
<thead>
<tr>
<th></th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
<th>Sunday</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cambridge Current</td>
<td>9am-7pm</td>
<td>9am-7pm</td>
<td>9am-7pm</td>
<td>9am-7pm</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>Closed</td>
<td>56</td>
</tr>
<tr>
<td>Cambridge Proposed</td>
<td>9am-7pm</td>
<td>9am-7pm</td>
<td>9am-7pm</td>
<td>9am-7pm</td>
<td>9am-5pm</td>
<td>9am-1pm</td>
<td>11am-3pm</td>
<td>56</td>
</tr>
<tr>
<td>2. Cottesloe</td>
<td>9am-6pm</td>
<td>9am-6pm</td>
<td>9am-6pm</td>
<td>9am-8pm</td>
<td>9am-6pm</td>
<td>9am-4pm</td>
<td>12noon-4pm</td>
<td>58</td>
</tr>
<tr>
<td>3. Nedlands</td>
<td>9.30am-6pm</td>
<td>9.30am-8pm</td>
<td>9.30am-8pm</td>
<td>9.30am-6pm</td>
<td>9.30am-6pm</td>
<td>9am-1pm</td>
<td>1pm-5pm</td>
<td>57</td>
</tr>
<tr>
<td>4. Vincent</td>
<td>9am-7pm</td>
<td>9am-7pm</td>
<td>9am-7pm</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>9am-1pm</td>
<td>1pm-4pm</td>
<td>55</td>
</tr>
<tr>
<td>5. Subiaco</td>
<td>9.30am-5.30pm</td>
<td>9.30am-7pm</td>
<td>9.30am-7pm</td>
<td>9.30am-7pm</td>
<td>9.30am-5.30pm</td>
<td>9.30am-4pm</td>
<td>2pm-5pm</td>
<td>54</td>
</tr>
<tr>
<td>6. Claremont</td>
<td>9.30am-5pm</td>
<td>9.30am-5pm</td>
<td>9.30am-5pm</td>
<td>9.30am-7pm</td>
<td>9.30am-5pm</td>
<td>9am-12noon</td>
<td>Closed</td>
<td>43</td>
</tr>
<tr>
<td>7. Mt Claremont</td>
<td>9.30am-7pm</td>
<td>9.30am-6pm</td>
<td>Closed</td>
<td>9.30am-6pm</td>
<td>9.30am-5pm</td>
<td>9am-12noon</td>
<td>Closed</td>
<td>37</td>
</tr>
</tbody>
</table>

Closer analyses of the total number of hours over the weekend (Saturday and Sunday) reveal that both the Mt Claremont and the Claremont Library open for 3 hours and the Cottesloe Library 11 hours. Further, four (4) of the seven (7) libraries are open a Sunday with the maximum number of hours open being four (4).

It is suggested if the Cambridge Library opens on a Sunday it is for 4 hours only, from 11am to 3pm (note limited Floreat Forum shopping centre retail outlets are open) not the six (6) hours as suggested in the Notice of Motion and hours of operations on a Saturday are to be reduced by 4 hours, i.e. from 9am - 5pm to 9am -1pm.

With the Cambridge Library open on 4 hours on a Saturday and 4 hours on a Sunday it does not require staff to take a 30 minute meal break, which would add to the costs.

DETAILS:

The current weekly Cambridge Library operational hours are 56 (spans from Monday to Saturday). Sunday opening hours have been requested from 10am to 4pm (6 hours). However after bench-marking other Western Suburb Library Sunday operational hours it is suggested those hours could be from 11am - 3pm (a total of 4 hours). The opening time of 11am to coincide with the Floreat Forum Shopping Centre Sunday trading hours opening time of 11am.

To minimise the cost of Sunday openings it is suggested to reduce the operational hours on the Saturday by four (4) hours. The overall weekly operational hours of the Cambridge Library would remain at 56, which are very similar to Cottesloe, Nedlands, Subiaco and Vincent libraries.

Organisational Review:

As part of the current Organisational Review, it is recommended that the new opening hours be monitored and the A/CEO submit a further report to the Council, in time to be considered in the 2019-2020 budget process. During this period, statistics will be collected to determine peak usage times and benchmarking with other like libraries will also be carried out. This will provide the Town with better information, so as to potentially modify the hours to best suit the needs of the users.

It is anticipated that refinement of the hours will be able to be achieved in 2020.
Staffing

There are a number of options available to open the Cambridge Library on a Sunday.

1. Option 1 - Utilisation of Current Employees
2. Option 2 - Employ New Permanent or Casual Staff

Library employees include Library Service Officers, Library Shelvers, Technicians, and Librarians. They are not classified as Recreation Centres or Community Services staff in accordance with the Town's Collective Agreement and Local Government Industry Award 2010 and therefore both options one and two, do result in staff being paid weekend penalty rates, specifically:

23.2 Penalty Rates

(a) all ordinary hours worked on a Saturday will be paid at the rate of time and a half.
(b) all ordinary hours worked on a Sunday will be paid at the rate of time and three quarters.

1. Utilisation of Current Employees

Current staff have contracts of employment established under the Town's 2013 Collective Agreement and of the 2018 Agreement, which is pending registration with the Fair Work Commission. Under their current contracts of employment and in accordance with the Clause 9.3(d) of the Collective Agreements, staff may be rostered to work ordinary hours Monday to Saturday.

Previously, the Cambridge Library has not operated on Sunday and therefore ordinary hours of work were not identified as occurring on Sunday. However, some staff may volunteer to work on Sunday and willingly change their contracted hours of work.

The Library carries the same weekend penalty provision as the Town's Administration staff. If the Cambridge Library was to open on Sundays, weekend penalty rates would be applicable in accordance with Clause 23.2 of the Local Government Industry Award 2010.

If the Employer wishes to instigate the change to the contracted working arrangements for all current staff from Monday to Saturday, to work ordinary hours Monday to Sunday, negotiations with the current staff to their contracted hours and days of work will need to be implemented. This would entail consultation in accordance with Clause 5 of the Town's Collective Agreement as it represents a major change and a change to rostered or ordinary hours of work.

An alternative option is to change the days of work for a small number of staff who voluntarily agree to the changes. These staff would receive weekend penalty rates accordance with Clause 23.2 of the Local Government Industry Award 2010.

Under Clause 3 of the Town's Collective Agreement and by mutual agreement, current staff may enter into an individual Flexibility Agreements that could facilitate them agreeing to Sunday hours, outside their current contracted hours. The flexibility clause within the Collective Agreement allows staff to agree to varying hours of work in writing. Either party may cancel the arrangement with 28 days’ notice. In accordance with clause 23.2 of the Local Government Industry Award 2010 weekend penalties will apply to hours worked by library staff on Sunday under this arrangement.
Furthermore, Library staff who work a regular, rotating roster with regular and scheduled shifts on any seven days of the week and regularly rostered on Sundays and public holidays are classified as shift workers under the s.87 (1) (b) of the Fair Work Act 2009 and Clause 2 (p) of the Town's Collective Agreement and are entitled to five weeks annual leave (an additional 3 days per year).

2. Employ New Staff

The Town could employ permanent part-time staff or casual staff to work on Sundays only.

Staff who work on Sundays only would be paid an hourly rate plus Sunday penalty rates.

Casual staff would be paid a casual loading of 25% in addition to the weekend penalty rates.

POLICY/STATUTORY IMPLICATIONS:

2013 Town's Collective Agreement (2018 Collective Agreement pending registration)
Local Government Industry Award 2010
Fair Work Act 2009 (Cth)

FINANCIAL IMPLICATIONS:

Two options are provided which both entail reducing Saturday hours by 4 hours and then opening the Cambridge Library for 4 hours on a Sunday.

Option 1 - Using current staff and amending the current hours
Approximately $6,000 per year (excluding employee on-costs)

Option 2 - Employing additional employees to work on Sundays only.
Approximately $34,000 per year (excluding employee on- costs)

A cost comparison is provided as Attachment 1.

STRATEGIC DIRECTION:

Opening of the Cambridge Library on a Sunday, from 11am to 3pm, supports the following Goals and Strategies of the Town’s 2018/2028 Strategic Community Plan

Our Neighbourhoods

Goal 5: Successful commercial, retail and residential hubs

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.

If the operational hours of the Cambridge Library are amended, the public will be informed via the Town's web site, social media, local media and signage.
10.2 LEEDERVILLE TOWN HALL CAR PARK - INCREASE USAGE THROUGH PERMIT PARKING FOR LOCAL BUSINESSES

COUNCIL DECISION:
ADMINISTRATION RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr Bradley

That Council:

1. PROMOTES and ADVERTISES the Leederville Town Hall Car Park to the local businesses with a view to issuing monthly parking permits;

2. APPROVES regular hirers of the Leederville Town Hall and Holyrood Pavilion free access to car parking bays in the western half of the West Leederville Town Hall car park (L-20) for all regular bookings that occur on weekends, public holidays and weekdays; as per Council Decision DV17.07 dated 26 September 2017; and

3. APPROVES of new signage for the Leederville Town Hall Carpark.

Motion put and CARRIED (8/0)
(Cr McAllister was not present in the Council Chamber)

Council Meeting 18 December 2018

Cr McAllister - Financial Interest

Prior to consideration of the item, Cr McAllister, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter as she owns a business in the area.

Cr McAllister departed the meeting at 8.38pm prior to the matter being discussed and voted upon.

Discussion ensued.

Cr Bradley departed the meeting at 8.40 pm and returned at 8.42 pm.

Cr McAllister returned to the meeting at 8.43 pm.

SUMMARY:

This Report is in response to the Notice of Motion which was carried at the November Council Meeting (12.3). Council are asked to consider increasing the utilisation of Leederville Town Hall Carpark during business hours, by presenting local businesses with an opportunity to obtain parking permits from the Town. This proposal shows the Town's support to the local business community through the Small Business Charter and is consistent with the strategies in the Town's recently endorsed Economic Development Strategy.
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.

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Leederville Town Hall Car Park - Cambridge Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>13 December 2018</td>
</tr>
<tr>
<td>File Reference:</td>
<td>N/A</td>
</tr>
<tr>
<td>Responsible Executive/Director:</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>NIL</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Cam Robbins, A/Director Corporate and Community Services Luke Evans, Coordinator Ranger Services</td>
</tr>
<tr>
<td>Attachment(s):</td>
<td>2017 Council Report (DV17.107 ) West Leederville Town Hall</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

The use of Leederville Town Hall Car Park was first reviewed in February 2010 where, prompted by a conflict between hall hirers and Subiaco events, Council resolved to amend the parking fees and grant the hirers of the hall ‘exclusive and free access’ to an area of the car park on weekends, public holidays and after 5.00pm on weekdays.

A further review of the parking was considered at a Council meeting on 26 September 2017 (DV17.107) where Council subsequently resolved to extend the free access to car parking bays for hirers by removing the 5.00pm time limit on weekdays and delegating to the Chief Executive Officer the power to waiver any parking fees for the western half of the Leederville Town Hall car park and Holyrood pavilion.

On 27 November, a Notice of Motion was presented by the Mayor. Council resolved the following:

*That the Council:*

(i) **REQUESTS** the CEO to prepare a report for the December 2018 meeting to increase the usage of the Leederville Town Hall Carpark. The Report should include such matters as:

   (a) contacting local businesses including those on the route of the Green CAT to advise of the availability of the Leederville Town Hall Carpark for employee parking with a view to offering monthly parking permits;
(b) advertising and signage;
(c) current commitments to existing users; and
(d) other relevant matters.

DETAILS:

The table below depicts the revenue derived from the car park. The initial drop in revenue could be contributed to two factors; a competing car park opening on Railway Parade, and also the Council decision of September 2017 (DV17.107) which gave hirers of the Town Hall free use of the western half of the carpark. The major drop in revenue in Sept-Nov 2018 is due to the carpark being closed for renovation.

<table>
<thead>
<tr>
<th>Town Hall Ticket Machines</th>
<th>Town Hall Ticket Machines</th>
<th>Town Hall Ticket Machines</th>
<th>Town Hall Ticket Machines</th>
<th>Town Hall Ticket Machines</th>
</tr>
</thead>
<tbody>
<tr>
<td>$29,900</td>
<td>$30,100</td>
<td>$21,700</td>
<td>$20,600</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

In addition the car-park income, hirers of the Leederville Town Hall and the Holyrood Pavilion contribute approximately $90,000 income per annum. Details of bookings are outlined below:

1. **Leederville Town Hall**
   - Nirvana Social Club Ballroom dancing - 70 members - every Saturday night, 7:00pm to midnight - 50 weeks per year.
   - No Lights No Lycra, social interaction & dancing - 80 members - every Monday night, 6:00pm - 9:00pm - 50 weeks per year.
   - Ging Mo Kung Fu - 60 members - Tuesday and Thursday, 6:30am to 8:00pm & Saturday Mornings, 8:00am to 12 noon - 50 weeks per year.
   - World Yong Nian Tai Chi Federation - 50 members - Every Sunday morning, 9:00am - 11:00am. - 50 weeks per year.
   - Casual Hirers - approximately 40 private events per year, Fridays 10:00am - 12 midnight with 100-150 people each.

2. **Leederville Lesser Town Hall**
   - The Perth Tango Club under Occupational Management License - 218 members used every Friday Night social dance plus intermittently during the week for lessons.
   - Fridays 5:00pm to midnight and intermittent weekdays 10:00am - 3:00pm

3. **The Holyrood Pavilion**
   - RSPCA - Every Wednesday from 6:00pm - 8:00pm (just starting in 2019)
   - Casual Hirers - 221 bookings from 31/10/17 to 1/11/2018 6082 with 6082 attendees (Average 27 per booking) - Mainly kiddies birthdays under 10yo - Friday Nights, all day Saturday and Sunday to 9:00am to 10:00pm
It is considered that without the free access to car parking users would cancel their bookings and find an alternative location for their clubs. The free car parking arrangement is consistent with the Town's other community facilities; Wembley Community Centre, The Boulevard Centre, Library, Bold Park Aquatic and the Quarry Amphitheatre, all of which provide hirers with free car parking, subject to availability.

Local Businesses

In July 2018, Council adopted the Town of Cambridge Economic Development Strategy (EDS). The EDS seeks to create a business friendly environment that will assist in maintaining a high level of employment quality and attract further investment within the Town. The EDS sets four overarching goals to guide future economic development activities, one of which is Goal 4: to improve transport and connectivity for centres and local businesses. This involves taking a strategic approach to transport and parking to provide an important competitive advantage for the Town's centres (in this case, the West Leederville Activity Centre). Over a medium timeframe, a preliminary action associated with strategy item 4.2 of the EDS would require the Town to conduct a study of parking limits and payment structures with the objective of incentivising visitation, dwell time and expenditure. Further, a key metric for measuring the impact of such a project would include gauging business satisfaction relevant to a range of matters including parking availability.

Further, in June 2018 Council endorsed the Charter for Small Business Friendly Local Government Initiative (the Charter). The charter involved the Town making several commitments to assisting small business in different ways, which includes testing new policies and procedures for 'small business friendliness'. Providing use of the car park to businesses would be showing commitment as per the Charter.

COMMENT

The information above shows that Leederville Town Hall is hired mainly in the evenings and the weekend. However, the Town Hall is often hired on Friday weekdays for private events (approximately 40 per year) with each events generating up to 100-150 people. It is considered therefore that the carpark is underutilised during business hours Monday to Thursday. This presents an opportunity for the Town to support the local businesses by providing them with dedicated parking through a Permit system. This could be from Monday to Thursday (to account for the private hire on Fridays) or maybe providing a portion of the car park on Fridays. This will be further investigated and will depend on whether or not the local businesses are interested in taking up this offer. This incentive will show that the Town is supportive of local businesses and committed to actioning the EDS and Charter.

It is proposed that the Town will take the following actions to promote and advertise the car park to the local businesses:

1. Preparation of leaflet, showing car park location, daily rate proximity to CAT bus, railway station and other key features;

2. Distribution of leaflet via email to local businesses, institutions and neighbouring local governments (Cities of Perth and Vincent) for circulation to their business databases; and

3. Publication of advert in local newspaper and social media.

The preparation and distribution of the leaflet is estimated to take 2 weeks, however, this timing may be impacted by Christmas and New Year holiday period.
Further investigation is required regarding the Permits however some of the options available are: a paper based permit issued by the Town or alternatively the Town could use the EasyPark parking application. EasyPark have advised that local businesses can set up a business account through them or the Town can create a special zone number allowing users to purchase a monthly ticket. The signage to the carpark would be updated.

It must be noted that if prepaid permits are sold, there would have to be reserved bays for those permit holders only.

**POLICY/STATUTORY IMPLICATIONS:**

The proposed parking restriction amendments are in accordance with Council Policy No. 5.2.22 (i)(b) - parking restrictions shall be reviewed when considered necessary by the Town.

Any proposal to change parking restrictions or time limits requires a formal decision by the Council as required by Clause 2.1 of the Town of Cambridge Parking Local Law 2016.

**FINANCIAL IMPLICATIONS:**

It is estimated the preparation and distribution for the leaflet will cost $2,000 and can be funded from the Economic Development Strategy implementation allocation of the 'Strategic Projects' budget item.

The change in signage to reflect permit parking would be at an approximate cost of $800 - $1000 which can be funded by the Rangers 'Parking Sign Upgrade' budget line item.

**STRATEGIC DIRECTION:**

The initiative is consistent with Strategy 4.2 of the Economic Development Strategy 2018-2022: 'Identify optimal parking payment structures and infrastructure to support business activity in centres.'

The initiative is consistent with Strategy 3.1 of the Town's Strategic Community Plan 'create and improve places where community groups can interact.'

**COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Consultation Policy. In accordance with the assessment criteria it was rated at Level 1, for which no community consultation is required.
10.3 COWDEN PARK - PETITION REGARDING JACARANDA TREES - FURTHER CONSIDERATION.

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council:-

1. FURTHER CONSIDERS the request of the suitability of the Jacaranda trees recently planted in Cowden Park; and

2. in response to the petition, REMOVES all the remaining recently planted jacarandas in Cowden Park, including the three along the north west side of the playground and replaces them with Nettle tree (Celtis australis).

Motion, as AMENDED, put and CARRIED (5/4)

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

AMENDMENT

Moved by Cr Timmermanis, seconded by Cr Everett

That clause 2 of the motion be amended to read as follows:-

2. in response to the petition, REMOVES all the remaining recently planted jacarandas in Cowden Park, including the three along the north west side of the playground and replaces them with Plane tree (Platanus acerifolia).

Amendment put and LOST (4/5)

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

SUMMARY:

A petition was received on 17 October 2018 questioning the suitability of the recently planted Jacaranda trees in Cowden Park. The Council considered a report (item CR 18.177) regarding the Petition at the Council meeting held on 27 November 2018. Following the Council decision, the Town has received further contact from the Convenor of the petition, with a request to remove all remaining recently planted jacaranda trees in Cowden Park.

This report recommends that Council give further consideration regarding the petition.
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.

Address/Property Location: Cowden Park, Northwood Street, Wembley
Report Date: 12 December 2018
File Reference: N/A
Responsible Executive: John Giorgi, JP Acting Chief Executive Officer
Reporting Officer: John Giorgi, JP Acting Chief Executive Officer
Contributing Officer: Nil
Attachments: Nil

BACKGROUND:

At its meeting held on 27 November 2018, the Council considered a report in response to a petition containing 68 signatures submitted by Ms Lisa Bretnall, Kimberley Street, West Leederville questioning the planting of Jacaranda trees in Cowden Park, West Leederville was received at the ordinary Council meeting of Tuesday 23 October 2018.

The Council resolved as follows:

“That Council:-

1. NOTES the request to comment on the suitability of the Jacaranda trees recently planted in Cowden Park; and

2. REMOVES the three recently planted jacarandas along the north west side of the playground and replaces them with Nettle tree (Celtis australis).

Motion put and CARRIED (7/1)

For: Crs Bradley, Carr, Everett, McKerracher, Nelson, Powell and Timmermanis
Against: Mayor Shannon
(Cr McAllister was an apology for the meeting)"
Following the Council meeting, on 4 December 2018, the Town has received clarification from Ms Bretnall who advised as follows:

"Essentially we are asking for the replacement of the 3 newly planted jacarandah trees in Cowden Park with trees that don't blossom and do not attract bees.

I hope this clarifies the matter."

DETAILS:

In view of the request for clarification, it would be appropriate for the Council to further review the matter. The various trees planted in Cowden Park are shown below.

Cowden Park Tree Species Selection - Total 20
- Delonix x 4
- Tuart x 5
- Jacaranda x 8
- Liquidamber x 1
- Fiddlewood x 1
- Shinus Molle x 1

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report.
FINANCIAL IMPLICATIONS:

Removal and replacement of the remaining 5 Jacarandas would cost approximately $1,000.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:-

Our Community

Goal 2: Quality local parks and open spaces for the community to enjoy
Strategy 2.1 Adopt a more strategic and coordinated approach to the planning of our parks and greenspaces recognising their diverse roles and local community preferences

Our Neighbourhoods

Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents
Strategy 4.4 Enhance and respect our existing streetscapes, setbacks and green spaces

COMMUNITY ENGAGEMENT:

Community engagement has been considered in accordance with policy 1.2.11 Community Engagement. It is proposed the convenor of the petition be informed of the outcome of the Council’s decision.
10.4 PAYMENT OF ACCOUNTS - NOVEMBER 2018

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Bradley

That Council CONFIRMS, in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, the schedule of accounts, as detailed below and attached.

(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-November-2018</td>
<td>02-November-2018 055572 - 055601</td>
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<td>Municipal Fund</td>
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<td>Municipal Fund</td>
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<td>Municipal Fund</td>
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<td>Wembley Golf Course</td>
<td>01-November-2018</td>
<td>30-November-2018 000603 - 000608</td>
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</table>

$278,952.18

(ii) ELECTRONIC FUND TRANSFERS (EFT’S)

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<th>Date From</th>
<th>Date To</th>
<th>Details</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
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<td>30-November-2018 INV01073 - INV01077</td>
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<td>Direct Bank Charges</td>
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<td>30-November-2018 SUP473 - Sup477</td>
<td>$6,080,363.18</td>
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<tr>
<td>Accounts Payable</td>
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<td>07-November-2018 E34479 - E34577</td>
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<td>Accounts Payable</td>
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<td>15-November-2018 E34578 - E34692</td>
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<td>20-November-2018 E34693 - E34801</td>
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</tr>
</tbody>
</table>

Total EFT Payments

$16,449,945.37

TOTAL PAYMENTS

$16,728,897.55

Motion put and CARRIED (9/0)

SUMMARY:

Under the Local Government (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.

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☐ Review
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☐ Quasi-Judicial
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☐ Information
For the Council/Committee to note.

Address/Property Location: Town of Cambridge, 1 Bold Park Drive, Floreat
Report Date: 13 December 2018
File Reference: N/A
Responsible Executive: John Giorgi, JP Acting Chief Executive Officer
Reporting Officer: N/A
Contributing Officer: N/A
Attachment(s): Account Payment Listing

BACKGROUND:

Section 6.10 of the Local Government Act 1995 requires the keeping of financial records and general management of payments, which is further specified in regulation 13 of the Local Government (Financial Management) Regulation 1996. A list of accounts is to be prepared each month which is to be presented to the Ordinary meeting of Council showing the payee’s name, the amount of payment, the date of the payment and sufficient information to identify the transaction.

There are a number of payments that pursuant to the Section 5.95 (3) (a) Local Government Act 1995 that are confidential. Refer to Confidential reports at Special Council meeting on 14 August 2018 and 18 December 2018.

DETAILS:

A list of the cheques raised and Electronic Funds Transfers for the payment of accounts from the Municipal Account (and Trust Account where applicable) for the past month 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”.

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FINANCIAL IMPLICATIONS:

Expenses incurred are charged to the appropriate items included in the annual budget.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's Community Plan 2018-2028:-

Our Council

Goal 9:  Transparent, accountable governance
Strategy 9.1  Implement initiatives that strengthen governance skills, transparency and knowledge

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.
10.5 INVESTMENT SCHEDULE - NOVEMBER 2018

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Bradley

That Council RECEIVES the Investment Schedule as at 30 November 2018, as attached.

Motion put and 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

- 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 November be appealable to the State Administrative Tribunal.

- Information: For the Council/Committee to note.

Address/Property Location: Town of Cambridge, 1 Bold Park Drive, Floreat
Report Date: 11 December 2018
File Reference: N/A
Responsible Executive/Director: Cam Robbins, Acting Director Corporate and Community Services
Reporting Officer: Roy Ruitenga, Manager Finance
Contributing Officer: N/A
Attachment(s): Prudential Consolidated Investment Report - November 2018

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 December meeting, the Reserve Bank of Australia decided to leave the cash rate unchanged at 1.50% as expected.

The global economy is continuing to expand with a number of advanced economies growing at above-trend with unemployment rates remaining low. There are, however some signs of a slowdown in global trade, partly stemming from ongoing trade tensions. Growth in China has slowed a little.

In Australia, money-market interest rates have declined, after increasing earlier in the year. GDP growth is forecasted at around 3.5 per cent over this year and next year, before slowing in 2020 due to slower growth in exports of resources. A high level of public infrastructure investment is also supporting the economy, as is growth in resource exports. Uncertainty remains with respect to household consumption with income growth slow and debt levels high. The employment rate is 5 per cent, a further reduction is likely. 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 2.25%, for terms of four to six months on average 2.59% and for terms of seven months to nine months on average 2.62%. The UBS Bank Bill Index rate (an index measuring performance of interest rates over a 90 day period) was 2.0% for November 2018. The 90 days BBSW or Bank Bill Swap rate (a measure of future interest rates) was 1.95% as at 30 November 2018. As Council's investment portfolio is predominantly short term cash products, the cash rate of 1.50% for November 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 2.67%. The weighted average investment period of 182 days (approximately six months) is consistent with term deposit rates (with the major Australian banks) which for this period were an average of 2.62%.

Investment Portfolio Performance for November 2018

The graphs below show the interest rate performance of the Town's investment portfolio for the 12 month period November 2017 to November 2018.
The graph below shows the rolling 12 month weighted average investment performance of the Town's investment portfolio, since November 2015.

The total investment at the end of November 2018 is $60.7 million which consists of Municipal Funds of $22.2 million, Reserve Funds of $29 million, Endowment Lands Funds of $7.4 million and Trust Funds of $2.1 million.

The graph below represents the total investment portfolio of the Town from November 2017 to November 2018.
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></th>
<th>Actual as at 30 June 2018</th>
<th>Budget 2018/2019</th>
<th>YTD Budget November 2018</th>
<th>Actual as at November 2018</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>General *</td>
<td>$482,490</td>
<td>$481,500</td>
<td>$184,500</td>
<td>$198,655</td>
<td>41.3%</td>
</tr>
<tr>
<td>Reserves</td>
<td>$1,126,579</td>
<td>$449,500</td>
<td>$260,000</td>
<td>$333,932</td>
<td>74.3%</td>
</tr>
<tr>
<td>Endowment Lands</td>
<td>$126,009</td>
<td>$150,000</td>
<td>$80,000</td>
<td>$76,089</td>
<td>50.7%</td>
</tr>
<tr>
<td>External Investments</td>
<td>$1,735,078</td>
<td>$1,081,000</td>
<td>$524,500</td>
<td>$608,676</td>
<td>56.3%</td>
</tr>
<tr>
<td>Endowment Lands (Internal Loans)</td>
<td>$796,281</td>
<td>$766,500</td>
<td>$320,000</td>
<td>$323,698</td>
<td>42.2%</td>
</tr>
<tr>
<td>Reserves (Internal Loans)</td>
<td>$327,000</td>
<td>$136,500</td>
<td>$137,740</td>
<td></td>
<td>42.1%</td>
</tr>
<tr>
<td>Internal Loans</td>
<td>$796,281</td>
<td>$1,093,500</td>
<td>$456,500</td>
<td>$461,438</td>
<td>42.1%</td>
</tr>
<tr>
<td>Total Investments</td>
<td>$2,531,359</td>
<td>$2,174,500</td>
<td>$981,000</td>
<td>$1,070,114</td>
<td>49.2%</td>
</tr>
</tbody>
</table>

* Includes Bank Account Interest of $25,017.

STRATEGIC DIRECTION:

The investment of Council funds is consistent with the Town’s Strategic Community Plan, specifically:

Our Council

Goal: 11 An efficient 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.
COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Nelson


Motion put and CARRIED (9/0)

SUMMARY:

The November 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 up to 30 November 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.

Address/Property Location: Town of Cambridge, 1 Bold Park Drive, Floreat
Report Date: 12 December 2018
Responsible Executive/Director: Cam Robbins, Acting Director Corporate and Community Services
Responsible Manager: Roy Ruitenga, Manager Finance
Reporting Officer: N/A
File Reference: N/A
Attachments: Financial Statements November 2018
DETAILS:

Charts of key financial indicators are provided below comparing year to date actual figures against the year to date budget.

The following comments are provided and should be read in conjunction with the Statement of Financial Activity for November 2018 (Rate Setting Statement) in Attachment 1.

1. Operating Revenue

Operating revenue year to date is $67.6 million compared to YTD budget of $67 million, giving a favourable variance of $576k. Significant variances are as follow:

a. Fees and Charges

Actual fees and charges for November YTD is $8.8 million compared to YTD budget of $9.1 million, giving an unfavourable variance of $311k or 3%. Fees and charges are currently below
budget across a number of operational areas including the Bold Park aquatic centre, golf course, and parking control, a timing variance.

b. **Gain on Disposal of Assets**

Proceeds from Parkside Walk of $10.2 million compared to budget of $9.4 million, giving a favourable variance of $747k or 8%.

c. **Service Charges**

Underground Power service charges of $21.2 million compared to YTD budget of $21.1 million, giving a favourable variance of $119k.

2. **Operating Expenses**

Operating expenses year to date is $31.1 million compared to budget of $30.5 million, giving an unfavourable variance of $573k or 2%. Significant variances are as follows:

a. **Materials and Contracts**

Actual expenditure for November YTD is $16.9 million against YTD budget of $16.2 million, giving an unfavourable variance of $686k, or 4%.

The following timing variances contribute towards this variance:

- Cost associated with the purchase of land held for resale of $944k not budgeted for;
- Governance legal expenses $228k over YTD budget;
- Planning Strategic Projects $75k under YTD budget;
- Waste disposal $123k under YTD budget;
- Roads infrastructure maintenance $108k under YTD budget;
- Underground Power overall expenditure $111k under YTD budget.

b. **Employee Costs**

Actual expenditure for November YTD is $7.9 million against YTD budget of $8.1 million, giving a favourable variance of $188k, or (2.3%). This is a mixture of both favourable and unfavourable variations.

3. **Net Operating Result**

The net operating surplus from operations is $30.5 million compared to budget of $31 million, giving an unfavourable variance of $511k or 1.6%.

![Net Operating Result Graph](image-url)
4. **Capital Works Programs**

The total amount of funds spent on the Town’s capital works program for the period ended 30 November 2018 is $3.8 million against budget of $5.3 million, giving a favourable variance of $1.5 million.

A brief overview of the capital works programs at year end shows the following timing variances:

- **Buildings** - $1.2 million spent against year to date budget of $1.3 million;
- **Furniture and Equipment** - $196k spent against year to date budget of $693k;
- **Plant and Equipment** - $373k spent against year to date budget of $522k;
- **Parks and Reserves** - $357k spent against year to date budget of $682k;
- **Roads and Lanes** - $1.3 million spent against year to date budget of $1.4 million;
- **Drainage** - $114k spent against year to date budget of $191k.

5. **Cash Surplus (Closing Funds)**

The cash surplus as at 30 November 2018 is $20.3 million which is above the year to date budget of $19.1 million, giving a favourable variance of $1.2 million. The surplus is predominantly due to the under expenditure with respect to capital works.

This surplus will decline as the year progresses with day to day operational expenditure and the carrying out of budgeted capital works.

![Cash Surplus Chart]

6. **Material Variances**

Permanent variances above $30k and timing variances above $100k for specific line items are normally reported upon. As at 30 November 2018, the following material permanent variances exist:

- **Governance Management** - Legal Expenses currently $228k over budget, relates to legal advice on a number of matters
- **Governance Management** - Employee costs currently $132k over budget due to organisational structure changes.
- **Other Property** - Costs associated with the purchase of land held for resale cost of $944k not budgeted for.
- **City of Perth Surf Life Saving Club** - Building defects investigation $42k over budget.

In summary, apart from the variance noted above, the YTD budget up to 30 November 2018 is generally tracking to the actual results.
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 Town's Strategic Community Plan 2018-2028:

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.
10.7 GOVERNANCE - SUBSCRIPTION TO ATTAIN SOFTWARE

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Bradley

That Council:

1. APPROVES the Town's subscription to Integrity Management Solutions "Attain" software, in accordance with Option 1 detailed in the attached confidential Schedule of Options; and

2. REQUESTS the Acting Chief Executive Officer to review the implementation and use of Attain software following the first twelve month period.

Motion put and CARRIED (9/0)

SUMMARY:

The Town has identified a software package known as "Attain" which is considered to provide for enhanced governance processes and procedures, and seeks Council's support in subscribing to this product.

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:

The Town is actively engaged in pursuing ongoing improvements to its governance processes and procedures. This process has revealed a software package marketed as "Attain", developed and supported by local supplier "Integrity Management Solutions". The proprietors of Integrity Management Solutions have extensive State and Local Government experience in compliance matters. The Town has not been able to identify a similar product for comparison purposes.

DETAILS:

Attain is an online system for managing statutory forms and delegations of authority, and is accessible from any location, on any device with an internet connection.

The software is unique in that it is specifically designed to work within the local government legislative framework. Legislative changes are proactively monitored in order to provide software updates to ensure ongoing compliance. The software is an administrative portal for monitoring and reporting on compliance matters, based on legislation, code of conduct and best practice.

Attain provides for the following statutory requirements:

| Gift and Travel Declarations | - Identifies gift types.  
- Tracks gifts and travel from the same giver.  
- Creates reports and statutory forms.  
- Electronic acknowledgements of declarations. |
|-------------------------------|-----------------------------------------------------------------|
| Delegated Authority          | - Manages delegations of authority.  
- Provides a review and publishing process for each delegation for approval and adoption.  
- Links users to delegations of authority.  
- Register can be exported and printed.  
- Provides review reminders. |
| Primary and Annual Returns   | - Statutory forms.  
- Tracks form submissions.  
- Email reminders.  
- Electronic acknowledgements of declarations. |
| Exercise of Delegated Powers of Duties | - Creates a record of the exercise of delegated power or duty, which is submitted to the Register.  
- Automated email workflow approval.  
- Links users to delegations of authority.  
- Register can be exported and printed. |
| Related Party Disclosures    | - Creates a record of Related Party Disclosures.  
- Electronic acknowledgements of disclosures.  
- Register can be exported and printed. |
Attain has been implemented at the following local governments, with positive feedback received in relation to its implementation and use.

- City of Armadale  - Shire of Broome
- City of Bayswater  - Shire of Carnamah
- City of Bunbury  - Shire of Derwent/West Kimberley
- City of Cockburn  - Shire of East Pilbara
- City of Fremantle  - Shire of Gingin
- City of Joondalup  - Shire of Merredin
- City of Kwinana  - Shire of Wyndham East Kimberley
- City of Mandurah  - Western Australian Planning Commission

The software is cloud based, accessible by licence on a yearly subscription, with the minimum number of licences being 20. Attain is available in three (3) configurations as follows:

<table>
<thead>
<tr>
<th>Configuration</th>
<th>Modules Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Gifts, Travel and Primary/Annual Returns.</td>
</tr>
<tr>
<td>2.</td>
<td>Full Package: Gifts, Travel and Primary/Annual Returns, plus Delegations Management.</td>
</tr>
</tbody>
</table>

Configuration 3 is considered to best align with the Town's governance needs. The attached Confidential Schedule of Options provides package costings for this Option, dependent on the number of licences.

The Town's Administration seeks to promote a culture of continuous improvement through effective process and procedures. It is considered that Attain will streamline process, provide for adherence to legislative requirements, and improve data capture and reporting. It is therefore recommended that the Town subscribe to Attain.

POLICY/STATUTORY IMPLICATIONS:

Attain software will enhance compliance with the Town of Cambridge Statutory and Policy obligations in accordance with the Local Government Act 1995, Regulations, Policies, and other statutes.

FINANCIAL IMPLICATIONS:

The Town's subscription to Attain can be accommodated through current 2018-2019 Budget allocations. Yearly subscriptions will be budgeted for on an ongoing basis.

STRATEGIC DIRECTION:

Our Council
Goal 9 - Transparent, Accountable Governance
Strategy 9.1 - Implement initiatives that strengthen governance skills and knowledge.

COMMUNITY ENGAGEMENT:

This matter has been assessed under Policy 1.2.11 - Community Engagement criteria, and no community consultation is required as it is an administrative matter.
### 10.8 ESTABLISHMENT OF STEERING COMMITTEE - RESTORING THE ENVIRONMENT AT PERRY LAKES - TERMS OF REFERENCE

**COUNCIL DECISION:**

That Council:

1. ESTABLISHES the ‘Restoring the Environment at Perry Lakes Steering Committee’;

2. ADOPTS the Restoring the Environment at Perry Lakes Steering Committee Terms of Reference, as detailed in this report, and appoints the following to the Steering Committee:

   - (a) Mayor Shannon (Chair) - Voting Member.
   - (b) Cr Timmermanis - Voting Member.
   - (c) Cr Everett - Voting Member.
   - (d) Cr McKerracher - Voting Member.
   - (e) Cr Bradley - Voting Member.
   - (f) Cr Nelson - Voting Member.
   - (g) Acting Chief Executive Officer - Non-Voting Member.
   - (h) Director Infrastructure and Operations - Non-Voting Member.
   - (i) Two Members of the Public with an interest in Perry Lakes, as determined by the Acting Chief Executive Officer - Non-Voting Members.
   - (j) Other Town of Cambridge Officers, as nominated by the Acting Chief Executive Officer - Non-Voting Members;

3. APPROVES the establishment of the 'Friends of Perry Lakes Community Group', with the broad aims to:

   - (a) Promote the betterment of Perry Lakes;
   - (b) Promote the uniqueness of the park and facilities, and raise public awareness of them;
   - (c) Help preserve the peace and beauty of the park, and help protect the flora and fauna;
   - (d) Seek public support and involvement in preserving the natural beauty of the open space for all visitors to enjoy; and
   - (e) Encourage more members of the public to become Friends of Perry Lakes; and

4. AUTHORISES the Acting Chief Executive Officer to advertise for interested persons to participate in the 'Friends of Perry Lakes Community Group'.

Motion, as AMENDED, put and CARRIED (8/1)

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

Against: Cr Timmermanis
AMENDMENT

Moved by Cr Nelson, seconded by Cr Bradley

That Cr Nelson be appointed to the Perry Lakes Steering Committee.

Amendment put and CARRIED (8/1)

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

During discussion, in accordance with Clause 9.11 of the Standing Orders, the mover of the motion Cr Timmermanis, with the consent of the seconder, amended the motion to include Crs Bradley, Everett, McKerracher and Timmermanis as members of the Steering Committee.

ADMINISTRATION RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr Everett

That Council:

1. ESTABLISHES the ‘Restoring the Environment at Perry Lakes Steering Committee’;

2. ADOPTS the Restoring the Environment at Perry Lakes Steering Committee Terms of Reference, as detailed in this report, and appoints the following to the Steering Committee:

   (a) Mayor Shannon (Chair) - Voting Member.
   (b) Cr ………………………… - Voting Member.
   (c) Cr ………………………… - Voting Member.
   (d) Cr ………………………… - Voting Member.
   (e) Cr ………………………… - Voting Member.
   (f) Acting Chief Executive Officer - Non-Voting Member.
   (g) Director Infrastructure and Operations - Non-Voting Member.
   (h) Two Members of the Public with an interest in Perry Lakes, as determined by the Acting Chief Executive Officer - Non-Voting Members.
   (i) Other Town of Cambridge Officers, as nominated by the Acting Chief Executive Officer - Non-Voting Members;

3. APPROVES the establishment of the 'Friends of Perry Lakes Community Group', with the broad aims to:

   (a) Promote the betterment of Perry Lakes;
   (b) Promote the uniqueness of the park and facilities, and raise public awareness of them;
   (c) Help preserve the peace and beauty of the park, and help protect the flora and fauna;
   (d) Seek public support and involvement in preserving the natural beauty of the open space for all visitors to enjoy; and
(e) Encourage more members of the public to become Friends of Perry Lakes; and

4. AUTHORISES the Acting Chief Executive Officer to advertise for interested persons to participate in the 'Friends of Perry Lakes Community Group'.

SUMMARY:

In accordance with the Council resolution of 7 March 2018, Council is requested to give consideration to the establishment of the Restoring the Environment at Perry Lakes Steering Committee, and adopting the Terms of Reference, as detailed in this report.

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.
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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 (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.

Address/Property Location: Town of Cambridge Administration, 1 Bold Park Drive, Floreat
Report Date: 13 December 2018
File Reference: Not Applicable
Responsible Executive/Director: John Giorgi, JP - Acting Chief Executive Officer
Reporting Officer: Lee Gyomorei - Coordinator Governance
Contributing Officer: Not Applicable
Attachments: Nil.

BACKGROUND:

1. At its Ordinary Meeting of Tuesday, 26 May 2015, Council resolved to establish the Major Projects and Underground Power Steering Committee, in accordance with Sections 5.8 and 5.10 of the Local Government Act 1995, and with the following 'Terms of Reference':

"(a) consider the most appropriate use of the Town’s income from major land sales;
(b) review the timing and funding of the Town’s major projects;
(c) consider how the town can implement an underground power program for the properties without underground power in Floreat, Wembley and West Leederville; and
(d) report to Council at appropriate times, and submit recommendations for approval."
2. At the Ordinary Meeting held on Tuesday, 24 November 2015, Council resolved in part as follows:

"(ii) the terms of reference for the Major Projects and Underground Power Advisory [Steering] Committee be amended to include oversight of the Strategic Community Plan, Corporate Business Plan, and the Financial and Asset Plans, and be renamed the 'Strategic Planning and Major Projects Committee'."

3. At the Special Council Meeting of Wednesday, 7 March 2018, Council gave consideration to Report 4.2 - Replenishment of Perry Lakes, resolving in part as follows:

"(v) a steering committee be established as a sub-committee of the Strategic Projects Committee [Strategic Planning and Major Projects Committee] to oversee the delivery of this Project [ie Perry Lakes Replenishment Project], with invitations to join the sub-committee issued to the experts at the confidential briefing;"

4. At the Ordinary Council Meeting of 23 October 2018, Council resolved as follows:

"3. Notes that Terms of Reference are currently being prepared for the proposed Steering Committee for the project [Perry Lakes Replenishment Project]."

5. Invitations have been extended to two independent experts, Mr Barry Carbon AM Honorary Fellow of the Environment Institute of Australia and New Zealand (HFEIANZ), and Mr Don McFarlane, Hydrogeologist Adjunct Professor, to attend the Elected Member Forum in relation to the Perry Lakes Replenishment Project.

6. Following the 2017 Ordinary Local Government Elections, Council at its Special Council Meeting of 24 October 2017, resolved to make the following appointments to the Strategic Planning and Major Projects Committee:

(i) Mayor Shannon
(ii) Deputy Mayor, Cr Bradley (Coast Ward)
(iii) Cr Carr (Wembley Ward)
(iv) Cr Everett (Coast Ward)
(v) Cr Nelson (Wembley Ward)
(vi) Cr Powell (Wembley Ward)
(vii) Cr Timmermanis (Coast Ward)

DETAILS:

Council's resolution of 7 March 2018 determines that the proposed Restoring the Environment at Perry Lakes Steering Committee is to be a sub-committee of the Strategic Projects Committee [Strategic Planning and Major Projects Committee]. The Terms of Reference for the Strategic Planning and Major Projects Committee are detailed in paragraphs 1 and 2 above.

It is proposed that the Restoring the Environment at Perry Lakes Steering Committee be established with the following Terms of Reference:
RESTORING THE ENVIRONMENT AT PERRY LAKES

STEERING COMMITTEE

Terms of Reference

1. Title:

The name of the Steering Committee shall be the ‘Restoring the Environment at Perry Lakes Steering Committee’ (the Steering Committee).

2. Origin:

The Steering Committee is established in accordance with Council's resolution of the Special Council Meeting of 7 March 2018 and 18 December 2018.

3. Purpose:

The Purpose of the Steering Committee is to oversee the delivery of the Perry Lakes Water Replenishment Project in accordance with Council's resolution of the Special Council Meeting of 7 March 2018, which reads as follows:

“That:

(i) The town enter a Memorandum of Understanding with the Water Corporate in relation to reaching an agreement to allow the Town to take water from the Herdsman Main Drain.

(ii) The Town proceeds with further investigative works for the replenishment of Perry lakes, Limited to using water sourced from the Herdsman Drain (“the Project”).

(iii) A revised tender scope be prepared by no later than 16 March 2018 incorporating the expert advice from Mr Barry Carbon;

The proposed scope to include:

- Determine the suitability of Herdsman main Drain water being directly piped into Perry Lakes from a water quality perspective;
- Participate with the Town in identifying all necessary regulatory approvals;
- Develop a capital and operating cost plan to +/- 10% accuracy for the works;

(iv) The tenderers from RFT 25-17 be asked if they will be prepared to revise their offers based on a revised scope and submit their revised scope offer, and that a report be presented to the April 2018 Council Meeting; and

(v) A Steering Committee be established as a sub-committee of the Strategic Projects Committee to oversee the delivery of this Project, with invitations to join the sub-committee issued to the experts at the confidential briefing.”

On completion of the Perry Lakes Water Replenishment Project, the Steering Committee will cease to exist.
4. **Relevant/Guiding Legislation:**

All relevant Federal and State Legislation, Town of Cambridge Local Laws and Policies, which are applicable to the role and/or functions of the Steering Committee.

5. **Membership**

5.1 The Steering Committee will comprise of the appointments made by Council (voting Members); and

5.2 In accordance with part (v) of Council's resolution of 7 March 2018, invitations will be extended to two (2) Members of the public relevant to the purpose of the Committee (non-voting Members).

5.3 Appointments to the Steering Committee will be for a period of up to two (2) years (or sooner) and will terminate with Local Government Ordinary Elections.

5.4 Vacant Elected Member positions will be filled by Council Resolution.

5.5 The Chief Executive Officer and Director Infrastructure and Operations will attend Steering Committee Meetings as non-voting Members. Other Town Officers, as nominated by the Acting Chief Executive Officer, may also attend as non-voting Members.

6. **Meetings**

6.1 A quorum must be present before a meeting can proceed, with the quorum consisting of at least half of the total number of voting Members, ie three (3).

6.2 The Mayor will Preside at Steering Committee Meetings.

6.3 Voting Members will elect a Deputy Presiding Member.

6.4 On behalf of the Steering Committee, the Presiding Member may invite internal or external persons to attend any part, or all of, a meeting to provide advice and assistance as required. Such attendees will not have voting rights.

6.5 Recommendations from the Steering Committee will be adopted by simple majority and be reported to the Community and Resources Committee. In the case of a tied vote, the decision will be determined on the casting vote of the Presiding Member.

6.6 In addition to the relevant provisions of the Local Government Act 1995, Steering Committee Members will cease to be a Member, if they:

- Resign from the Steering Committee.
- Fail to attend 3 consecutive meetings without submitting an apology.
- Resign from Elected Office or employment with the Town of Cambridge.
- Breach confidentiality, or the Code of Conduct.

6.7 Meetings shall be held bi-monthly, or as required, at the discretion of the Presiding Member.
7. **Role of Presiding Member:**

The Presiding Member will:

7.1 Schedule meetings and provide notification to all Steering Committee Members.
7.2 Liaise with the Town of Cambridge's Administrative representatives.
7.3 Chair and guide meetings according to the agenda and time available.

8. **Administrative Support:**

The Acting Chief Executive Officer and/or his/her nominee will provide administrative support and advice to the Steering Committee as follows:

8.1 Issue meeting notices.
8.2 Prepare agendas, including all necessary documentation required for discussion or comment.
8.3 Distribute agendas not less than 72 hours prior to the meeting.
8.4 Prepare and distribute Minutes within 10 working days of the meeting.

9. **Delegation:**

The Steering Committee is an advisory group only. In accordance with the status of similar groups, the Steering Committee does not have delegated decision making powers, and will report its recommendations through the Community and Resources Committee for ultimate consideration by the Council.

10. **Review of Terms of Reference:**

The Terms of Reference shall be reviewed annually by Council from the date of approval, and for the duration of the Steering Committee's tenure.

11. **General:**

Neither the Steering Group nor its individual Members will direct Town of Cambridge Staff, nor incur or approve any expenditure. Staff participating in Steering Committee meetings may however take general instruction, provide administrative support to, and information for, the Steering Committee, provided the requests do not impact on Council resources or inhibit or prevent Staff from performing their regular duties. Any tasks requiring a major commitment from Staff must be approved by the Acting Chief Executive Officer or Council.

The Acting Chief Executive Officer shall determine the appropriate level of Staff involvement in the Steering Committee's work.

**Friends of Perry Lakes Community Group:**

It is envisaged that there will be considerable community interest in the Project, and it is suggested that Council approve a community group and authorise the Acting Chief Executive Officer to advertise for interested ratepayers/residents to register their interest.

The broad aims of the community group would be for persons interested in Perry lakes to:

(a) Promote the betterment of Perry Lakes;
(b) Promote the uniqueness of the park and facilities, and raise public awareness of them;
(c) Help preserve the peace and beauty of the park, and help protect the flora and fauna;

(d) Seek public support and involvement in preserving the natural beauty of the open space for all visitors to enjoy; and

(e) Encourage more members of the public to become Friends of Perry Lakes.

POLICY/STATUTORY IMPLICATIONS:

Any proposed solution for improving water levels in Perry Lakes will require compliance with relevant Health, Environmental and Planning Regulations and Statutes.

It should be noted that this Steering Committee is NOT a formal committee established under section 5.8 of the Local Government Act 1995, as such, it will not have any powers and duties of the Local government. In essence, it will act as an advisory group for the project.

FINANCIAL IMPLICATIONS:

Costs associated with the Steering Committee will be funded through existing Budget allocations. It should be noted that $269,000 was approved by Council for design services relating to the Perry Lakes replenishment project from the Area Improvement Reserve.

STRATEGIC DIRECTION:

**Our Community**

**Goal 2** Quality local parks and open spaces for the community to enjoy.

Strategy 2.1 Adopt a more strategic and coordinated approach to the planning of our parks and greenspaces, recognising their diverse roles and local community preferences.

Strategy 2.2 Improve the maintenance and provision of amenities in our local parks and district open spaces reflecting local values and priorities and the broader regional demand on facilities.

**Our Neighbourhoods**

**Goal 4** Neighbourhoods where individual character and quality is respected and planning is responsive to residents.

Strategy 4.4 Enhance and respect our existing streetscapes, setbacks and green spaces.

**Our Environment**

**Goal 7** The Town is environmentally responsible and leads by example.

Strategy 7.1 Manage our bushland areas and reserves to enhance and protect conservation values and protect our native animals and plant species.

Strategy 7.5 Promote our environmental assets and opportunities and recognise the impacts of climate change in our strategies.

**Our Council**

**Goal 10** The Town is a proactive local government that provides financially sustainable public assets, services and facilities.

Strategy 10.1 Ensure appropriate resources are allocated to the preparation and implementation of day to day decision making, broader strategic planning and major projects.

Strategy 10.2 Promote equity and transparency in the provision of infrastructure and services throughout the Town.

Strategy 10.3 Ensure sound and sustainable financial planning, management and reporting.
COMMUNITY ENGAGEMENT:

In accordance with Policy 1.2.11 Community Engagement, consideration of this report is purely administrative in nature and does not require community engagement. However, pending future directions by Council in relation to this Project, significant community consultation may be warranted. Advertising of the proposed ‘Friends of Perry Lakes Community Group’ will occur in early 2019, via the local newspaper, website and signage at Perry Lakes Reserve.
10.9 COUNCIL MEETING SCHEDULE 2019 - APPROVAL

COUNCIL DECISION:

That Council APPROVES and gives Public Notice of the following 2019 Schedule of Committee, Ordinary and Special Council Meetings, to be held in the Town of Cambridge Council Chambers, Civic and Administration Centre, 1 Bold Park Drive, Floreat, commencing at 6:00pm.

<table>
<thead>
<tr>
<th>Community and Resources Committee</th>
<th>Development Committee</th>
<th>Ordinary Council Meeting</th>
<th>Special Council Meeting</th>
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<tbody>
<tr>
<td>January Recess</td>
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<td>22 January <em>(If Required)</em></td>
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<td>Monday 18 February</td>
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<td>Monday 20 May</td>
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<td>Monday 17 June</td>
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<td>Swearing In of Elected Members</td>
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<td>Monday 18 November</td>
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<td>Monday 9 December **</td>
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<td>Tuesday 17 December **</td>
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</tbody>
</table>

* Dates brought forward to accommodate Local Government Ordinary Elections on Saturday, 19 October 2019.
** Dates brought forward to accommodate Christmas/New Year Period.

Motion put and CARRIED (9/0)

Council Meeting 18 December 2018

During discussion, Cr Nelson suggested that due to the Easter holidays and Anzac Day, the Council meeting in April 2019 be held on Tuesday 30 April 2019 and not Tuesday 23 April 2019.

In accordance with Clause 9.11 of the Standing Orders, the mover of the motion, with the consent of the seconder agreed to amend the motion accordingly.

ADMINISTRATION RECOMMENDATION:

Moved by Cr Carr, seconded by Cr Timmermanis

That Council APPROVES and gives Public Notice of the following 2019 Schedule of Committee, Ordinary and Special Council Meetings, to be held in the Town of Cambridge Council Chambers, Civic and Administration Centre, 1 Bold Park Drive, Floreat, commencing at 6:00pm.

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:**

Section 525(1)(g) of the Local Government Act 1995, and Regulation 12(1) of the Local Government (Administration) Regulations 1996, requires each Local Government to give public notice at least once each year of the dates, time and place at which the Ordinary Meetings of Council are to be held in the next twelve (12) months.
DETAILS:

Meeting Sequence

The Council Meeting Schedule for 2019 comprises one Council Forum held on the second Tuesday of each month, two Committee meetings held during the third week of each month, and the Ordinary Council Meeting held on the fourth Tuesday. Special Council Meetings will be held as required.

Tentative Special Council Meeting - January 2019

The Council Meeting Schedule for 2019 details a Special Council Meeting for Tuesday, 22 January 2019. This Meeting is within Council's recess period, and has been tentatively listed to deal with matters of urgent business which may arise requiring a decision of Council. If required, the Acting Chief Executive Officer will provide notice in accordance with Section 5.5 of the Local Government Act 1995.

Christmas/New Year Period

The sequence of meetings for December 2019 has been brought forward to accommodate the Christmas/New Year holiday period.

Local Government Ordinary Elections

The biennial Local Government Ordinary Elections will be held on Saturday, 19 October 2019. The sequence of meetings for October 2019 has been brought forward to accommodate the Elections and to provide for a Special Council Meeting to be held on Tuesday, 22 October 2019 for the swearing in of newly Elected Members. An induction program will be provided for Elected Members following the Special Council Meeting in order that they may familiarise themselves with Council processes and current issues.

POLICY/STATUTORY IMPLICATIONS:

Section 5.25(1)(g) of the Local Government Act 1995, and Regulation 12(1) of the Local Government (Administration) Regulations 1996 determine that at least once each year, local public notice of the time, date and place of Committee and Council Meetings is to be given.

Regulation 12 (3) and (4) provide for the calling of and public notice relating to Special Council Meetings.

FINANCIAL IMPLICATIONS:

Adoption of the recommendation in this report does not incur any financial implications other than advertising of the meeting schedule which will be accommodated within existing Budget allocations.
STRAategic Direction:

This report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028 for a strong performing local government. Good governance provides for well managed Council business activities.

Our Council Goal 9  Transparent, accountable governance.
Strategy 9.1  Implement initiatives that strengthen governance skills, transparency and knowledge.
Strategy 9.2  Consult with the community using techniques that engage more widely to inform and be informed on local matters of priority.

CommunIty Engagement:

This matter has been assessed under the Community Engagement Policy as "Inform". The Committee/Council meeting schedule will be advertised locally in accordance with the provisions of Regulation 12 of the Local Government (Administration) Regulations 1996.
COUNCIL DECISION:

Moved by Cr Timmermanis, seconded by Cr Everett

That Council, pursuant to section 5.42 of the *Local Government Act 1995*, APPROVES BY AN ABSOLUTE MAJORITY to DELEGATE authority to the Acting Chief Executive Officer to exercise the powers and duties of the Council, other than those referred to in section 5.43 of the Act, from 19 December 2018 to 8 February 2019 inclusive subject to:-

(i) in relation to Ward matters, a simple majority of the four Ward Members of the relevant Ward are in agreement with the Administration recommendation;

(ii) in relation to general matters, where the recommendation is for an item of business of a general nature, a simple majority of all Elected Members are in agreement;

(iii) a report summarising the items of business dealt with by delegated authority is submitted for information to the Council meeting to be held on 26 February 2019;

(iv) the Mayor and Councillors to be kept informed of all items of business to be considered under delegated authority during the Christmas/New Year period;

(v) Elected Members to notify their agreement or otherwise to issues within the timeframe set out in the request. If no response is received, it will be assumed that the status quo position will be maintained (ie no change to the Administration Recommendation).

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

SUMMARY:

This report seeks delegation of some powers and duties to the Acting Chief Executive Officer (other than those listed under Section 5.43 of the *Local Government Act 1995* (‘the Act’) to deal with urgent items of business that may arise during the 2018/2019 Christmas/New Year recess period.

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 & 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 Council will be in its usual festive season recess from the last meeting of the year, to be held on 18 December 2018 to the first Ordinary Council Meeting in the new year. In accordance with past practice, it is proposed to make arrangements to enable urgent items of business, which may arise during that period, to be dealt with.

DETAILS:

The Local Government Act 1995 details the Council’s ability to delegate some powers and duties to the Chief Executive Officer. Section 5.42 states:-

“a local government may delegate to the Chief Executive Officer (by absolute majority) the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43 and this power of delegation.”

Section 5.43 of the Act specifies those powers and duties unable to be delegated to a Chief Executive Officer. The Act also states that the delegation may be general or as otherwise provided in the instrument of delegation.

It is recommended that in accordance with Section 5.42 of the Local Government Act 1995, the Acting Chief Executive Officer be delegated authority to exercise the powers and duties of the Council, other than those referred to in Section 5.43, during the Christmas/New Year period for 2018/2019, subject to the following:-

(i) in relation to Ward matters, a simple majority of the four Ward Members of the relevant Ward being in agreement with the recommendation;

(ii) in relation to general matters, where the recommendation is for an item of business of a general nature, a simple majority of all Elected Members being in agreement;

(iii) a report summarising the items of business dealt with by delegated authority be submitted for information to the February 2019 Council meeting;
(iv) the Mayor to be kept informed of all items of business considered during the Christmas/New Year period.

Any items requiring an absolute majority decision of the Council cannot be approved under delegated authority by the Acting Chief Executive Officer.

During previous Christmas/New Year recesses, it has been agreed that the Chief Executive Officer be advised by Elected Members individually if they are to be absent and that a contact person be nominated if they wish to be consulted on matters relating to delegated authority. This procedure has been used most effectively for the Christmas/New Year recess period of Council every year since 1995.

It is proposed to set aside a tentative Special Council Meeting date to deal with any urgent matters of business that may arise during the January period, requiring a Council decision. Typically, these would be development matters, where time is of the essence, requiring a Council decision within a statutory timeframe.

POLICY/STATUTORY IMPLICATIONS:

The Christmas/New Year delegation is in addition to the Schedule of Delegations to the Chief Executive Officer authorised each year by the Council.

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Town's Community Plan 2018-2028:-

Our Council
Goal 9: Transparent, accountable governance
Strategy 9.1: Implement initiatives that strengthen governance skills, transparency and knowledge.

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.
10.11 ANNUAL REPORT 2017-2018 AND ANNUAL GENERAL MEETING OF ELECTORS - APPROVAL

COUNCIL DECISION:
ADMINISTRATION RECOMMENDATION

Moved by Cr Timmermanis, seconded by Cr Everett

That Council:

1. Pursuant to section 5.54 of the Local Government Act 1995, ACCEPTS by ABSOLUTE MAJORITY, the 2017-2018 Annual Report, as shown in Attachment 1, and SUBMITS the Report for adoption at the Annual General Meeting of Electors to be held on Wednesday, 6 February 2019, subject to the Acting Chief Executive Officer making any minor amendments to the text as necessary;

2. APPROVES the Annual General Meeting of Electors of the Town of Cambridge to be held on Wednesday, 6 February 2019, at the Town's Civic and Administration Centre, 1 Bold Park Drive, Floreat, commencing at 6.00pm;

3. APPROVES the notice of the Annual General Meeting of Electors to be advertised in accordance with the provisions of Section 5.29 of the Local Government Act 1995; and

4. Pursuant to section 5.33 of the Local Government Act 1995, CONSIDERS any decisions made at the Annual General Meeting of Electors at the Ordinary Council Meeting to be held on 26 February 2019.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

AMENDMENT

Moved by Cr McAllister, seconded by Cr Nelson

That page 9 of the Annual Report be amended to include Mr Jason Lyon as having been Acting Chief Executive Officer for a period of 3 months.

Amendment put and LOST (4/5)

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

During discussion, Cr Powell departed the meeting at 9.29 pm and returned at 9.32 pm.

SUMMARY:

This report seeks Council's acceptance of the 2017-2018 Annual Report for presentation to the Annual General Meeting of Electors, and to approve of the date for the Annual General Meeting of Electors.
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.

Address/Property Location: Town of Cambridge Administration 1 Bold Park Dive, Floreat
Report Date: 12 December 2018
File Reference: Nil
Responsible Executive: John Giorgi, JP Acting Chief Executive Officer
Reporting Officers: Lee Gyoromei - Coordinator Governance
                      Paul O'Keefe Coordinator Property and Governance
Contributing Officer: Not Applicable
Attachment(s): Draft 2017-2018 Annual Report

BACKGROUND:

The Local Government Act 1995 requires the Town to prepare an Annual Report for each financial year. Section 5.53 outlines that the annual report is to contain the following:

- a report from the Mayor;
- a report from the Chief Executive Officer;
- an overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor’s report for the financial year;
- a matter on which a report must be made under Section 29(2) of the Disability Services Act 1993;
- details of entries made under Section 5.121 (Elected Member Minor Breaches) during the financial year in the register of complaints, including:-
  - the number of complaints recorded in the register of complaints;
  - how the recorded complaints were dealt with; and
  - any other details that the regulations may require; and
  - such other information as may be prescribed.
DETAILS:

It is proposed that the Annual General Meeting of Electors be held on Wednesday, 6 February 2019, commencing at 5.00pm. As in previous years, it is intended that the Council's Annual Garden Competition Awards be presented at the Electors' Meeting.

The draft Annual Report will be considered by Council in two parts. Firstly, the draft text that will be contained within the Annual Report, and secondly, the Auditor's Report and Financial Report will be presented for consideration at the 16 December 2018 Ordinary Meeting via the Audit Committee. The audit Report and Financial Statements will be incorporated into the final Annual Report.

The attached text for the Annual Report 2017-2018 is in draft format, and following Council consideration, arrangements will be made for the formal production of the report to ensure its availability prior to the Annual Electors’ Meeting. The draft Annual Report may require some minor amendments prior to finalisation, and it is recommended that the Acting Chief Executive Officer be authorised to make, where necessary, any appropriate minor amendments.

Auditor Report:

The Office of the Auditor General has, for the first time, conducted the Town of Cambridge annual audit. For a variety of reasons, the audit has taken much longer than anticipated and was not completed until early December 2018. The Audit Committee meeting will be held on Monday 17 December 2018.

As such, the Town is unable to hold the Annual General meeting of Electors in December 2018 (as there is insufficient time to give the statutory 14 days public notice). As such, it is recommended that the Annual General Meeting of Electors be held on 6 February 2019. The Town will be able to make the necessary arrangements and print the necessary documentation for the meeting.

POLICY/STATUTORY IMPLICATIONS:

The Local Government Act 1995 requires the Town to prepare an Annual Report for each financial year. A public notice of the time, day and place of the meeting must be given at least 14 days prior to the meeting under Section 5.27 of the Local Government Act 1995.

Section 5.53 outlines that the annual report is to contain information as detailed above. The requirement to conduct an Annual General Meeting of Electors is provided for in Section 5.27 of the Local Government Act 1995.

"5.29 Convening electors’ meetings

(1) The CEO is to convene an electors’ meeting by giving -
(a) at least 14 days’ local public notice; and
(b) each council member at least 14 days’ notice, of the date, time, place and purpose of the meeting."

"5.54 Acceptance of annual reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year."
(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available."

"5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government."

FINANCIAL IMPLICATIONS:

The Annual Report includes details of the Town's financial performance for the 2017-2018 financial year. Budget provisions have been made for the production of limited copies of the Annual Report document, as demand for the hard copy version has diminished in recent years due to online availability.

STRATEGIC DIRECTION:

One of the goals in the Town's 2018-2028 Strategic Plan is for open and transparent governance. The production of the Annual Report supports this in addition to meeting statutory obligations.

Our Council
Goal 9  Transparent, Accountable Governance
Strategy 9.1 Implement initiatives that strengthen governance skills and knowledge.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria, no community engagement is required. In accordance with the relevant legislation, public availability of the Annual Report is to be advertised in local newspapers for a period of 14 days prior to the Annual General Meeting of Electors.
COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Bradley, seconded by Cr Nelson

That Council APPROVES BY AN ABSOLUTE MAJORITY:

1. In accordance with Section 4.20(4) of the Local Government Act 1995, to DECLARE the Western Australian Electoral Commissioner to be responsible for the conduct of the 2019 Ordinary Elections, together with any other elections or polls which may be required on Election Day of Saturday, 19 October 2019;

2. In accordance with Section 4.61(2) of the Local Government Act 1995, DETERMINES that the method of conducting the Election will be as a Postal Election, and that Australia Post's Priority Service be utilised for lodgement of election Packages only;

3. NOTIFIES the Western Australian Electoral Commissioner of (1) and (2) above; and

4. LISTS FOR CONSIDERATION the costs for undertaking the 2019 Postal Election in the 2019-2020Annual Budget deliberations.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)

SUMMARY:
Correspondence has been recently received from the Western Australian Electoral Commission (the Electoral Commission), confirming Saturday, 19 October 2019, as the day for holding the Local Government Ordinary Election for 2019. The purpose of this report is to seek Council's endorsement that the Western Australian Electoral Commissioner be requested to conduct a Postal Election on behalf 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, 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:

Correspondence has been received from the Electoral Commission (ECM Ref: 2510400), confirming Saturday, 19 October 2019, as the day for holding the Local Government Ordinary Elections for 2019.

Council is required to give consideration to the Western Australian electoral Commissioner being responsible for conducting the Ordinary Election, and the method of conducting the Ordinary Election.

An Election will be necessary where the number of nominations received exceeds the number of vacancies in a Ward.

The Electoral Commissioner has previously been responsible for the conduct of all Town of Cambridge Ordinary and Extraordinary Elections since 1996, including the Town's last Election held in 2017.

DETAILS:

An estimate of the cost of conducting a Postal Election for 2019 is $87,000 (including GST) or $4.51 per Election Package. This has been based on the following assumptions:

- A total of 19,300 Electors.
- Response rate of approximately 40%.
- Five (5) vacancies.
- Count to be conducted at the Offices of the Town of Cambridge.
- Appointment of a local Returning Officer.
- Regular Australia Post delivery service to apply for the lodgement of the Election Packages.

The Electoral Commission suggest that the Town of Cambridge utilise the regular mail delivery service for Election Package distribution, however that consideration be given to utilising the Australia Post Priority Service for Electoral Package lodgement. The benefits of using the Priority Service for lodgement relates to the recording, processing and counting of returns prior to closure of voting. Electoral Commission experience has been that delays may be incurred if the regular mail delivery service is utilised for lodgement.

The Electoral Commission has advised that an additional $3,860, or $0.20 per Election Package, will be incurred if Council opts for the Priority Service for the lodgement of Election Packages.
POLICY/STATUTORY IMPLICATIONS:

Section 4.20(4) of the Local Government Act 1995 determines the following:

"4.20 CEO to be returning officer unless other arrangements made

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

* Absolute majority required."

Section 4.61 of the Local Government Act 1995 states the following:

"4.61. Choice of methods of conducting election

(1) The election can be conducted as a —

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide* to conduct the election as a postal election.
* Absolute majority required.

(3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.

(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

(5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.

(6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.

(7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election."

There are no policy implications in relation to this report.
FINANCIAL IMPLICATIONS:

The estimated cost of $87,000 and the possible additional cost of $3,860 for the 2019 Election will be considered in the 2019-2020 Annual Budget process.

STRATEGIC DIRECTION:

Our Council:

Goal 9: **Transparent, accountable governance.**
Strategy 9.1 Implement initiatives that strengthen governance skills, transparency and knowledge.

Goal 10: **The Town is a proactive local government that provides financially sustainable public assets, services and facilities.**
Strategy 10.3 Ensure sound and sustainable financial planning, management and reporting.

Goal 12: **Advocacy for the Community**
Strategy 12.1 Foster key relationships with all levels of government and other major stakeholders.

COMMUNITY ENGAGEMENT:

This matter has been assessed under Policy 1.2.11 - Community Engagement criteria, and no community consultation is required as it is an administrative matter.
COUNCIL DECISION:

Moved by Cr Powell, seconded by Cr Timmermanis

That Council DEFERS the item relating to Town of Cambridge Standing Orders Local Law 2007 until March 2019 to enable Elected Members to further review and provide their comments.

Procedural Motion put and CARRIED 9/0

AMENDMENT

Moved by Cr Bradley, seconded by Cr Everett

That Clause 12.4 (1)(c) relating to Method of Taking Votes be amended to read as follows:-

(1) In taking the vote on any motion or amendment the Presiding Member -

(c) may accept a vote on the voices, by a show of hands or by an electronic voting method approved by Council.

Amendment put and CARRIED (9/0)

ADMINISTRATION RECOMMENDATION:

Moved by Cr Nelson, seconded by Cr Timmermanis

That Council:-

1. NOTES that in accordance with Section 3.16 of the Local Government Act 1995, a review of the Town of Cambridge Standing Orders Local Law 2007, was carried out, and at the close of the statutory consultation period, no submissions were received;

2. GIVES State wide and local public notice In accordance with Section 3.16 of the Local Government Act 1995 that it proposes to adopt the Town of Cambridge Meeting Procedures Local Law 2018, stating the purpose and effect of the Local Law being as follows:

   Purpose:

   This local law is to provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.

   Effect:

   The effect of this local law is intended to result in -
   (a) better decision making by the Council and Committees;
   (b) the orderly conduct of meetings dealing with Council business;
   (c) better understanding of the process of conducting meetings; and
   (d) the more efficient and effective use of time at meetings.
3. GIVES State wide public notice and local public notice, stating:
   (a) Copies of the proposed Local Law may be inspected at the Town's Administration Offices; and
   (b) Submissions about the proposed Local Law may be made to the local government within a period of not less than six (6) weeks after the notice is given;

4. In accordance with Section 3.12(3)(b) of the Local Government Act 1995, as soon as the notice is given, PROVIDES a copy of the proposed local law and notice to the Minister for Local Government;

5. In accordance with Section 3.12(3)(c) of the Local Government Act 1995, SUPPLIES a copy of the proposed local law to any person requesting it; and

6. After the close of the statutory public consultation period, a report be presented to Council on any submissions received on the proposed local law, to enable the Council to CONSIDER the submissions made, and to determine whether to adopt the local law in accordance with Section 3.12(4) of the Act.

SUMMARY:
To inform the Council of the results of the community consultation of statutory eight year (8) yearly review of the Town of Cambridge Standing Orders Local Law 2007, as required by Section 3.16 of the Local Government Act 1995, and to seek Council approval to advertise the proposed Town of Cambridge Meeting Procedures Local Law 2018 for public comment.

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 & 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:

Section 3.16 of the Local Government Act 1995 requires each local government to carry out a statutory review of its local laws. A review must be undertaken within eight (8) years of the commencement date of the local law or from the date of the last review. The purpose of the review is to determine the relevance of the local law and for the Council to consider whether or not the local law should remain unchanged, be repealed, or be amended.

All of the Council's local laws have been reviewed and gazetted in the past two years, except for the Standing Orders Local Law (refer Attachment No:3). This Local Law was gazetted on 2 May 2007, and amended on 1 July 2008. To comply with Section 3.16 of the Local Government Act 1995, a statutory review should have been carried out by no later than 2 May 2015.

DETAILS:

Review of Town of Cambridge Standing Orders Local Law 2007:

A report was considered at the Council Meeting of 27 November 2018, whereby the Council resolved to review the Standing Orders Local Law and grant approval to advertise the proposed new local law. However, the wording of the Council resolution was incorrect, as it did not specify the 'Purpose' and 'Effect' of the proposed Town of Cambridge Meeting Procedures Local Law 2018. It is essential that the correct wording be adopted by the Council, otherwise it may invalidate the process.

A report was considered at the Council Meeting of 27 February 2018, whereby the Council resolved as follows:

"That a report into any inconsistencies between the existing Town of Cambridge Meeting Procedures (Standing Orders) Local Law and overarching State legislation and regulations be prepared, in conjunction with the Model Procedure Local Law and Western Australian Local Government Association (WALGA) Model Standing Orders for consideration at a future Elected Member Forum."

A report (item CR 18.124) was submitted to the Council meeting held on 24 July 2018. State-wide advertising was carried out in The West Australian newspaper on 5 August 2018.

At the close of the six week statutory advertising period on 1 October 2018, no submissions were received.
As required, on 31 July 2018 a copy was also forwarded the Department of Local Government, Sports and Cultural Industries and the Minister for Local Government.

A review of the Town’s current Standing Orders Local Law was undertaken by the Town's Administration and included presenting the matter to an Elected Member Forum on 9 October 2018 and 6 November 2018, as requested by the Council at its meeting of 27 February 2018. A copy of the proposed Draft Meeting Procedures Local Law, current local law and Comparison Table was provided to all Elected Members on 15 October 2018, seeking comments and feedback by 31 October 2018. No comments were received.

To review the existing Town of Cambridge Standing Orders Local Law, the Town must follow the process as prescribed in Section 3.10 of the Local Government Act 1995.

Regulation 3 of the Local Government (Functions and General) Regulations 1996 requires that for the purposes of Section 3.16 of the Local Government Act 1995, the purpose and effect of any proposed local law must be included in the agenda and minutes of a meeting.

The purpose and effect of the Town of Cambridge Meeting Procedures Local Law 2018 is as follows:

**Purpose:**
This local law is to provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.

**Effect:**
The effect of these Standing Orders is intended to result in -
(a) better decision making by the Council and Committees;
(b) the orderly conduct of meetings dealing with Council business;
(c) better understanding of the process of conducting meetings; and
(d) the more efficient and effective use of time at meetings.

A review of the current Standing orders was carried out and a comparison Table was prepared showing the difference between the Standing Orders and the WALGA Model Meeting Procedures Local Law (with amendments made by the Town) and this is shown at Attachment No: 2.

Following the comparison of both local laws, it is recommended that Council adopt a new Meeting Procedures Local Law based on the WALGA model local law (Attachment No: 1) for the following reasons:

1. The WALGA model Local Law is consistent with other local governments.
2. There are too many amendments required to be made to the current Standing Orders local law to update it.
3. The WALGA model local law has already been vetted legally to ensure compliance with the Act.
4. The Joint Standing Committee on Delegated Legislation has a preference for local governments to use model local laws, as it provides consistency with legislation.
5. By using the WALGA model local law, it will save time and costs to carry out the review.

**POLICY/STATUTORY IMPLICATIONS:**

Section 3.16 of the Local Government Act 1995 details the procedure to be undertaken in reviewing a local law. The local government is to give State wide public notice of its intention to review a local law, inviting submissions from the public. At the end of the statutory advertising period, any submissions received will be presented to Council for consideration by absolute majority decision whether the local law should be repealed or amended.
Failure to review the Town’s Local Law puts the Town at risk of failing to meet the requirements of Section 3.16 of the *Local Government Act 1995*.

**FINANCIAL IMPLICATIONS:**

There are minimal financial implications for this report. In the first stage, the cost of advertising the proposed *Town of Cambridge Standing Orders Local Law 2007* is estimated to be approximately $500. Stage two, if the Council resolves to adopt the new local law, will be expected to cost a similar amount.

**STRATEGIC DIRECTION:**

The *Local Government Act 1995* requires a local government to review all their local laws at least every eight (8) years. There are no significant strategic implications of commencing a review. The strategic implications of any changes to the local law will be considered in detail as part of the review process.

**COMMUNITY ENGAGEMENT:**

In accordance with Sections 3.16 and 3.12(3)(a) of the *Local Government Act 1995*, the Town must give State wide and local public notice of the proposed review of the *Town of Cambridge Standing Orders Local Law 2007*, inviting submissions for a period of no less than six (6) weeks after the notice is given. All submissions received within that time period will be presented to Council.
COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Powell

That the Council:

1. RECEIVES the report of the annual review of the Council Delegated Authority Register for the financial year 2018-19, as required by s 5.46 of the Local Government Act 1995;

2. ENDORSES the review of its delegations in accordance with sections 5.42 and 5.46 (2) of the Local Government Act 1995;

3. APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority 2018-19, to the Chief Executive Officer or other Officer as shown in Attachment 1, in accordance with:

   (a) Section 5.42 of the Local Government Act 1995;
   (b) Section 127 of the Building Act 2011;
   (c) Section 48 of the Bush Fires Act 1954;
   (d) Section 44 of the Cat Act 2011;
   (e) Section 10AA of the Dog Act 1976;
   (f) Section 118 of the Food Act 2008;
   (g) Section 16 of the Graffiti Vandalism Act 2008;
   (h) S39,40 and 60 of the Liquor Control Act 1998;
   (i) Section 21 of the Public Health Act 2016;
   (j) Section 214 of the Planning and Development Act 2005; and
   (k) Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015;

4. APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority, as shown in Attachment 1, to the Audit Committee, in accordance with:

   (a) Sections 5.16 and 5.42 of the Local Government Act 1995;

5. APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority, as shown in Attachment 1, to the Development Committee, in accordance with:

   (a) Sections 5.16 and 5.42 of the Local Government Act 1995; and
   (b) Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015; and

6. NOTES that a seminar was held on 11 September 2018, attended by all Elected Members (except Cr Nelson who was on leave), A/CEO, Directors and all Managers, and included the topics of delegations, types of interests, ‘relevant persons’, integrity matters, Code of Conduct, complaints, misconduct, Local Government (Rules of Conduct) Regulations 2007 and declaration of gifts, as shown in Attachment 2.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)
SUMMARY:

At the Ordinary meeting of council held on 24 April 2018, it was resolved to adopt a Council Register of Delegated Authority for the 2017-18 financial year. At the meeting, it was also resolved that an independent local government consultant, specializing in governance, be engaged to review the document before December 2018.

This report provides details of the review by the independent local government consultant, a comprehensive review by the Town’s administration and details of the training seminar provided on 11 September 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.

<table>
<thead>
<tr>
<th>Address/Property Location:</th>
<th>Town of Cambridge - 1 Bold Park Drive, Floreat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>10 December 2018</td>
</tr>
<tr>
<td>Responsible Executive:</td>
<td>John Giorgi, JP - Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>John Giorgi, JP - Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Contributing Officer:</td>
<td>Lee Gjomorei- Coordinator - Governance</td>
</tr>
<tr>
<td>File Reference:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Training session Information</td>
</tr>
</tbody>
</table>

BACKGROUND:

Section 5.46 of the Local Government Act 1995 requires that delegations from the Council to the Chief Executive Officer (CEO) are to be reviewed by the Council at least once every financial year. The previous review for the 2017-18 financial year was considered by the Council at its meeting held on 24 April 2018.

A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act other than those such as any decision requiring an absolute majority, accepting major tenders, appointing an auditor or borrowing money. A full listing of the exceptions can be found at Section 5.43 of the Local Government Act 1995.
The CEO may also delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than the power of delegation.

The Department of Local Government, Sports & Culture has an operational guideline which discusses the principles, concepts and approach to delegations. LG Operational Guideline 17 Delegations

DETAILS:

At the ordinary meeting held on 24 April 2018, the Council considered and adopted its review of the Register of Delegated Authority (the Register) (item 10.4).

At the ordinary meeting held on 26 June 2018, the Council approved the appointment of a local government consultant specialising in governance matters. Mr Steven Tweedie was subsequently appointed and provided advice and recommendations.

Review Methodology

1. Comparison with other Local Governments

In conducting this review of the Town’s Register of Delegations, a comparison was also made to the Delegation Register of the following local governments:

1. Perth
2. Stirling
3. Joondalup
4. Wanneroo
5. Melville
6. Vincent
7. Belmont
8. Canning

The comparison has revealed that each of their Registers were comprehensive and detailed and the extent of the information specified for each delegation varied for each local government. Some Registers also contain matters which are carried out by ‘acting through’ a person – and legally are therefore not required to be included.

Consultant Recommendations to the Register

The consultant has recommended a number of word changes and new delegations to be included into the register. All the new delegations and changes to existing delegations are shown in red font, in the Register, as shown in Attachment No: 1.

Recommended Changes to the 2017-18 Delegated Authority Register:

1. Inclusion of an Introduction and details about legal requirements concerning delegations.
2. The titles of various Officers have been changed to reflect any interim positions as a result of the Interim Organisational Structure.
3. Word changes throughout the Register, as shown by Red font, strike-thru and underlining.
4. New delegations summarised as follows:
<table>
<thead>
<tr>
<th>Delegation Register Number</th>
<th>Delegations Register Title</th>
<th>Legislation Reference</th>
<th>Legislation Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2.2</td>
<td>Performing Executive Function – Administration of Local Laws</td>
<td>s3.18(1)</td>
<td>Performing executive functions</td>
</tr>
<tr>
<td></td>
<td>• Animals Local Law 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Local Government and Public Property Local Law 2017</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>• Health Local Law 2016</td>
<td></td>
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<tr>
<td></td>
<td>• Parking Local Law 2016</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>• Private Property Local Law 2016</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>• Trading in Public Places Local Law 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Waste Local Law 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• By-Law 43 Buildings on Endowment Lands and Limekiln Estate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Delegation:</td>
<td>To enable the Council’s Local Laws to be administered on a daily basis by an Authorised Person.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.3</td>
<td>Performing Executive Function, development of Purchasing Policy.</td>
<td>s3.18(2) r 11</td>
<td>Performing executive functions</td>
</tr>
<tr>
<td></td>
<td>Reason for Delegation:</td>
<td>Local Government (Functions and General) Regulations 1996</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To enable a Procurement Policy to be prepared – for determination by the Council.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.4</td>
<td>Employment of persons.</td>
<td>s5.36(1)(b)</td>
<td>Local Government employees</td>
</tr>
<tr>
<td>Reason for Delegation:</td>
<td>To enable the CEO to employ employees (a Senior Employee is to be endorsed by the Council)</td>
<td></td>
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<tr>
<td></td>
<td>without the need to obtain Council approval on each occasion. The CEO is responsible for all employee matters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.5</td>
<td>Appointment of Acting CEO.</td>
<td>s5.39(1)(a)</td>
<td>Contracts for CEO and Senior Employees</td>
</tr>
<tr>
<td>Reason for Delegation:</td>
<td>To enable the CEO to appoint an A/CEO, providing it is in accordance with the Council Policy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.6</td>
<td>Primary and Annual Returns – appointment of ‘Designated Persons’ and acceptance of Returns.</td>
<td>s5.74(1)</td>
<td>Primary Returns- Terms Used</td>
</tr>
<tr>
<td>Reason for Delegation:</td>
<td>To enable the CEO to appoint a ‘Designated Person’ and to accept Primary and Annual Returns - which is an administrative task.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.7</td>
<td>Legal Expenses for Elected Members and Employees.</td>
<td>s6.7(2) s9.56</td>
<td>Municipal Fund Certain persons protected from wrong doing</td>
</tr>
<tr>
<td>Reason for Delegation:</td>
<td>To enable the CEO to approve of legal expenses for Elected Members and employees in accordance with Council Policy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.34</td>
<td>Prosecution of Offences.</td>
<td>S9.24</td>
<td>Commencing Prosecutions</td>
</tr>
<tr>
<td>Reason for Delegation:</td>
<td>To enable the CEO to approve of legal action for breaches of the Local Government Act, in accordance with Council Policy. (the current Delegation Register already includes some Acts where this already occurs. eg Bush Fires, Public Health Act, Planning and Development.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Determination of a Contract
**Reason for Delegation:**
To enable the CEO to approve of a Contract in accordance with Council Policy. The current Policy and Financial Business Rules both make reference to the delegation, however no current exists - although it is implied through the approval of payments from the Municipal Fund – previously delegation 1.2.19- Payment from the Municipal or Trust.

### Affixing of the Common Seal and Signing of documents
**Reason for Delegation:**
To enable the CEO to affixing of the Council Common Seal to any document that needs the Town’s Common Seal to be legally effective. This includes, but is not limited to the following:

- (a) Subdivisions and/or development approvals;
- (b) Transfer of land (sale and purchase);
- (c) Loan documents;
- (d) Lease;
- (e) Licence;
- (f) Strata Title;
- (g) Documents capable for lodgement at WA Titles Office-Landgate;
- (h) Documents that are necessary to enable the CEO to carry out functions under any written law.

Authorise the CEO to sign, on behalf of the Town, a document that is necessary or appropriate for the CEO to sign in carrying out the prescribed functions under any written law, authorisation or delegation from the Council.

### Delegations Not recommended or Requested:

At the Council meeting held in December 2016, it resolved to remove the following Delegations from the CEO.

1. Closing Certain Thoroughfares to Vehicles (Exceeding 4 Weeks)
2. Payments to Retiring Employees
3. Action Against Land For Unpaid Rates And Charges.

Despite being recommended by the Town’s Consultant, as a result of the December 2016 Council decision and due to the infrequency of such use of the delegation, the above delegations have not been included in the Council Delegated Authority Register 2018-19.

The following delegations have not been recommended for inclusion into the Register:

<table>
<thead>
<tr>
<th>Delegation</th>
<th>Legislation</th>
<th>Legislation Reference</th>
<th>Legislation Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegation to CEO to approve minor grants to community groups up to $xxxx and in accordance with Policy. That Council delegate to the CEO the function to approve minor grants to community groups up to $xxxx and in accordance with Policy.</td>
<td>Local Government Act 1995</td>
<td>LGA S3.18</td>
<td>Performing executive functions</td>
</tr>
</tbody>
</table>

**Comment:**
The A/CEO does not propose to approve any applications for grants. If this is required in the future, a report can be submitted to Council for Approval.
Delegation to CEO - before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare.

Comment: The A/CEO does not propose to make any orders for closure of a thoroughfare. Such events are very infrequent and does not justify any delegation. If this is required in the future, a report can be submitted to Council for Approval. Furthermore, the Council, in 2016, has previously resolved not to delegate this authority.

Delegation to CEO to designate employees or persons belonging to a class of employee to be a ‘Senior employee’.

Comment: The A/CEO does not propose to make any payments. Such appointments are very infrequent and a report is required to council for endorsement of any new employee. It does not justify any delegation If this is required in the future, a report can be submitted to Council for Approval.

Delegation to CEO to make a payments to employees in addition to contract or award.

Comment: The A/CEO does not propose to make any payments. Such requests are very infrequent and does not justify any delegation. If this is required in the future, a report can be submitted to Council for Approval. Furthermore, the Council, in 2016, has previously resolved not to delegate this authority.

Delegation to CEO to prepare or adopt a Code of Conduct to be observed by employees.

Comment: The A/CEO does not propose to create a separate Code of Conduct for employees. If this is required in the future, a report can be submitted to Council for Approval.

Delegation to CEO to the authority to appoint honorary Litter inspectors.

Comment: The Town does not have any honorary Litter Inspectors and any proposal can be reported to Council for approval. Any applications are very infrequent and does not justify any delegation.

Building Act 2011
Delegations made under the Building Act are not required to be reviewed annually and were last considered by the Council in April 2018. Section 127(1)(3) of the Building Act permits delegation to the Local Government and its employees. The following new delegation has been included so as to be consistent with other statutes and to enable the Administration to function in an efficient and effective manner:
### Delegation Register

<table>
<thead>
<tr>
<th>Delegation Register Number</th>
<th>Delegations Register Title</th>
<th>Legislation Reference</th>
<th>Legislation Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1.10</td>
<td>Prosecution of Offences</td>
<td>S133</td>
<td>Prosecutions</td>
</tr>
</tbody>
</table>

**Bush Fires Act 1954**

Delegations made under the Bushfires Act are not required to be reviewed annually and were last considered by the Council in April 2018. Delegations made under the Bushfires Act are not commonly used in the Town of Cambridge, however, they may be necessary in an emergency. Section 48 of the Bushfires Act permit delegation to the Local Government, Mayor, CEO and Chief Fire Control Officer. No new delegations have been recommended.

**Cat Act 2011**

Delegations made under the Cat Act are required to be reviewed annually and were last considered by the Council in April 2018. Section 44 of the Cat Act permits delegation to the Local Government and its employees. The following new delegation has been included so as to be consistent with other statutes and to enable the Administration to function in an efficient and effective manner:

<table>
<thead>
<tr>
<th>Delegation Register Number</th>
<th>Delegations Register Title</th>
<th>Legislation Reference</th>
<th>Legislation Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.6</td>
<td>Prosecution of Offences</td>
<td>s73</td>
<td>Prosecutions</td>
</tr>
</tbody>
</table>

**Dog Act 1976**

Delegations made under the Dog Act are required to be reviewed annually and were last considered by the Council in April 2018. Section 10AA of the Dog Act permits delegation to the Local Government and its employees. The following new delegation has been included so as to be consistent with other statutes and to enable the Administration to function in an efficient and effective manner:

<table>
<thead>
<tr>
<th>Delegation Register Number</th>
<th>Delegations Register Title</th>
<th>Legislation Reference</th>
<th>Legislation Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1.8</td>
<td>Prosecution of Offences</td>
<td>s.44</td>
<td>Prosecution of Offences</td>
</tr>
</tbody>
</table>
Food Act 2008
Delegations made under the Food Act are not required to be reviewed annually and were last considered by the Council in April 2018. Section 118 of the Food Act permits delegation to the Local Government and its employees, however, there is no power of sub delegation unless specifically authorised by the Regulations. All delegation must be made to the officer who will be responsible for the decision making. The following new delegation has been included so as to be consistent with other statutes and to enable the Administration to function in an efficient and effective manner:

<table>
<thead>
<tr>
<th>Delegation Register Reference</th>
<th>Delegations Register Title</th>
<th>Legislation Reference</th>
<th>Legislation Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1.7</td>
<td>Prosecution of Offences.</td>
<td>S125</td>
<td>Institution of Proceedings</td>
</tr>
</tbody>
</table>

Reason for Delegation:
To enable the CEO to approve of legal action for breaches of the Food Act, in accordance with Council Policy. (the current Delegation Register already includes some Acts for this to occur. eg Bush Fires, Public Health Act, Planning and Development)

Graffiti Vandalism Act 2016
Delegations made under the Graffiti Vandalism Act are not required to be reviewed annually and were last considered by the Council in April 2018. Section 16 of the Graffiti Vandalism Act permits delegation to the Local Government and its employees. No new delegations have been recommended.

Public Health Act 2015
Delegations made under the Public Health Act are not required to be reviewed annually and were last considered by the Council in April 2018. Section 21 of the Public Health Act permits delegation to the Local Government and its employees. No new delegations have been recommended.

Planning and Development Act 2005
Delegations made under the Planning and Development Act are required to be reviewed annually. Delegations were last reviewed by the Council in April 2018. Two new delegations have been requested by the Director - Planning and Development and are therefore recommended for approval by the Council.

9.1.2
Additional delegations to be inserted:

5. Authority to make recommendations and/or provide comment to service agencies and state government departments for development proposals for infrastructure where no local government approval is required and where the proposal is generally consistent with the aims and objectives of Town Planning Scheme No. 1 and relevant local planning policies.

Reason:
Comment and/or recommendation are regularly sought from the Town by servicing agencies and government departments, usually within a limited time frame, where it is impractical to seek Council resolution on the matter. In these cases, the local government isn't the determining authority for the proposal or the proposal is actually exempt from the requirement for development approval (eg. Public works). Standard practise has been for the Town to provide...
administrative comment to such proposals, however it is considered useful to clarify that this function has in fact been delegated to the CEO by Council.

5. Authority to determine development applications under the Metropolitan Region Scheme where the local government is the determining authority, as delegated to the local government by the Western Australian Planning Commissions, and the development application is consistent with the is consistent with orderly and proper planning.

Reason:
A recent example arose where relatively minor development on MRS land was proposed by a sporting club. As the works weren’t being undertaken by a public authority, the development required approval of the WAPC, which has delegated such approval authority to local governments under DEL2017/02 ‘Powers of Local Governments and Department of Transport’.

Conditions on Delegations

Modify No: 5: Reconsideration of applications pursuant to Section 31 of the State Administrative Tribunal Act 2004, where the application was originally determined by resolution of Council. All other conditions on these delegations apply in the determining the Town’s response to the Section 31 reconsideration.

Reason:
Currently all S31 reconsiderations require Council resolution. Officers have delegation to refuse applications however when an application for review is made to SAT, usually through the mediation process, amended plans are provided for reconsideration by the Town, but cannot be reconsidered under delegation. Even if the amended proposal complies or the variations are supported, the amended plans are required to be presented to Council as a S31 reconsideration which is considered unnecessary. It is proposed that Officers have delegated authority to determine S31 reconsiderations where the original decision was made under delegation. All other conditions on the delegations (eg. 1. Cannot determine under delegation if a valid objecting submission is received etc) will still apply in determining the S31 reconsideration.

Liquor Control Act 1998

Two delegations made under the Liquor Control Act 1998 are recommended to be approved. These delegations will formalise the current practice by the Town’s Administration.

Certificates:
As a matter of the approval process for an application for a liquor licence, a Certificate s40 is issued under the Planning legislation, certifying that the premises complies with planning requirements and a Certificate s39 is issued under the Health legislation, certifying that the premises complies with health requirements. Approximately 4-5 certificate are issues annually.

Extended Trading Permits:
As a matter of the approval process for an application for an extended trading permit, a letter from the local government is required to be lodged with the application, specifying any conditions. Approximately 15-20 letters are issued annually, mainly during the warmer months.
**Delegation Register Reference** | **Delegations Register Title** | **Legislation Reference** | **Legislation Title**
--- | --- | --- | ---
10.1.1 | Issue of Certificate | S39 and 40 | Issue of Certificate
   | **Reason for Delegation:**
   | To enable the administration to approve or refuse to grant a certificate s39 and s40 that a premises complies with laws
10.1.2 | Extended Trading Permit | S60 | Extended Trading Permits
   | **Reason for Delegation:**
   | To enable the administration to approve or refuse an application for an extended trading permit, subject to specified conditions.

**Statutory Authorisations and Delegations to Local Government from State Government Entities:**

A review of the delegations issued under the various government entities has revealed the following:

The numbering in the Index has been updated to reflect the correct delegation in the current Register 2018-19.

The delegations in the previous Register 2017-18 were all templates and not the actual delegations pertaining to the Town of Cambridge. These have been deleted and the actual Town of Cambridge documentation has been inserted into their place. The delegations have been re-numbered.

11.1 **Environmental Protection Act 1986**

The Town of Cambridge Delegation has been inserted.

11.2 **Planning and Development Act 2005**

The Town of Cambridge Delegation has been inserted.

11.7 **Development Control Powers – Greater Bunbury Region Scheme**

Comment:

This delegation has been deleted as it relates to the Greater Bunbury Region Scheme - it has nothing to do with the Town of Cambridge and was probably previously inadvertently inserted from the WALGA model template.

11.3 **Main Roads Act 1930**

11.3.1 Traffic Management - Events on Roads - has been renumbered.
11.3.2 Traffic Management – Road Works - has been renumbered.

**Exercise of delegations and standard conditions:**

The following "Standard Conditions" have been inserted into the Register, as it is considered that this is will provide for better governance of the delegations, especially by sub-delegates.

"If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used. [s5.46(3)]
Each power of delegation may be subject to its own conditions and these are included in the specific delegation, however these Standard Conditions are applicable to all delegations and any person proposing to exercise a power under delegated authority shall comply with the following standard conditions of delegation:

1. Actual decisions relating to the matter delegated shall be made by the person nominated in the delegation. However it is understood that other staff may carry out administrative and technical work relating to those decisions.

2. Compliance with all relevant legislative requirements, Local Laws, Council Policies, resolutions of Council and the Business Management System Procedures.

3. Delegated authority cannot be exercised where a Financial Interest or an Interest Affecting Impartiality is evident.

4. It is a statutory requirement to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall, as a minimum, record:

(a) Date the decision was exercised;

(b) Name of the person/Committee exercising the decision;

(c) Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to other persons to carry out work associated with the decision unless those directions are included in Policies, Management Procedures or the Delegated Authority Register;

(d) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. [Local Government (Administration) Regulations 1996 Cl 19.]

5. Wherever possible, the requirements of clause 4 above shall be incorporated into administrative documents such as memos, file notes, cheque vouchers, etc "

Training Session:
Training was provided by the Town’s Consultant on 11 and 12 September 2018. A copy of the training details is shown at Attachment 2.

POLICY/STATUTORY IMPLICATIONS:

There is a direct relationship between Council policies and delegated authority, as the Chief Executive Officer will be guided by Council policy when exercising any delegated authority. Relevant powers and duties are delegated to the Chief Executive Officer in accordance with section 5.42 of the Local Government Act, subject to the limitations specified in section 5.43.

Section 5.46 provides that the Chief Executive Officer is to maintain a register of delegations made.

FINANCIAL IMPLICATIONS:

Nil.
STRATEGIC DIRECTION:

Our Council

Goal 9: Transparent, accountable governance
Strategy 9.1: Implement initiatives that strengthen governance skills and knowledge

COMMUNITY ENGAGEMENT:

Not Applicable.
11. URGENT BUSINESS

Nil

12. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Meeting Behind Closed Doors

Moved by Cr Powell, seconded by Cr McKerracher

That the following matters be regarded as confidential in accordance with Section 5.23(2) of the Local Government Act 1995.

Motion put and CARRIED (7/2)

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

At 10.03 pm, the Mayor requested all persons other than Elected Members and Council Officers to leave the Council Chamber.

12.1 REQUEST FOR INFORMATION

COUNCIL DECISION:

Moved by Cr McAllister, seconded by Cr Powell

That:-

1. Council direct the A/CEO to immediately make available to all elected members:
   a) The full invoices the subject of payment numbers E034293 and E034250 dated 22 October 2018 and 16 October 2018 respectively and which were reported to the November ordinary meeting of Council at Item CR18.185; and
   b) The letter of engagement/costs agreement provided by Squire Patton Boggs on or about 17 July 2018 under the terms of which it provides legal services to the Town;

2. the A/CEO immediately report to all elected members which invoices paid by the Town from January 2018 to date and the amounts of each of those invoices if appropriate relate to matters to do with the former CEO and which invoices (and the amounts if necessary) relate to employees of the Town other than the former CEO.

Motion put and LOST (3/6)

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

Moved by Cr Everett, seconded by Cr Timmermanis

That the motion be put.

Procedural motion put and CARRIED (7/2)

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

Against: Crs McAllister and Powell

During discussion, Cr Everett departed the meeting at 10.04 pm and returned at 10.06 pm.

At 10.22 pm, the Presiding Member Mayor Keri Shannon requested Council staff except the Acting Chief Executive Officer to leave the Council Chamber.

Moved by Cr Bradley, seconded by

That the recording of the meeting be turned off.

Motion lapsed for want of a seconder.

13. CONFIDENTIAL REPORTS

Mr Robbins and Mr Ruitenga returned to the meeting at 10.48 pm.

CR18.199 LOT 231, (2) FINISHLINE VIEW, PERRY LAKES

REASON FOR CONFIDENTIALITY:

This report 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:

(e) a matter that if disclosed, would reveal -
   (i) a trade secret;
   (ii) information that has a commercial value to a person; or
   (iii) information about the business, professional, commercial or financial affairs of a person

Elected Members are reminded that they are to ensure the information remains CONFIDENTIAL and should not disclose the content of this report to any other person. To do so would be an improper use of information under s.5.93 of the Local Government Act 1995.

Cr McKerracher - Financial Interest

Prior to consideration of the item, Cr McKerracher, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter as follows "I disclose that my husband’s employer Burgess Rawson of which he is Managing Director has provided valuation advice to the Town on this matter. The proposed resolution upon which Council is to make a decision refers to the Administration being authorised to obtain 3 separate valuations in the future. The resolution does not name the firms to be used so it may be regarded as mere
speculation as to whether that firm may be appointed in the future to do further work, however, given the current adversarial climate in which I find myself someone may argue that it is reasonable to expect the Town to engage the same three values it has used before on the property.

Cr McKerracher departed the meeting at 10.50 pm prior to the matter being discussed and voted upon.

**COUNCIL DECISION:**
*(COMMITTEE AND ADMINISTRATION PUBLIC RECOMMENDATION)*

Moved by Cr Timmermanis, seconded by Cr Nelson

That Council APPROVES the Confidential Recommendation as detailed in the Confidential Report.

Motion put and CARRIED *(8/0)*
(Cr McKerracher was not present in the Council Chamber)

Cr McKerracher returned to the meeting at 10.52 pm.

### 13.2 UNDERGROUND POWER STATUS DECEMBER 2018 REPORT NO.2

**REASON FOR CONFIDENTIALITY:**

This report 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; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Elected Members are reminded that they are to ensure the information remains CONFIDENTIAL and should not disclose the content of this report to any other person. To do so would be an improper use of information under s.5.93 of the Local Government Act 1995.

**Cr Carr - Financial Interest**

Prior to consideration of the item, Cr Carr, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter as he owns two properties in the scheme.

Cr Carr departed the meeting at 10.53 pm prior to the matter being discussed and voted upon.

**Cr McAllister - Financial Interest**

Prior to consideration of the item, Cr McAllister, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter as she owns two properties in the scheme.

Cr McAllister departed the meeting at 10.53 pm prior to the matter being discussed and voted upon.
COUNCIL DECISION:
(ADMINISTRATION PUBLIC RECOMMENDATION)

Moved by Cr Bradley, seconded by Cr Nelson

That Council APPROVES the Administration Recommendation as detailed in the Confidential Report.

Motion put and CARRIED (7/0)
(Crs Carr and McAllister not present in the Council Chamber)

Crs Carr and McAllister returned to the meeting at 10.54 pm.

13.3 PURCHASE OF LAND - PROPERTY PAYMENT

REASON FOR CONFIDENTIALITY:

This report 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; and
(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Elected Members are reminded that they are to ensure the information remains CONFIDENTIAL and should not disclose the content of this report to any other person. To do so would be an improper use of information under s.5.93 of the Local Government Act 1995.

Cr Carr - Financial Interest

Prior to consideration of the item, Cr Carr, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter.

Cr Carr departed the meeting at 10.53 pm prior to the matter being discussed and voted upon.

COUNCIL DECISION:
(ADMINISTRATION PUBLIC RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Nelson

That Council APPROVES the Administration Recommendation as detailed in the Confidential Report.

Motion be put and CARRIED (8/0)
(Cr Carr not present in the Council Chamber)

Cr Carr returned to the meeting at 10.57pm
13.4 TOWN OF CAMBRIDGE INFRASTRUCTURE - LATENT CONSTRUCTION DEFECTS

REASON FOR CONFIDENTIALITY

This report 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; and

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Elected Members are reminded that they are to ensure the information remains CONFIDENTIAL and should not disclose the content of this report to any other person. To do so would be an improper use of information under s.5.93 of the Local Government Act 1995.

Cr McKerracher - Impartiality Interest

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to Item 13.4, I disclose that my daughter completed a coaching clinic with the Perth Netball Association who rely on the carpark, the subject of this item and that I have used the carpark when she has played netball at this venue. As a consequence there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Cr Nelson - Impartiality Interest

Prior to consideration of the item, Cr Nelson disclosed an interest affecting impartiality and declared as follows: "with regard to Item 13.4, I disclose that I have a former work colleague and acquaintance who works at the company being investigated, although he joined after the defects period ended. As a consequence there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

ADMINISTRATION PUBLIC RECOMMENDATION:

Moved by Cr Bradley, seconded by Cr Timmermanis

That Council APPROVES of the Confidential Recommendation as detailed in the Confidential Report, concerning Wembley Sports Park Redevelopment - Civil and other Infrastructure Works, Reinforced Turf Car Park Defects.

COUNCIL DECISION:

Moved by Cr Timmermanis, seconded by Cr Powell

That Council DEFERS the item relating to Wembley Sports Park Redevelopment - Civil and other Infrastructure Works, Reinforced Turf Car Park Defects until at least February Council meeting.

Motion put and CARRIED (7/2)

For: Mayor Shannon, Crs Carr, McAllister, McKerracher, Nelson, Powell and Timmermanis
Against: Crs Bradley and Everett
Mr Robbins and Mr Ruitenga departed the meeting at 10.58 pm and did not return.

13.5 DIRECTOR OF INFRASTRUCTURE AND OPERATIONS - APPOINTMENT

REASON FOR CONFIDENTIALITY

This report 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:

"(a) a matter affecting an employee or employees."

(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

Report to follow prior to the meeting

Elected Members are reminded that they are to ensure the information remains CONFIDENTIAL and should not disclose the content of this report to any other person. To do so would be an improper use of information under s.5.93 of the Local Government Act 1995.

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Bradley, seconded by Cr Timmermanis

That Council:

1. ACCEPTS, in accordance with Section 5.37(2) of the Local Government Act 1995, the Acting Chief Executive Officer's recommendation to appoint Mr Michael Hayward to the position of Director Infrastructure and Operations, as detailed in the Confidential Selection Report and Attachment 1;

2. NOTES that the Town's Deed of Contract of Employment has been reviewed and amended by the Town's, lawyers Mills Oakley to incorporate legislative changes and to reflect the Council's views;

3. APPROVES BY AN ABSOLUTE MAJORITY to change the decision of the Council meeting 19 December 2017, to read as follows:

"The CEO is not permitted to allow termination clauses in designated Senior Employee Executive Contracts of Employment that provide notice periods of more than three (3) months is provided under the National Employment Standards."

4. ADOPTS Policy No: 1.2.19 'Designation of Senior Employees and Organisational Structure', as shown in Attachment 2.

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (9/0)
PROCEDURAL MOTION

Moved by Cr Bradley, seconded by Cr Timmermanis

That the meeting be reopened to the public

Motion put and CARRIED (9/0)

14. CLOSURE

There being no further business, the Mayor thanked those present for their attendance and declared the meeting closed at 11.10 pm, with the following persons in attendance:

PRESENT: Mayor Keri Shannon Presiding Member
Deputy Mayor Rod Bradley Coast Ward
Louis Carr Wembley Ward
Ian Everett Coast Ward
Jo McAllister Wembley Ward
Kate McKerracher Coast Ward
James Nelson Wembley Ward
Jane Powell Wembley Ward
Andres Timmermanis Coast Ward

Officers: John Giorgi, JP, Acting Chief Executive Officer

Media: Nil

Public: Nil