



MINUTES

Ordinary Meeting of Council 23 June 2020

These Minutes were confirmed by the Council as a true and correct record at its meeting held on 28 July 2020

**Signature
Presiding Member**

**MEETING OF COUNCIL
23 JUNE 2020
INDEX OF MINUTES**

1. Opening	1
2. Attendance	1
3. Public Question Time.....	2
4. Petitions.....	7
5. Deputations	7
6. Applications for Leave of Absence.....	8
7. Confirmation of Minutes	8
8. Announcements by the Mayor without Discussion.....	8
9. Committee Reports	9
Development Committee	10
Items determined by Committee	
DV20.57 Lot 10 (No.194B) Jersey Street, Wembley – Two Storey Single Dwelling and Pool	22
DV20.58 Lot 353 (No.79) St Leonards Avenue, West Leederville – Alterations/Additions to Existing Dwelling (Including Two Storey Extension)	30
Items determined by Council	
DV20.56 Lot 10 (No.8) Bent Street, City Beach – Front and Side Boundary Fencing (Amendment to 0324DA-2015)	12
DV20.59 Lot 2 (No.130) and Lot 3 (No.132) Brookdale Street, Floreat – Modification to Condition 5 Wording (Median Strip Extension) of Child Care Premises (JDAP)	36
DV20.60 Lot 766 (No.43) Linden Gardens, Floreat – Alterations and Additions to Existing Single Dwelling	38
DV20.61 Lot 501 (No.1) Calver Place, City Beach – Alterations and Additions to Existing Three Storey Dwelling	44
DV20.62 Lot 1444 (No.6) Kildare Road, Floreat – Addition (Ancillary Dwelling) to Existing Single Dwelling	51
DV20.63 Lot 114 (No.1) Warri Road, City Beach – Additions to Existing Single Dwelling – Variation to Local Law 43	57
DV20.64 Lot 1 (No.29) St Leonards Avenue, West Leederville – Scheme Amendment Initiation Request	61
DV20.65 Review of Alfresco Dining Approval Process and Recommendation to Simplify	69
DV20.66 Character Study for Suburbs – Project Plan and Resourcing	77
DV20.67 Draft Local Planning Policy 3.23: Transportable Storage Structures – Consideration of Submissions, Final Adoption and Submission to WAPC	84
DV20.68 Local Planning Policy 1.5: Response to State Administrative Tribunal Matters – Minor Amendments for Adoption	89
DV20.69 City Beach P9108 – State Register of Heritage Places Considerations	93

DV20.70	Progress Report 4 on Strategic Planning Priorities for 2019/20 and Endorsement of Priorities for 2020/21	99
DV20.71	Joint Development Assessment Procedure – Responsible Authority Reports	110
DV20.72	Building Permits Approved Under Delegated Authority – May 2020	113
DV20.73	Delegated Decisions and Notifications – May 2020	116
Community and Resources Committee		118
CR20.70	Kimberley Street and Lake Monger Drive Intersection	120
CR20.71	Department of Transport – Long Term Cycle Network	128
CR20.72	Street Tree Master Plan: Outcomes of Community Consultation	131
CR20.73	Council Policy Review – Infrastructure and Works	137
CR20.74	Library Management Software Replacement	142
CR20.75	2020 Community Recognition Awards	147
CR20.76	Community Events Program 2020/2021	153
CR20.77	Sunset Wine and Brews Event 2021	163
CR20.78	Edge Visionary Living – Permission to Temporarily Close the Public Access Way between Lot 232 Tomlinson Boulevard and Lot 233 Stadium Drive, Perry Lakes	167
CR20.79	Payment of Accounts – May 2020	171
CR20.80	Investment Schedule – May 2020	174
CR20.81	Community Organisation Support Grant – Submission by Perth Inner City Youth Services	179
10.	Council Reports	184
10.1	Monthly Financial Statements, Review and Variances – May 2020	184
10.2	Proposed General Fees and Charges (Rates and Underground Power Charges) for the Financial Year 2020-2021	191
10.3	Annual Insurance Renewal 2020/2021	196
10.4	Town of Cambridge Workforce Plan 2020-2024 - Adoption	201
10.5	Town of Cambridge COVID-19 – Recovery and Relief Plan – Progress Report No.6 and Establishment of a COVID-19 Committee	206
11.	Urgent Business	217
	Nil	
12.	Motions of Which Notice has been Given	217
12.1	Mayor Shannon – COVID-19 Pandemic Response – Second Wave	217
12.2	Cr Nelson – Western Suburbs Cycling Infrastructure	221
13.	Confidential Reports	224
13.1	Town of Cambridge Infrastructure – Wembley Sports Park Latent Construction Defects - Progress Report No: 6	224
13.2	Town of Cambridge Building and Infrastructure – City Beach Surf Club Latent Construction Defects – Progress Report No: 6	225
13.3	CR20.82 – Lot 232 (2) Finishline View, Perry Lakes	226
13.4	Request for Reimbursement of Legal Expenses	227
13.5	Authorised Local Government Inquiry into the Town of Cambridge – Progress Report No.6 and ‘Show Cause’ Notice	209

14. Closure

210

MINUTES OF THE ORDINARY MEETING OF THE TOWN OF CAMBRIDGE HELD AT THE COUNCIL'S ADMINISTRATION/CIVIC CENTRE, 1 BOLD PARK DRIVE, FLOREAT ON TUESDAY 23 JUNE 2020.

1. OPENING

The meeting was declared open by the Presiding Member Mayor Keri Shannon at 6.02 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: Kate Barlow
Rod Bradley
Ian Everett
Alaine Haddon-Casey (In electronically at 6.13 pm)
Kate McKerracher (Deputy Mayor) (In at 6.19 pm)
Gary Mack (until 6. 33 pm and returned at 7.47 pm)
James Nelson
Andres Timmermanis

Officers: John Giorgi, JP, Chief Executive Officer
Kelton Hincks, Director Infrastructure and Works (Until 8.36 pm)
Marlaine Lavery, Director Planning and Development (Until 8.36 pm)
Cam Robbins, Director Corporate and Community Services (Until 8.36 pm)
Roy Ruitenga, Manager Finance (Until 8.36 pm)
Lee Gyomorei, Coordinator Governance and Office of CEO (Until 8.36 pm)
Denise Ribbands, Senior Governance Officer (Until 8.36 pm)

Legal
Representative Ms Margie M Tannock – Partner, Squire Patton Boggs (In at 8.19 pm)

Members of the Public:

10 persons

Media:

Ben Dickinson, Post Newspaper (In electronically at 7.29 pm)

Hugo Timms, Post Newspaper (In at 6.43 pm)

Apologies:

Cr McKerracher stated that she will be arriving late for the meeting due to a family commitment.

At 6.33 pm, Cr Mack advised that he needed to leave the meeting to attend to an urgent family matter (as he had just received a phone call).

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*.

The Presiding Member Mayor Keri Shannon advised that with regard to Public Question Time, in accordance with the Council Policy 1.1.13 – ‘*Managing Public Question Time*’, 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 questions and the Town's response will not be read out at tonight's meeting, however, a response will be sent and included in next month's Council Agenda. The questions are available in the Chamber if anyone in the public gallery or any of the Elected Members want to read the questions.

QUESTIONS SUBMITTED TO 23 JUNE 2020 COUNCIL MEETING

WRITTEN QUESTIONS SUBMITTED BY PERSONS NOT PRESENT AT THE MEETING

Mr Graham Hornel, 91 Empire Avenue, City Beach

(Received by on line submission dated Sunday 21 June 2020 @ 1:34pm AWST; Receipt No QT100229)

Re: Special Council Meeting Minutes of 9 April 2020

Statement:

As the Minutes of the 9 April, 2020 Special Council Meeting clearly show, by a 7-1 majority, Council Approved a Motion of which the key part is: "DIRECTS THE CEO to immediately commence employee cost reductions of 20% of the Town's budgeted employee costs..." In the Response to my related question 5 as submitted to the 26 May, 2020 Ordinary Council Meeting as presented in the Agenda for the 23 June OCM, the Mayor's opinion states: "The Town has not cut any staff, nor has the CEO achieved the 20% cost reduction."

Question 1:

Since there is no record of this in any Minutes posted on the Town website since the Mayor confirmed both that no staff had been cut and the 20% cost reduction Directed by Council at the 9 April SCM, will the Mayor now explain both if that Direction was rescinded - and, if so when; and for what exact reasons?

Response:

Question to be taken on notice.

Question 2:

Will the Mayor also confirm if it remains Council's intention that the Approved 20% cost reduction be achieved by the CEO - and, if not, why; given the significant reduction in our Town's revenue stream?

Response:

Question to be taken on notice.

(Received by on line submission dated Sunday 21 June 2020 @ 1:44pm AWST; Receipt No QT100230)

Re: Mayor's Response to Question 5 – Ordinary Council Meeting of 26 May 2020

Statement:

In her response to my Question 5 as submitted online to the 26 May, 2020 Ordinary Council Meeting, the Mayor stated: "The Town has suffered a significant reduction in its revenue stream. However, at this time, this has not been quantified by Administration."

Question 3:

Since that OCM, has an accurate total of this reduction been completed by Administration, and if so, will the CEO and/or the Mayor now confirm either that amount, or a realistic estimate?

Response:

Question to be taken on notice.

(Received by on line submission dated Sunday 21 June 2020 @ 1:57pm AWST; Receipt No QT100231)

Re: "Significant reduction in Town's revenue stream"

Statement:

Understandably, the Mayor and other Elected Members have expressed concern about what the Mayor earlier stated has been a Pandemic-caused "significant reduction in the Town's revenue stream" - and a separate question requests confirmation of the amount of this reduction.

Question 4:

Given this ongoing concern, the SCM Approval for that 20% reduction of employee costs and particularly given the truly enormous expenditure on Legal Expenses that Council has Approved in this Financial Year - including nearly \$70,000 in May alone and much more likely before 30 June - can the Mayor clearly explain the justification behind the employment of a Staff Lawyer, at the very time when Town revenues have considerably reduced?

Response:

Question to be taken on notice.

(Received by on line submission dated Sunday 21 June 2020 @ 2:09pm AWST; Receipt No QT100232)

Re: Planting of 650 established trees by the Town

Statement:

A recent issue of 'Cambridge News' confirmed the very good news that around 650 established trees were being planted across our Town in time for Winter rain.

Question 5:

How many of these new trees were planted in parks and road verges?

Response:

650 trees

Question 6:

As eventually was carried out on the Verge at the Mayor's house, following considerable delays, how many of these new trees were similarly planted on residents' Verges per Policy 5.1.3 that states the Town will plant new or replacement trees on such Verges where none exist, or previous plantings have died?

Response:

Half of these trees were planted in parks and the other half were in street verges

Question 7:

What was the total cost of this particularly worthwhile project?

Response:

Each tree costs approx. \$150 to plant, stake, mulch and tie, whether it be in verges or in a reserve.

Ms Hilary Pinerua, 5/21 Brown Way, Karrinyup

(Submitted by email dated Friday 19 June 2020 @ 2:52pm AWST)

Re: Employee Turnover and WorkSafe WA

Question 1:

- (a) Could the CEO please provide the employee turnover numbers and percentages for the years 2011/12 to 2016/17 inclusive; and*
- (b) Has WorkSafe WA contacted the Town of Cambridge in relation to workplace matters in the last 12 months?*

Response:

Question to be taken on notice.

VERBAL QUESTIONS

Mr Nick Politis, 8 Bent Street, City Beach

Question:

Will Council give consideration to the grey-coloured infill glass panels within the 7.5 m primary street setback area?

Response:

The matter will be discussed at tonight's meeting at Item DV20.56.

QUESTIONS TAKEN 'ON NOTICE' AT 26 MAY 2020 COUNCIL MEETING

Mr Graham Hornel, 91 Empire Avenue, City Beach

(Received by on line submission dated Sunday 24 May 2020 @ 12:02pm AWST; Receipt No QT100226)

Statement

The Minutes of the 9 April, 2020 Special Council Meeting were posted on the Town website following that meeting.

Question 1:

The CEO is asked to confirm that these are a fully accurate record of that SCM, particularly of the Motions Approved.

Response:

It is not the role or function of the CEO to confirm the accuracy of the minutes of a Council meeting. As prescribed by s5.22 of the *Local Government Act 1995*, the Council confirmed the minutes of the 9 April 2020 Special Council Meeting at the Ordinary meeting of Council held on 26 May 2020.

Question 2:

The CEO is requested to confirm that what is presented in the SCM Minutes, particularly the Motion at Item 5 that was Approved 7-1, is indeed a fully accurate record of that Decision.

Response:

Refer to response in Question 1 above.

Question 3:

Will the CEO confirm that this Approved Motion is accurately presented in these SCM Minutes as: "DIRECTS THE CEO to immediately commence employee cost reductions of 20% of the Town's budgeted employee costs, or an amount equivalent to the total budgeted employee costs attributed to facilities and services not currently operating, whichever is the greater."?

Response:

Refer to response in Question 1 above.

Questions 4:

In context, the CEO is asked to confirm that the SCM Minutes were Approved 9-1 at the Ordinary Council Meeting on 28 April, 2020.

Response:

Refer to response in Question 1 above.

(Received by on line submission dated Sunday 24 May 2020 @ 12:26pm AWST; Receipt No QT100227)

Statement

The Council's decision at the 9 April, 2020 SCM to direct the CEO to immediately commence employee cost reductions of 20% of the Town's budgeted employee costs, is presented on our Town's website in the Minutes for both that SCM and for the 28 April, 2020 Ordinary Council Meeting. Separately, the CEO has been requested to confirm that both Minutes are a fully true and accurate record of the proceedings, including that Decision.

Question 5:

Given that Council first made that significant Decision at the SCM and then, at the 28 April, 2020 OCM, unanimously Approved it as a Minuted item, the Mayor is requested to clearly explain exactly why she rejected my directly-related reasonable question that I submitted to that OCM on the grounds that "it is not relevant to ordinary business of the Town or the function of the Council."

Response:

Mayor Shannon has stated: "As you were advised, questions 9-13 to the April OCM were rejected as they contained defamatory and untrue statements, made adverse reflections and posed hypothetical scenarios about the possible institution of legal action. The Town has not cut any staff nor has the CEO achieved the 20% cost reduction. The Town has suffered a significant reduction in its revenue stream however at this time this has not been quantified by the administration."
[Mayor's opinion]

Question 6:

Given these Minutes - and particularly that Council's Direction to the CEO was published in a 'Post' article following that SCM and that this article also contained the Minister's strong opposition to Council's Direction - the Mayor is also asked to fully clarify her reasoning behind her decision to support her rejection of my second directly-related question "on the grounds that it is untrue..."

Response:

Mayor Shannon has stated: "The Minister stated the Town had decided to cut staff. This was not true. Mr Hornel had 16 Questions with Q9-16 rejected. Your Question 10 related to Cr Timmermanis' political affiliations and was not relevant to the business of the Town. Q15-16 related to the CEO and elected members taking pay cuts similar to the employees. There has been no reduction of staff, and therefore the premise of your Questions is incorrect."

(Received by on line submission dated Sunday 24 May 2020 @ 12:44pm AWST; Receipt No QT100228)

Statement

The DLGSC Website states that the Role of a Council Member is to represent the interests of electors, ratepayers and residents of the district which is repeated at Item 2.10(a) in our Town's Code of Conduct.

Question 7

The Mayor is again requested to clearly explain exactly how the ongoing attacks that both she and Cr. Timmermanis have mounted against the Minister of Local Government in particular, plus against JDAP, SAT and WALGA, actually do represent the best interests of the electors, ratepayers and residents of Cambridge both now and in the future.

Response:

The Presiding Member Mayor Shannon has ruled this question 'out of Order, as it contains adverse reflections and is not relevant to the ordinary business of the Town or the function of the Council- pursuant to clause 6.1(d) of the Council Policy No: 1.1.13 'Managing Public Question Time at Council Meetings'. The Mayor has stated that she has not made any attack on the Minister.

Question 8

Does the Mayor accept that such attacks, as often reported in local newspapers, are in fact contrary to our Town's Code of Conduct, in particular, to items 3.2(d) and (h)?

Response:

The Presiding Member Mayor Shannon is of the opinion that this question is 'out of Order, as it contains adverse reflections and is not relevant to the ordinary business of the Town or the function of the Council- pursuant to clause 6.1(d) of the Council Policy No: 1.1.13 'Managing Public Question Time at Council Meetings'. The Mayor has stated that she has not made any attack on the Minister.

4. PETITIONS

The Chief Executive Officer advised that a petition containing 50 signatures has been submitted by Mr Andrew Passmore, 58 Moray Avenue, Floreat requesting that Council:-

"Consider speed and traffic reduction along the length of Moray Ave, Floreat by taking one or more of the following measures:

- 1. Closing off the north end of Moray Ave at the intersection of Moray Ave and Dumfries Rd and/or*
- 2. Installing multiple chicanes along the length of Moray Ave and/or*
- 3. Installing speed bumps along the length of Moray Ave and/or*
- 4. Making the north end of Moray Ave an Exit-only road thereby stopping the entry of vehicles entering from Dumfries Road."*

Moved by Cr Everett, seconded by Cr Bradley

That in accordance with Clause 3.5 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the petition be received and referred to the Director Infrastructure and Works for investigation and report to Council.

Motion put and CARRIED (7/0)

(Crs Haddon-Casey and McKerracher not present at the meeting)

5. DEPUTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Nelson has requested leave of absence of 10 weeks from Wednesday 24 June 2020.
Cr Mack has requested leave of absence for Tuesday 28 July 2020.

Moved by Cr Timmermanis, seconded by Cr Everett

That in accordance with Clause 3.7 of the *Town of Cambridge Meeting Procedures Local Law 2019*, leave of absence be granted as follows:-

- **Cr Nelson - 10 weeks from Wednesday 24 June 2020 for personal reasons; and**
- **Cr Mack - Tuesday 28 July 2020 for personal reasons.**

Motion put and CARRIED (7/0)

(Crs Haddon-Casey and McKerracher not present at the meeting)

7. CONFIRMATION OF MINUTES

Moved by Cr Timmermanis, seconded by Cr Mack

That the Minutes of the Ordinary Council meeting held on 26 May 2020 be confirmed.

Motion put and CARRIED (7/0)

(Crs Haddon-Casey and McKerracher not present at the meeting)

Moved by Cr Bradley, seconded by Cr Timmermanis

That the Minutes of the Special meeting of Council held on 3 June 2020 be confirmed.

Motion put and CARRIED (7/0)

(Crs Haddon-Casey and McKerracher not present at the meeting)

Moved by Cr Bradley, seconded by Cr Timmermanis

That the Minutes of the Special meeting of Council held on 12 June 2020 be confirmed, subject to the date in Clause 4 of Council's decision relating to Item 13.6 Town of Cambridge COVID-19 – Recovery and Relief Plan – Progress Report No.4 being amended from 16 June 2020 to 30 June 2020.

Motion put and CARRIED (6/1)

For: Mayor Shannon, Crs Barlow, Bradley, Everett, Mack and Timmermanis

Against: Cr Nelson

(Crs Haddon-Casey and McKerracher not present at the meeting)

8. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

Nil

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 DV20.56, 60, 61, 62, 63, 70 and 71
Community and Resources	Items CR20.71, 75, 76 and 79
Declaration of Interest:	Item DV20.56 – Cr Timmermanis – Impartiality Interest
	Item DV20.61 – Cr Mack – Impartiality Interest
	Item DV20.70 – Cr Everett – Impartiality Interest
	Item DV20.70 - Cr McKerracher – Impartiality Interest
	Item CR20.75 – Cr Bradley – Impartiality Interest
	Item CR20.79 – Mayor Shannon – Financial Interest
	Item 13.1 – Cr McKerracher – Impartiality Interest
	Item 13.2 – Cr Mack – Impartiality Interest
	Item 13.4 – Cr McKerracher – Impartiality Interest
	Item 13.4 - CEO. Mr John Giorgi, JP – Impartiality Interest

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

Cr Haddon-Casey entered the meeting electronically at 6.13 pm.

DEVELOPMENT COMMITTEE

The report of the Development Committee meeting held on Tuesday 16 June 2020 was submitted as under;

1. DECLARATION OF OPENING

Prior to commencement of this electronic meeting, Council Members and other attendee connections by electronic means were tested and confirmed.

The Presiding Member declared the electronic meeting of the Development Committee open at 6.02 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present:	Time of Entering	Time of Leaving
-----------------	-------------------------	------------------------

Members:

Cr Ian Everett (Presiding Member)	6.00 pm	6.52 pm
Mayor Keri Shannon	6.00 pm	6.52 pm
Cr Alaine Haddon-Casey	6.00 pm	6.52 pm
Cr Kate McKerracher	6.00 pm	6.52 pm
Cr James Nelson	6.00 pm	6.52 pm

Observers:

Cr Rod Bradley

Officers:

Marlaine Lavery, Director Planning and Development
Brett Cammell, Manager Strategic Planning (Attended Electronically)
Jennifer Heyes, Manager Statutory Planning
Lee Gyomorei, Coordinator Governance & Office of CEO
Denise Ribbands, Senior Governance Officer

Members of the Public:

7 persons

Media:

Ben Dickinson, Post Newspaper (Attended electronically)

Adjournments:

Nil

Time meeting closed:

6.52 pm

APOLOGIES/LEAVE OF ABSENCE

Apology – Mr John Giorgi, JP

3. PUBLIC QUESTION TIME

Nil

4. DEPUTATIONS AND PETITIONS

Item DV20.57 Jiru Ye, neighbour
Ross Thompson, neighbour. (Also, read out a statement on behalf of
Elizabeth Collings, neighbour)
Item DV20.58 Chen Wei Ng, applicant
Item DV20.61 Peter Simpson, applicant

5. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of the Development Committee held on 21 April 2020 as contained in the April 2020 Council Notice Paper be confirmed.

6. DECLARATIONS OF INTEREST

Item DV20.70 Cr Everett – Impartiality Interest
Cr McKerracher – Impartiality Interest

7. REPORTS

DV20.56 LOT 10 (NO. 8) BENT STREET, CITY BEACH – FRONT & SIDE BOUNDARY FENCING [AMENDMENT TO 0324DA-2015]

PURPOSE OF REPORT:

The purpose of this report is for Council to consider an application to amend an existing development approval, specifically Conditions 1 and 2 of that approval. Consideration of an amendment to an existing development approval is permitted pursuant to cl 77(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*. The requested amendment to the existing approval (street fencing) has already been constructed.

SUMMARY:

An application has been made to amend Conditions 1 and 2 of the existing 2015 development approval to allow for the boundary fencing adjacent the pool area to meet the Australian standards for pool fencing in regard to fence height and infill panels. In order to comply with *Australian Standard AS1926.1 - Safety Barriers for Swimming Pools*, which came into effect in May 2016, the fencing adjacent to the pool area is required to be a minimum height of 1.8m above the finished floor level of the pool area, and be “non-climbable” meaning there are no handholds or footholds or other aids for climbing. The time lag between the date of development approval and the construction of the pool fence, resulted in Conditions 1 and 2 of the approval not being able to be complied with.

Taking into account that the application was approved in 2015, and the subsequent 2016 amendments to the pool fencing requirements, it is considered the requested amendments to the above conditions of approval can be supported, subject to the grey-coloured glass infill panels being removed or altered to be ‘open style’ in accordance with the Town’s Streetscape Policy LPP 3.1.

Accordingly, it is recommended that the application to amend Conditions 1 and 2 of approval 0324DA-2015 dated 14 December 2015 be approved.

AUTHORITY/DISCRETION:

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

DELEGATION:

While the Administration has delegation to make a decision in accordance with Part 12 of the Town's Delegation Register, it is considered that Council should consider the application to ensure consistent decision making in determining similar future development applications in the area.

BACKGROUND:

Address:	Lot 10 (No. 8) Bent Street, City Beach
Report Date:	16 June 2020
File Reference:	DA19/0347
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Senior Statutory Planning Officer, Karen Liddell
Reporting Officer Interest:	Nil
Attachments:	<ol style="list-style-type: none"> 1. Aerial Plan (1 page) 2. Development Plans (4 pages) 3. Site Photos (2 pages) 4. Glass Panel Specifications (1 page)

Applicant:	Mr Nicholas and Mrs Corrinna Politis
Owner:	Mr Nicholas and Mrs Corrinna Politis
Zoning:	Residential R12.5
Precinct:	P1: City Beach
Development Description:	Front and Side Boundary Fencing
Development Value:	12,000
Existing Land Use:	Dwelling (Single)
Proposed Land Use:	Dwelling (Single)
Land Area:	1145m ²
Heritage Listing:	No
Application Date:	15 November 2019
Application Process Days:	214 days (124 day time extension agreed to by the applicant)

DETAILS:

Site History

The Town's records indicate that there has been a number of planning applications made in respect to this property. A summary of key recent applications is provided below.

Application Date	Proposal	Determination
August 2015 (0324DA/2015) [Original Approval]	Additions to single dwelling: Undercroft: <ul style="list-style-type: none"> - Extension to undercroft garage Ground Floor: <ul style="list-style-type: none"> - Gatehouse - Front and side fencing - Pool and surrounds - Outdoor living area - Indoor entertaining area - New dining and kitchen First Floor: <ul style="list-style-type: none"> - Void to indoor entertaining - New sitting room (part enclosure of existing balcony) 	Approved subject to conditions.

May 2016 (BP0098/2016)	Additions and Alterations, Swimming Pool and Pool Fence	Approved May 2016
August 2016 (0324DA/2015.01)	Amendment to 0324DA-2015 Ground floor: - Extend kitchen to north. - Extend dining and living	Approved subject to conditions of original approval.
March 2017 (0324DA-2015.02)	Amendment to 0324DA-2015 Ground floor: - External Steps (Retrospective)	Approved subject to conditions of original approval.

A Planning Direction was issued to the landowner on 10 May 2019 directing them to submit a planning application for the retrospective fencing. The Planning Direction was not complied with and an infringement notice was subsequently issued in September 2019.

The Town received a planning application for the fencing on 15 November 2019.

Site Context

The subject property and those nearby contain single and two-storey dwellings. The topography of the land has a fall of approximately 4m from the northern boundary (rear) to the southern boundary (primary street). The property adjoins Maloney Park to the west and is directly opposite Bent Street Park.

The site currently contains a two-storey dwelling with undercroft garaging, with an extensive outdoor area including pool and landscaping within the primary street setback area. The front and side (western) boundary fencing consist of rendered masonry brick walls/piers with grey coloured glass infill panelling (see **Attachment 3**).

Application History

During the assessment process, it was identified that the November 2019 plans did not accurately reflect the existing fence to the primary street and western boundaries. The plans only identified that the infill panelling had been changed from wire (the approved infill material) to glass.

Amended plans were subsequently requested to show the front and side fencing as constructed. These plans were received by the Town in March 2020. However, further anomalies were found with these plans and a site survey by a registered survey was requested to confirm top of wall heights and floor levels within the site. The site survey plan was received by the Town on 18 May 2020 which then required the development plans to be amended accordingly. It is these latest plans which are being presented to Council as part of this report (refer **Attachment 2**).

Proposal

The application seeks approval to amend Conditions 1 and 2 of the original development approval granted by the Town in 2015. Specifically, the pool barrier fencing to the adjoining lot boundaries.

In accordance with cl 77 (1)(b) of Sch 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (cl 77), the Town can consider an application "to amend or delete any condition to which the approval is subject."

The original development approval (2015) applied the following relevant conditions:

- “1. The height of the fence along the western boundary is not to exceed 1.6 metres above the adjacent floor level i.e proposed outdoor living area and proposed pool area level. Details to be provided at building permit stage to the satisfaction of the Town.*
- 1. The infill fencing in the front setback area to be wire balustrade with open to solid ratio of 25:1 as detailed on the approved plan.”*

The relevant fencing adjacent to the pool area was unable to be constructed as per the conditions of approval, primarily due to the need to comply with Australian Standard AS1926 - *Swimming pool safety – Safety barriers for swimming pools*. This requires that boundary fencing adjacent to a pool area is constructed to a *minimum* height of 1.8m above the finished floor level of the pool area. Condition 1 specifies the fence should be constructed to a *maximum* height of 1.6m above the adjacent floor level of the pool area.

Furthermore, Condition 2 requires the infill fencing in the front setback area to be wire balustrade with open to solid ratio of 25:1. The use of wire balustrade as detailed on the approved plans does not meet Australian Standard AS1926 as the wire provides a horizontal climbable aid.

The application of cl 77 requires the Town to consider the resulting amended development through the lens of the planning framework as it stands at the time of the cl77 application (i.e now). Therefore, when assessed against the current planning framework, the amended fencing has the following variations:

- a) A maximum pier height of between 2.03m - 2.32m above natural ground level to the western boundary (south western corner) in lieu of 2.0m (increase in height of between 0.03m and 0.32m);
- b) Infill fencing panels that are a maximum height of approximately 2.25m above natural ground level in lieu of 1.8m (increase in height of 0.45m);
- c) A solid portion of wall to a maximum height of approximately 1.06m in lieu of 0.75m along the western boundary (increase in height of 0.31m); and
- d) Infill fencing panels that are 21 – 26% visually permeable in lieu of 80%.

CONSULTATION:

Public Consultation

The application was advertised for a period of 14 days in accordance with the Town's *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

No submissions were received during the public consultation period.

STATUTORY ASSESSMENT:

State Planning Policy 7.3 - Residential Design Codes Volume 1 / Local Planning Policies

<i>Local Planning Policy 3.1 – Streetscape (LPP3.1)</i>		
	Deemed-to-comply Requirement	Proposed
Street Walls and Fences cl5.1	<u>Fencing in the Primary Street Setback Area</u> Street walls and fences within the primary street setback area, including along the side boundary, shall: <ol style="list-style-type: none"> i. be “open style”; ii. be max. 1.8m high above NGL; iii. have max. pier height of 2m above NGL. 	<ol style="list-style-type: none"> i. Solid portion of wall above 0.75m (1.06m) Grey-coloured glass with VLT rating of 21% ii. 2.25m (top of glass) above NGL iii. 2.32m in south western corner.
	<u>Fencing Abutting a Reserve</u> Walls and fences on the rear boundary that abut a ToC Scheme Reserve - Parks & Recreation or a MRS Reserve - Parks & Recreation, shall: <ol style="list-style-type: none"> i. have a minimum of 50% of the length of the wall or fence be “open style”; ii. be max. 1.8m high above NGL; iii. have max. pier height of 2m above NGL; 	<ol style="list-style-type: none"> v. Open style for approx. 24% Grey-coloured glass with VLT rating of 26%. <ol style="list-style-type: none"> i. 2.33m (top of glass) above NGL ii. 2.32m in south western corner.
<p><u>Design Principles (of R-Codes):</u> "5.2.4 Street wall and fences P4 Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2) with appropriate consideration to the need:</p> <ul style="list-style-type: none"> • For attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and • For necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial." 		
<p><u>Design Principles Local Planning Policy 3.1 – Streetscape</u> The relevant design principles of 5.2.4 Street wall and fences of the R-Codes [see above] in addition to:</p> <ol style="list-style-type: none"> i. The Objectives of this Policy; and ii. The Desired Future Character of the area as outlined in the Character Descriptions section of this Policy. 		

Design Principles Assessment

The application to amend the fencing conditions requires assessment of the development under the current planning framework.

Whilst the assessment of the fence under the current planning framework has highlighted variations, it should be noted that some variations were approved under the 2015 application.

For example, the height of the solid portion of wall along the western boundary (1.06m), whilst exceeding the permitted height of 0.75m, remains the same as what was originally approved.

In regard to the portions of the fence that are over the maximum permitted height, it is acknowledged that this has primarily arisen due to the change in pool barrier fencing legislation which came into effect in 2016, after the date of development approval in 2015. The maximum height of the fence adjacent to the pool area is now 1.935m in lieu of the approved 1.6m. If the Town was to refuse the current application and require the Applicant to comply with the conditions of the original approval, the pool barrier fencing requirements could not be met.

Therefore, in the context of this site, it is considered that the maximum pier height variations of between 0.3m and 0.45m are minor and can be supported in order to make the fence compliant with the pool fencing requirements. It is also noted that the inclusion of a condition worded to the same effect as Condition 1 of the 2015, is unlikely to be repeated today.

However, in regard to the infill panels it is considered that the coloured glass panels that have replaced the approved wire balustrading as per Condition 2 of the 2015 approval, do not satisfy the criteria for 'open style' fencing as per LPP3.1. In order to be considered 'open style' LPP3.1 specifically requires portions of fencing within the primary and secondary street setback area to be "visually transparent" which is defined as:

"Permits clear views through it, between the street and the dwelling [generally a Visible Light Transmission (VLT) rating of 80% or more is considered to be transparent]."

The glass infill panels to the primary street and a portion of the western boundary, have a grey coloured float applied to them. The glass panels fronting Bent Street adjacent to the pool area have a thickness of 12mm and a visible light transfer of 21%. The remaining coloured glass panels to Bent Street and the western boundary panels adjacent to the pool area, use 10mm glass with a visible light transfer of 26%. This results in both types of glass panels having a visual transparency (permeability) of less than the required 80% prescribed in LPP 3.

In addition, fencing is to be considered in the context of the objectives of LPP3.1 and the desired future character for the precinct. The relevant policy considerations include:

- *To maintain the openness of our streetscapes creating a safe and attractive pedestrian environment with passive surveillance of the street.*
- *To ensure the presentation, design and form of dwellings are considered as an integral part of the streetscape, connecting visually to the street and not being isolated by fencing, retaining walls, garages or other features.*

Whilst the dwelling itself is elevated above the primary street and allows for passive surveillance between the dwelling and the street from upper floors, the coloured glass infill panels creates a street fence that is not visually transparent and isolates the front setback area, not maintaining the openness of the streetscape. It is considered that another infill material, or glass with a VLT rating of 80% or more, could have been used in place of the approved wire and still meet the pool safety requirements.

On balance, it is considered that the resulting fence height can be supported and therefore Condition 1 of the 2015 approval should be amended to reflect the maximum height of the existing fence above the finished level of the pool area (1.935m).

However, the coloured infill glass panels are not considered to be in keeping with the provisions of LPP3.1 and the desired future character of the area and therefore are not supported. Condition 2 of the 2015 approval should be amended to require the infill panels within the primary street setback area to satisfy Town's LPP3.1 in regard to "open style" and

visual transparency. An advice note relating to pool fencing is recommend for inclusion to be read in conjunction with amended Condition 2.

For the above reasons, it is considered that the application to amended Conditions 1 and 2 of the 2015 approval can be supported subject to the grey-coloured glass being removed and the infill panels complying with the “open style” requirement of LPP3.1.

CONCLUSION:

The report has sought Council’s consideration for an application to amend Conditions 1 and 2 of development approval 324DA-2015, both of which relate to boundary fencing within the primary street setback area.

Given the history of the site, including what has already been approved and changes to pool safety requirements that occurred after development approval was granted, it is considered that the minor increase to the fence height can be supported and Condition 1 of the approval be amended to reflect the existing height of the fence above the finished floor level of the pool area.

However, the coloured glass infill panels do not satisfy a design principles assessment in regard to visual transparency and the desired future character of the area. Therefore, it is recommended that Condition 2 be amended to require the “open style” fencing provisions of LPP3.1 to be satisfied, with an associated advice note relating to pool fencing requirements.

For the above reasons, it is recommended that the application to amended Conditions 1 and 2 of development approval 324DA-2015 be approved.

FINANCIAL IMPLICATIONS:

Costs may be incurred by the Town if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

LEGISLATIVE CONSIDERATIONS:

- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 1*
- *State Planning Policy 7.3 - Residential Design Codes Volume 1*
- *Local Planning Policies*

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 provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

ADMINISTRATION RECOMMENDATION:

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council APPROVES the application to amend conditions 1 and 2 of Development Approval 0324DA-2015 at 8 Bent Street, City Beach, as shown on the attached plans stamped received 27 May 2020, subject to the following amended conditions:

1. The height of the fence along the portion of the western and southern lot boundaries adjacent to the pool area is not to exceed a maximum height of 1.934m above the finished floor level of the pool area; and
2. The infill panels of all fencing/gates within the 7.5m primary street setback area (which includes any side boundary fencing within this area) shall be "open style" as defined by the Town's Local Planning Policy 3.1 – Streetscape.

All other conditions and advice notes detailed on the Notice of Determination dated 14 December 2015 shall remain unless altered by this approval.

Advice Notes:

- (a) The landowner is advised that the fencing infill panels shall comply with the Building Regulations 2012 and Australian Standard 1926.1 - Swimming pool safety - Safety barriers for swimming pools in addition to the "open style" requirements of Condition 2.

In that regard, the infill panels shall not contain horizontal slats to prevent opportunities for horizontal slats to be used as a climbing aid.

- (b) The landowner is advised that the grey-coloured infill glass panels within the 7.5m primary street setback area (which includes any side boundary fencing within this area) shall be removed and replaced, or suitably altered, with infill panels that are "open style" as a requirement of Condition 2.

Committee Meeting 16 June 2020

AMENDMENT:

Moved by Mayor Shannon, seconded by Cr Haddon-Casey

That Clause 2 of the motion be amended by adding the words "to the satisfaction of the Town".

Amendment put and CARRIED (5/0)

PROCEDURAL MOTION:

Moved by Cr Everett, seconded by Cr Nelson

That the item relating to 8 Bent Street, City Beach be submitted to Council for determination.

Motion put and CARRIED (5/0)

Council Meeting 23 June 2020

Impartiality Interest Declaration – Cr Timmermanis

Prior to consideration of the item, Cr Timmermanis disclosed an interest affecting impartiality and declared as follows: “with regard to Item DV20.56, I declare that I have an association with the applicant as he is a member of the same Yacht Club as I am 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 RECOMMENDATION:

Moved by Cr Everett, seconded by Cr Bradley

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council APPROVES the application to amend conditions 1 and 2 of Development Approval 0324DA-2015 at 8 Bent Street, City Beach, as shown on the attached plans stamped received 27 May 2020, subject to the following amended conditions:

1. The height of the fence along the portion of the western and southern lot boundaries adjacent to the pool area is not to exceed a maximum height of 1.934m above the finished floor level of the pool area; and
2. The infill panels of all fencing/gates within the 7.5m primary street setback area (which includes any side boundary fencing within this area) shall be “open style” as defined by the Town’s Local Planning Policy 3.1 – Streetscape to the satisfaction of the Town.

All other conditions and advice notes detailed on the Notice of Determination dated 14 December 2015 shall remain unless altered by this approval.

Advice Notes:

- (a) The landowner is advised that the fencing infill panels shall comply with the Building Regulations 2012 and Australian Standard 1926.1 - Swimming pool safety - Safety barriers for swimming pools in addition to the “open style” requirements of Condition 2.

In that regard, the infill panels shall not contain horizontal slats to prevent opportunities for horizontal slats to be used as a climbing aid.

- (b) The landowner is advised that the grey-coloured infill glass panels within the 7.5m primary street setback area (which includes any side boundary fencing within this area) shall be removed and replaced, or suitably altered, with infill panels that are “open style” as a requirement of Condition 2.

Debate ensued.

AMENDMENT:

Moved by Mayor Shannon, seconded by Cr Nelson

That clause 1 of the motion be amended by deleting 1.934m and inserting 1.8m and clause 2 of the motion be amended to read as follows:

- 2. The infill panels of all fencing/gates within the 7.5m primary street setback area (which includes any side boundary fencing within this area) shall be replaced using an infill panel with a Visual Light Transmission rating of 80% or more, to the satisfaction of the Town.**

Cr McKerracher entered the meeting at 6.19 pm.

During discussion, Mayor Shannon withdrew her proposed amendment to clause 1 of the motion.

Amendment put and CARRIED (9/0)

COUNCIL DECISION:

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council APPROVES the application to amend conditions 1 and 2 of Development Approval 0324DA-2015 at 8 Bent Street, City Beach, as shown on the attached plans stamped received 27 May 2020, subject to the following amended conditions:

- 1. The height of the fence along the portion of the western and southern lot boundaries adjacent to the pool area is not to exceed a maximum height of 1.934m above the finished floor level of the pool area; and**
- 2. The infill panels of all fencing/gates within the 7.5m primary street setback area (which includes any side boundary fencing within this area) shall be replaced using an infill panel with a Visual Light Transmission rating of 80% or more, to the satisfaction of the Town.**

Motion, as AMENDED, put and CARRIED (9/0)

DV20.57 LOT 10 (NO. 194B) JERSEY STREET, WEMBLEY – TWO STOREY SINGLE DWELLING AND POOL

PURPOSE OF REPORT:

The purpose of this report is for Council to consider a development application for a new two-storey single dwelling and associated pool.

SUMMARY:

The application seeks a variation to buildings on the boundary seeking a nil setback to a garage and guest bedroom wall along the northern lot boundary; a variation to the overshadowing provisions; and a variation to the width of the garage door.

An assessment of the proposed variations is considered to satisfy the relevant design principles and could therefore be supported.

Accordingly, it is recommended that the application be approved.

AUTHORITY/DISCRETION:

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

DELEGATION:

In accordance with cl.9.1.2 of the Town's Delegation Register, the Council is required to determine the application for the following reason(s):

- *"The granting of development approval where three or more submissions have been received:*
 - *during the advertising period of the development application that objects to the application on valid planning grounds; and*
 - *which cannot be addressed by conditions of development approval.*

BACKGROUND:

Address:	Lot 10 (No. 194b) Jersey Street, Wembley
Report Date:	16 June 2020
File Reference:	DA20/0064
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Senior Statutory Planning Officer, Karen Liddell
Reporting Officer Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Aerial Plan (1 page)2. Development Plans (6 pages)3. Streetscape Perspective (1 page)4. Overshadowing assessment (3 pages)5. Site Photos (2 pages)6. Schedule of Submissions (7 pages)7. Applicant's Comments (2 pages)

Applicant:	Webb & Brown Neaves
Owner:	Juliane Nicole De Pierres and Christian David Milburn
Zoning:	Residential R20
Precinct:	P4: Wembley
Development Description:	Two storey single dwelling and pool
Development Value:	\$764,085
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Land Area:	472m ²
Heritage Listing:	Nil
Application Date:	17 March 2020
Application Process Days:	91 days

DETAILS:

Site Context

The site has an east-west orientation and is in the Wembley Precinct (P:4). It is currently vacant. Immediately adjoining properties to the north and south contain single storey dwellings. A mix of single and two-storey dwellings of varying ages and architectural styles exist beyond the subject site.

The topography of the land is considered to be flat with a 0.5m fall across the site from west (Jersey Street) to east.

The existing character of the immediate area comprises new and existing post-war era dwellings, many of which have been extended and renovated. The property adjoining the northern lot boundary has been subdivided into two survey strata lots. There are a similar narrow lot subdivision and two-storey dwelling development located at 186a and 186b Jersey Street, Wembley, and in surrounding streets.

Application History

In response to submissions received during the public consultation period, amended plans were submitted to address and clarify certain variations being sought. Obscure glazing was added to the kitchen/scullery windows to remove a lot boundary setback variation, and further information was submitted in support of the proposed overshadowing.

It is these latest plans which are being presented to Council as part of this Report (refer **Attachment 2**).

Proposal

The application proposes to construct a new two storey dwelling and pool, seeking the following variations:

1. A nil side (northern) lot boundary setback to a garage and guest bedroom for a length of 10.39m in lieu of 6.0m with an average wall height of 3.1m in lieu of 2.7m;
2. A garage with a width greater than 50% (59.67%) of the frontage of the dwelling; and
3. Overshadowing of approximately 36% to the adjoining property to the south in lieu of 25%.

CONSULTATION:

Public Consultation

The application was advertised for a period of 14 days in accordance with the Town's *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

Three (3) submissions were received during the public consultation period all of which raised some element of objected to the application.

The main concern raised during the public consultation period related to overshadowing and the length of the boundary wall with a nil setback to the northern lot boundary.

A Schedule of Submissions that includes the submissions in their entirety is attached to this Report (refer **Attachment 6**).

APPLICANT'S COMMENTS:

The applicant has provided comments in support of those aspects of the application that do not meet the relevant deemed-to-comply requirements. These comments are attached to this Report (refer **Attachment 7**).

STATUTORY ASSESSMENT:

State Planning Policy 7.3 - Residential Design Codes Volume 1 / Local Planning Policies

5.1.3 Lot boundary setback / Local Planning Policy 3.2 – Building on the Boundary		
	Deemed-to-comply Requirement	Proposed
<i>Side (northern) lot boundary</i> - Ground floor - Garage and guest bedroom	Garage located off a ROW: Nil (6.0m in length) Max parapet wall height 3.0m Ave wall height 2.7m	Garage located off Primary Street: Nil (10.39m in length) Max parapet wall height 3.391m Ave wall height 3.1m
<p><u>Design Principles (of R-Codes):</u> "P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ol style="list-style-type: none"> a) reduce impacts of building bulk on adjoining properties; b) provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and c) minimise the extent of overlooking and resultant loss of privacy on adjoining properties". 		

Design Principles Assessment

The application proposes a garage and guest bedroom with a nil setback to the northern lot boundary for 10.39m. The parapet wall has a maximum height of 3.391m with an average height of 3.1m.

In accordance with the Town's *LPP3.2: Buildings on the Boundary (LPP 3.2)*, a parapet wall to the garage is only permitted where the garage is located off a right of way. Other boundary walls may only be built behind the street setback line where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension. The LPP also limits the length of the boundary wall to 6.0m and to a maximum height of 3.0m with an average height of 2.7m.

It should be noted that the subject lot has no rear laneway to take vehicular access from, therefore access may be taken from the primary street.

Whilst LPP3.2 overrides the deemed-to-comply provisions of the R-Codes, where a development seeks a variation to LPP3.2, the R-Code design principles apply. As the site is zoned Residential R20, the R-Codes normally permit *walls not higher than 3.5m with an average of 3.0m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side only*. This would allow for a building on the boundary for a length of 13.6m on the subject site. The proposed length of the lot boundary wall is 10.39m.

The highest part of the parapet wall (3.391m) is attributed to the façade detail over the garage which has a depth/width of 0.8m. The lowest part of the parapet wall measures 2.811m. The average height of the parapet wall has been calculated over the entire length which includes the articulated façade feature treatment over the garage. If this portion of the wall (0.8m) is excluded, the balance of the parapet wall does not exceed an average 3.0m height provision (2.9m average height). The wall height is under the 3.5m maximum normally permitted by the R-Codes.

The parapet wall is located on the northern lot boundary adjoining the battle-axe leg of the neighbouring strata property. In this regard, the deemed to comply lot boundary setback may be reduced by half the width of the adjoining battle-axe leg (width approximately 3.0m) to a maximum reduction of 2m.

Applying this setback provision, the required lot boundary setback for the garage and guest bedroom wall of 1.5m, could be reduced by half the width of the battle-axe leg which is 1.5m. This effectively then allows the wall to be built on the boundary.

In light on this reduced northern boundary setback allowance due to the subject site adjoining a battle-axe leg, it is considered there is little impact to the adjoining property regarding:

- access to direct sun to the buildings and open spaces; and
- access to ventilation and privacy.

In regard to the design principle of building bulk, the average height of the parapet wall (2.9m) is only 0.4m or 40cm higher than that of a permitted 2.5m boundary fence height. Therefore, the resulting building bulk set on the boundary due to the parapet wall is, combined with its location on a battle-axe leg, considered to have a minimal impact on the adjoining neighbours.

Comments raised by neighbours objected to the length of the parapet wall and the impact on the visual enjoyment of the park directly across the road as the wall is considered to obscure views.

In regard to the length of the wall, the assessment above has demonstrated that the length of the wall is not dissimilar to that of a boundary fence and will have limited impact on access to direct sunlight, ventilation and privacy and building bulk when considered against the design principles.

Regarding the impact on the neighbour's views to the park across the road, it was requested the new dwelling be set back 8.5m to preserve the neighbour's visual amenity. However, the primary street setback for the dwelling meets the deemed-to-comply requirement of 6.0m. The parapet wall is set back 6.6m from the primary street.

Objections also related to the finish of the proposed lot boundary wall being white and the potential for this to create glare; and the impact the parapet wall would have on the use of the adjoining driveway (i.e reversing down the driveway). There are no provisions to restrict the use of certain colours within the Wembley Precinct, therefore, the proposed colour/finish of the parapet wall is acceptable. In regard to the use of the driveway being impacted by the parapet wall, the application meets the deemed-to-comply requirements for vehicle sightlines.

For the above reasons, the proposed parapet wall is considered to meet the associated design principles.

5.4.2 – Solar Access for adjoining Sites		
	Deemed-to-comply Requirement	Proposed
	Max 25%	Approximately 36%
<p><u>Design Principles (of R-Codes):</u> <i>"P2.1 Effective solar access for the proposed development and protection of the solar access.</i></p> <p><i>P2.2 Development designed to protect solar access for neighbouring properties taking into account the potential to overshadow existing:</i></p> <ul style="list-style-type: none"> • <i>outdoor living areas;</i> • <i>north facing major openings to habitable rooms, within 15 degrees of north in each direction; or</i> • <i>roof mounted solar collectors"</i> 		

Design Principles Assessment

The subject site is a narrow lot only 10.06m wide with an east-west orientation. This poses inherent difficulties in regard to overshadowing when designing a two-storey dwelling and has resulted in the adjoining property to the south being overshadowed by approximately 36%, a variation of approximately 11%.

The shadow is cast across the roof of the existing single-storey dwelling to the south which is unique in that the dwelling has no north facing major openings to habitable rooms. There are, however, east and west facing windows associated with two bedrooms, designed at 90 degrees to the northern facing elevation. The bedroom windows are also located under the eave of the dwelling which is 1.5m wide.

The overshadowing from the proposed dwelling is not cast on the outdoor living areas of the adjoining property and there are no roof mounted solar collectors that are overshadowed.

A submission was received objecting to the extent of overshadowing due to the impact on the two (2) bedroom windows of the adjoining property. It is acknowledged that these bedrooms will have shadow cast on them at times either side of the 12 noon winter solstice, however, given that the orientation of the windows is not north facing and are under the existing shadow of the eaves, it is considered that they are inherently compromised through their own design. There is minimal additional impact on these windows at the winter solstice, and it is likely that even if compliant, the windows would still be overshadowed by a two storey dwelling.

Therefore, in the context of this site, the proposed overshadowing is considered to meet the associated design principles.

<i>Local Planning Policy 3.1 - Streetscape</i>		
	Deemed-to-comply Requirement	Proposed
<i>cl3.1.3 - Garages</i>	<p>In R20 (or greater) coded areas, a garage facing the primary street, including supporting structures, is not to occupy more than 50% of the frontage of the dwelling [as measured parallel to the primary street].</p> <p>This however may be increased to 60%, where an upper floor or balcony extends for the full width of the garage and protrudes over it, and the entrance to the dwelling is clearly visible from the primary street.</p>	<p>Garage 6m wide (59.67% of frontage). Upper floor protrudes over ground floor but not for full width.</p>
<p><u>Design Principles (of R-Codes):</u> <i>"P2 Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors."</i></p>		

Design Principles Assessment

The proposed garage width is 6.0m which is 0.97m longer than the permitted 50% (5.03m). The garage width may be increased to 60% of the frontage where the upper floor or balcony extends for the full width of the garage and protrudes over it. In this instance the upper floor of the dwelling protrudes over the garage, however, extends for only a portion of the garage width (4.8m or 80%).

A contributing factor to the proposed variation is the width of the lot which is 10.06m, and having no rear right of way to provided vehicle access. The garage has been designed to standard dimensions and is not considered to be overly wide or exceptional in its design. Therefore, in this instance it is difficult for the garage width to meet the deemed-to-comply requirement.

The applicant has set the garage back at 6.6m from the primary street to reduce the impact on the streetscape, and has included a portion of the upper floor which protrudes over the dwelling. It is considered that the articulation to the upper floor and the varied upper floor setback proposed, reduces the bulk of the building on the streetscape.

The design of the dwelling still allows for visual connectivity with the streetscape as the entry door faces the street, and the upper floor contains large windows to a habitable room offering passive surveillance of the street.

Therefore, in the context of this site, the proposed width of the garage is considered to meet the associated design principles.

CONCLUSION:

The orientation and width of the lot has inherent challenges when designing a two-storey dwelling which is reflected in the nature of the variations being sought. This has required a design principles assessment to determine the impact on the adjoining properties and the

streetscape. The above assessment has demonstrated that the variations are considered to meet the relevant design principles resulting in a development that is in-keeping with existing development in Jersey Street and the broader Wembley Precinct.

The form of the new development connects visually to the street and is not isolated by fencing, retaining walls garages or other features and has reflected elements of the existing streetscape to provide consistency.

For the above reasons, it is recommended that the application be approved.

FINANCIAL IMPLICATIONS:

Costs may be incurred by the Town if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

LEGISLATIVE CONSIDERATIONS:

- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 1*
- *State Planning Policy 7.3 - Residential Design Codes Volume 1*
- *Local Planning Policies*

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 provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

COMMITTEE DECISION: (ADMINISTRATION RECOMMENDATION)

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council APPROVES the application for a two-storey dwelling and pool at Lot 10 (No. 194b) Jersey Street, Wembley as shown on the attached plans stamped received 21 May 2020 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. **Prior to practical completion of the development, the external surface of the boundary wall shall be finished to the same standard as the rest of the development (provided access is granted by the adjoining landowner(s)), and thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town;**
3. **Prior to commencement of use/occupation of any part of the development, the crossover shall be constructed as shown on the approved plans at the landowner's cost and thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town;**
4. **A minimum of 60% of landscaping (in accordance with the Town's Local Planning Policy 3.1 - Streetscape) within the 6.0m primary street setback area shall be installed and reticulated within six months of practical completion of the development and thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town; and**
5. **All stormwater shall be contained and disposed of on-site for the life of the development to the satisfaction of the Town.**

Standard Advice Notes to be included by the Administration.

CARRIED AT COMMITTEE (5/0)

DV20.58 LOT 353 (NO. 79) ST LEONARDS AVENUE, WEST LEEDERVILLE - ALTERATIONS/ADDITIONS TO EXISTING DWELLING (INC. TWO-STOREY EXTENSION)

PURPOSE OF REPORT:

The purpose of this Report is for Council to consider a development application for alterations/additions to the existing dwelling (including a two-storey extension) as the application does not meet the deemed-to-comply requirements of the R-Codes for the first floor northern lot boundary setback and building height.

SUMMARY:

The proposed northern lot boundary setback and building height is considered acceptable as there is a degree of wall articulation is provided along the overall northern elevation and there will be no overshadowing or visual privacy impacts to the abutting northern lot.

With respect to the building height, the architectural style of the extension complements the existing character home, which is considered to reduce building bulk. Also from a streetscape and site layout perspective, the subject site is located on the “low side” of the street, with the highest portion of wall being located over the slope of the land at the rear of the site.

Accordingly, it is recommended that the application be approved, subject to conditions.

AUTHORITY/DISCRETION:

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

DELEGATION:

The application is presented to Council due to the extent of the over height wall portions of the two-storey extension. In this instance, it is not considered appropriate for the Administration's delegation to be exercised.

BACKGROUND:

Address:	Lot 353 (No. 79) St Leonards Avenue, West Leederville
Report Date:	16 June 2020
File Reference:	DA20/0035
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Senior Statutory Planning Officer, Ryan Munyard
Reporting Officer Interest:	Nil
Attachments:	1. Aerial Plan (1 page) 2. Development Plans (5 pages) 3. Annotated Development Plans (2 pages) 4. Streetscape Perspective (1 page) 5. Site Photos (3 pages) 6. Applicant's Comments (8 pages)

Applicant:	Wisepot Pty Ltd T/as Next Level Extensions
Owner:	Chen Ng
Zoning:	Residential R30
Precinct:	P5: West Leederville
Development Description:	Alterations/Additions To Existing Dwelling (inc. Two-Storey Extension)
Development Value:	\$281,800
Existing Land Use:	Dwelling (Single)
Proposed Land Use:	N/A - Extension associated with existing Dwelling (Single) land use
Land Area:	612m ²
Heritage Listing:	No
Application Date:	21 February 2020
Application Process Days:	116 days (Applicant provided time extension to statutory processing)

DETAILS:

Site Context

The site is located approximately 70m south of the intersection of St Leonards Avenue and Ruislip Street.

The property is rectangular in shape and the lot is east-west orientated. The natural topography of the site slopes downwards from the road by approximately 3m. The site currently contains a single-storey dwelling and a carport, with additional vehicle access via the rear laneway to a garage.

Surrounding development within the locality consists of both single-storey character homes on original size lots and newer two-storey dwellings on narrow frontage lots, resulting from previous subdivisions within the locality. The surrounding lots are all east-west orientated, which reflects the original lot layout of the locality.

Proposal

The application proposes alterations/additions to the existing dwelling in the form of a two-storey extension that is to be constructed within the footprint of the existing residence. In this regard, a first floor northern lot boundary setback of 1.5m in lieu of 1.7m is proposed.

At the highest point above the corresponding natural ground level, the extension proposes a wall height of approximately 7.8m in lieu of 6m (along the rear elevation). Some minor internal works associated with the two-storey extension are proposed for the ground floor to allow for the provision of a stairwell abutting the existing kitchen.

CONSULTATION:

Public Consultation

The application was advertised for a period of 14 days in accordance with the Town's *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

In response, one submission was received which raised no objection to the proposal.

APPLICANT'S COMMENTS:

The applicant has provided comments in support of those aspects of the application that do not meet the relevant deemed-to-comply requirements. These comments are attached to this Report (refer Attachment 6).

STATUTORY ASSESSMENT:

State Planning Policy 7.3 - Residential Design Codes Volume 1 / Local Planning Policies

5.1.3 Lot boundary setback		
	Deemed-to-comply Requirement	Proposed
First floor - northern side	1.7m	1.5m
Design Principles (of R-Codes): <i>"Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</i> <ul style="list-style-type: none"> • <i>reduce impacts of building bulk on adjoining properties;</i> • <i>provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>minimise the extent of overlooking and resultant loss of privacy on adjoining properties".</i> 		

Design Principles Assessment (Northern Side Setback)

A small degree of wall articulation is provided along the overall northern elevation and the variation itself is minor in nature. It is considered that these elements, in conjunction with the architectural style that complements the existing character home will assist in minimising building bulk.

There will be no overlooking impact on the abutting northern lot (ie. No. 81 St Leonards Avenue) as no major openings to habitable rooms are proposed along this elevation. There is, however, glazing to the proposed stair well (non-habitable area) to assist in minimising blank wall facades.

There will be no overshadowing to the No. 81 as the proposed extension is adjacent to the southern boundary of No. 81.

For the above reasons, the application is considered to meet the associated design principles and is therefore acceptable from a northern lot boundary setback perspective.

5.1.6 Building height		
	Deemed-to-comply Requirement	Proposed
Top of external wall (roof above)	6m	Approximately 7.8m (at highest point, along the rear elevation)

Design Principles (of R-Codes):

"Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

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

In addition, the following considerations of *Local Planning Policy 3.3 - Building Height* are applicable:

- a) *"Whether the proposed building height is consistent with the predominant building height of the buildings within the surrounding area; and*
- b) *The natural topography of the site and whether the proposed building height considers and responds to the topography".*

Design Principles Assessment

The natural topography of the site slopes downwards from the road to the rear of the site by approximately 3m. From a streetscape perspective, the subject site is located on the "low side" of the street. Due to the general topography of the locality, the abutting lots have similar site levels and a slope similar to the subject site.

The proposed two-storey extension is to be located within the existing building footprint in the middle of the site, with the highest portion of wall being located over the slope of the land.

With the exception of the northern lot boundary, all setbacks otherwise exceed the minimum deemed-to-comply requirements. Furthermore, there is a 6m wide laneway abutting the rear of the site which provides additional separation distance to properties on the eastern side of the laneway.

Due to the surrounding east-west configuration of surrounding lots, neighbouring properties largely face away from majority of the over height portions, rather than facing directly towards them.

There are no prominent natural aspects within the locality which are considered to be points of significant, in terms of maintaining views.

With respect to building height consistency, there are examples of two-storey dwellings within the locality, including both abutting properties. For other single-storey dwellings within the locality, these tend to be older "character" homes with taller ceiling heights and steeper roof pitches.

The architectural style of the two-storey extension complements that of the existing character home, which is to be retained. This assists in minimising building bulk and is also consistent with the high level objectives of *Local Planning Policy 3.1 - Streetscape*; which includes good quality and well-designed development that is respectful of established streetscape character and the amenity of the area.

It is also noted that there are limited opportunities to do a single-storey extension to the existing dwelling and no objections were received during the public consultation period.

For the above reasons, the application is considered to meet the associated design principles.

Comparison to other Character Home Two-storey Extensions

On 26 November 2019, Council resolved to approve a two-storey extension to an existing character home at Lot 2 (No.85) Grantham Street, Floreat as it was considered that the design of the extension complemented the age and architecture of the existing dwelling.

Whilst in this instance, the over height wall portions were less than that proposed by the subject application, the site itself contained existing retaining walls which had raised the front yard above the street by approximately 1.5m. The effect of this was that the extension appeared more prominent within the streetscape.

In comparison, the subject site (including the abutting neighbouring lots) falls away from the street by approximately 3m, with these houses located on the eastern side of St Leonards Avenue being situated on the "low" side of the street, helping to minimise any building bulk concerns as a result of the over height portions.

CONCLUSION:

The proposed dwelling is unlikely to have a significant impact on neighbouring lots, in terms of building bulk, due to the absence of any overshadowing or visual privacy impacts on the abutting northern lot.

In regards to height, the portions of additional wall height are generally located in the middle of the site and will not prevent access to views of significance for neighbouring lots. Also, the main over height portion is to the rear of the site and is not visible from the street or neighbouring properties by virtue of their east-west configuration and the laneway providing adequate separation from the adjacent eastern property.

The architectural style of the extension is also consistent with that of the existing character home and it is acknowledged that retention of this dwelling is consistent with high level objectives of the Streetscape Policy in terms of the desired future character of West Leederville.

For the above reasons, it is recommended that the application be approved, subject to conditions.

FINANCIAL IMPLICATIONS:

Costs may be incurred by the Town if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

LEGISLATIVE CONSIDERATIONS:

- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 1*
- *State Planning Policy 7.3 - Residential Design Codes Volume 1*
- *Local Planning Policies*

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 provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

COMMITTEE DECISION: (ADMINISTRATION RECOMMENDATION)

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council **APPROVES** the application for **Alterations/Additions To Existing Dwelling (including Two-Storey Extension)** at Lot 353 (No. 79) St Leonards Avenue, West Leederville as shown on the attached plans stamped received 21 February 2020, 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; and
2. All stormwater shall be contained and disposed of on-site for the life of the development to the satisfaction of the Town.

Standard Advice Notes to be included by the Administration.

CARRIED AT COMMITTEE (5/0)

DV20.59 LOT 2 (NO. 130) AND LOT 3 (NO. 132) BROOKDALE STREET, FLOREAT - MODIFICATION TO CONDITION 5 WORDING (MEDIAN STRIP EXTENSION) OF CHILD CARE PREMISES [JDAP]

PURPOSE OF REPORT:

In the absence of a current Council resolution regarding the presentation of RAR reports to Council (which is the subject of a separate report on this agenda), the RAR is being presented to Council for noting.

AUTHORITY/DISCRETION:

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | Information | For the Council/Committee to note. |

BACKGROUND:

Address:	Lot 2 (No. 130) and Lot 3 (No. 132) Brookdale Street, Floreat
Report Date:	19 May 2020
File Reference:	DA20/0097
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Senior Statutory Planning Officer, Ryan Munyard Manager, Technical Services and Works, Peter Foxcroft
Reporting Officer Interest:	Nil
Attachments:	1. Responsible Authority Report and Attachments

Applicant:	Rowe Group
Owner:	Lancelot Carine Pty Ltd
Zoning:	Residential R12.5
Precinct:	P3: Floreat
Development Description:	Modification to Condition 5 Wording (Median Strip Extension) of Child Care Premises [JDAP]
Development Value:	N/A as condition wording change only
Existing Land Use:	Dwelling (Single) on each lot
Proposed Land Use:	N/A as condition wording change only (previous JDAP determination approved a Child Care Premises use)
Land Area:	Lot 2: 1,211m ² Lot 3: 744m ² Total: 1,955m²
Heritage Listing:	No
Application Date:	20 April 2020
Application Process Days:	57 days

FINANCIAL IMPLICATIONS:

Costs may be incurred by the Town if the landowner requests a review of the JDAP determination by the State Administrative Tribunal (SAT).

LEGISLATIVE CONSIDERATIONS:

- *Metropolitan Region Scheme*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 1*

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 provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council NOTES the Administration recommendation to the Metro Inner-North JDAP as outlined in the Responsible Authority Report (RAR) in Attachment 1 to this report.

Motion put and CARRIED EN-BLOC (8/0)
(Cr McKerracher not present at the meeting)

DV20.60 LOT 766 (NO. 43) LINDEN GARDENS, FLOREAT – ALTERATIONS AND ADDITIONS TO EXISTING SINGLE DWELLING

PURPOSE OF REPORT:

The purpose of this report is for Council to consider a development application for a proposed alterations and additions which will replace existing elements on a single dwelling.

SUMMARY:

As part of the proposal, a proposed carport is located within the primary street setback area and therefore the application does not comply with c126 of Local Planning Scheme No. 1.

The applicant is proposing to replace an existing carport which has a setback of 6m in lieu of 9m. It is considered the proposed carport which is proposed to be set back 5.4m will not have an adverse impact on the amenity of the streetscape and locality as it is presented to be open on all sides and designed to be complimentary to the existing dwelling and the surrounding streetscape. The new carport does not present a significant increase in floor area in the front setback area with the old carport encroaching 9.5m² in relation to the replacement carport of 23.1m².

There are also 2 existing carports which have been approved in the front setback area in the immediate vicinity. The adjoining southern property which has been approved with a setback of 3.4m and a carport across the street at 44 Linden Gardens was approved with a 4m setback.

Given the location of the existing single dwelling, there is no other available space on the site for car parking. The double covered carport will provide the residence with adequate parking space.

Furthermore the applicant has selected wall cladding to be finished to the front of the facade of the proposed carport addition, and therefore is required to be considered to council under the requirements Local Law 43. The cladding is acceptable given it will create variety to the streetscape and is not in contradiction to the intent of the local law.

Accordingly, it is recommended that the application be approved, subject to conditions.

AUTHORITY/DISCRETION:

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

DELEGATION:

In accordance with cl9.1.2 of the Town's Delegation Register, the Council is required to determine the application for the following reason:

- *The determination of a development application under Cl. 34 (2) of Local Planning Scheme No. 1.*
- *Clause 2B of Local Law 43 - Buildings on Endowment Lands & Limekilns Estate (Local Law 43) requires Council to determine development applications which do not meet the requirements of Local Law 43.*

BACKGROUND:

Address:	Lot 766 (No.43) Linden Gardens, Floreat
Report Date:	16 June 2020
File Reference:	DA20/0106
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Statutory Planning Officer, Marius Le Grange
Reporting Officer Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Aerial Plan (1 page)2. Development Plans (4 pages)3. Annotated Plans (2 pages)4. Site Photos (2 pages)5. Applicant's Justification (1 pages)6. Schedule of Colours and Materials (1 page)

Applicant:	KTR Creations – Sarah Phillips
Owner:	Ben Walawski and Fiona Langdon
Zoning:	Residential R12.5
Precinct:	P3 – Floreat
Development Description:	Proposed Alterations and Additions
Development Value:	\$120,000
Existing Land Use:	Dwelling (Single)
Proposed Land Use:	N/A – works incidental to existing use
Land Area:	832m ²
Heritage Listing:	No
Application Date:	29 April 2020
Application Process Days:	48 Days

DETAILS:

Site History

The Town retrieved the historical approvals for the site and confirmed that the existing carport was approved in 2009 as part of alterations to the dwelling.

Site Context

The subject site is bound on the east by Linden Gardens road and is located approximately 160m east of Newman Junior School. The site comprises a single dwelling and a 4.1m wide carport, set back 6m from the primary street boundary, located east of the dwelling.

Proposal

The application proposes a double carport which is set back 5.4m from the primary street. The carport will be constructed with a gabled tiled roof and a roof pitch of 25°. The dimensions of the carport will be 6.5m long and 6.5m wide. The carport is proposed to be unenclosed on all sides except to the face of the existing dwelling. The materials is listed to be roof tiles to match the existing roof, rendered piers with weatherboard cladding proposed along the facia of the development.

The applicant proposes a verandah which is set back 9m from the primary street and a patio which is proposed to be attached to the west of the dwelling and set back 3.9m from the southern boundary.

CONSULTATION:

Public Consultation

The application was advertised for a period of 14 days in accordance with the Town's *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

No submissions were received during the public consultation period.

APPLICANT'S COMMENTS:

The applicant has provided comments in support of those aspects of the application that do not meet the relevant deemed-to-comply requirements. These comments are attached to this Report (refer **Attachment 5**).

STATUTORY ASSESSMENT:

Local Planning Scheme No. 1 - Clause 26 - Modification of R-Codes

<i>Clause 26(1)(a)</i>			<i>Modification of R-Codes</i>	
			Required	Proposed
Primary Street (Carport)	Street	Setback	9m	5.4m
Clause 34 - Variations to Site and Development Requirements				
"(1) ... a) <i>an application for planning approval which does not comply with a standard or requirement of this Scheme, where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; ...</i>				
(2) <i>Subject to sub clause (3), the Council may refuse or approve a non-complying application with or without conditions".</i>				

Assessment

Having due consideration of the relevant sub-clauses of cl67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the following is considered relevant:

The dwelling is developed to both side boundaries and therefore access into the rear of the lot for a vehicle is unachievable. As advised by the applicant, the existing carport is deteriorating and being replaced by a practicable carport that complements the design of the existing dwelling by adopting a similar roof style (tiles) and pitch.

The impact on the streetscape is reduced given the carport is attached to the dwelling rather than detached. The proposal has set back the carport as practical as possible to maintain the streetscape.

The carport's setbacks from all side boundaries are compliant and therefore preserve the open character of the existing streetscape and the amenity of the surrounding properties. The carport adheres to the desired character of the Floreat precinct as landscaping requirements being adequately met with a large vegetated front setback area.

The carport is open on all sides in order to reduce the impact of building bulk as viewed from the streetscape. Within the immediate vicinity of the subject lot, there are two other examples of carports within the front setback area. This is a result of the design of the older style dwellings often only accommodating for single car ownership.

The setback provided is 5.4m in relation to the adjoining southern carport's setback of 3.4m and the carport of 44 Linden Gardens of 4m.

The proposed non-complying application is therefore supported.

Local Law 43 - Buildings on Endowment Lands & Limekilns Estate (Local Law 43)

Clause 7(b)		
	General Regulation	Proposed
Construction materials	<i>All other dwelling-houses [ie. non single-storey dwellings] shall be constructed of brick, stone, concrete or similar material.</i>	<i>Cladding</i>
<p><u>Clause 2B</u> <i>"In a residential district the Council may permit land to be developed subject to such conditions as the Council deems fit:-</i></p> <ul style="list-style-type: none"> <i>a) for use for a purpose which is not permitted in that district;</i> <i>b) notwithstanding that the developments will not comply with the standard or requirement prescribed by this by-law in that district.</i> <p><i>if the Council is satisfied by an absolute majority that:-</i></p> <ul style="list-style-type: none"> <i>i) the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities; and</i> <i>ii) the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality".</i> 		

Assessment

The application proposes to construct the facia additions to the existing single dwelling with weatherboard feature cladding. The cladding is proposed to be finished in white. The cladding will result in there being a variety of materials to the Linden Gardens Streetscape.

The cladding will be aesthetically compatible with the existing dwelling and only features a minor portion of the facia of the dwelling.

Furthermore under Clause 7(c) of Local Law 43 grants council discretion to permit wooden gables into any building within the Local Law area. – *"Notwithstanding the provisions of this paragraph the Council may at its discretion permit wooden gables to be incorporated in any building."*

For the above reasons, the application is considered to meet Clause 2B of Local Law 43 and it is therefore recommended that the application be approved with nil conditions.

FINANCIAL IMPLICATIONS:

Costs may be incurred by the Town if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

LEGISLATIVE CONSIDERATIONS:

- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 1*
- *State Planning Policy 7.3 - Residential Design Codes Volume 1*
- *Local Planning Policies*
- *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate*

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 provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That, in accordance with the provisions of *Local Planning Scheme No. 1*, the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme* and the provisions of *Local Law 43 - Buildings on Endowment Lands and Limekilns Estate* (Local Law 43), Council **APPROVES BY ABSOLUTE MAJORITY the application for Alterations and Additions at Lot 766 (No. 43) Linden Gardens, Floreat as shown on the attached plans stamped received 29 April 2020, 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. All stormwater shall be contained and disposed of on-site at all times, to the satisfaction of the Town;**
- 3. The carport shall remain unenclosed on all sides (except if it abuts the dwelling) and shall be without a door unless the door meets all deemed-to-comply provisions of cl3.1.4 of the Town's *Local Planning Policy 3.1 – Streetscape*; and**

- 4. The roof material shall not be zincalume, white or off-white metal sheeting where the roof pitch exceeds five degrees.**

Standard Advice Notes to be included by the Administration.

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

DV20.61 LOT 501 (NO.1) CALVER PLACE, CITY BEACH – ALTERATIONS AND ADDITIONS TO EXISTING THREE-STOREY DWELLING

PURPOSE OF REPORT:

The purpose of this report is for Council to consider a development application for alteration and additions to an existing single dwelling.

SUMMARY:

The applicant is proposing alterations and additions to an existing three storey dwelling. The application does not meet the deemed-to-comply requirements of the *Residential Design Codes 7.3 Volume 1 – cl 5.1.6 – Building Height* and *Local Law 43 – Buildings on Endowment Lands & Limekilns Estate* as the wall is to be in Compressed Sheet Composite wall System with texture coat render finish.

In relation to building height, it is considered that the application does not meet the associated design principles as the height of the three-storey addition will present an increased amount of building bulk which is not compatible with the development within the neighbourhood, nor the desired existing or future character of the area. The proposal will increase the degree of non-compliance of the existing proposal and set an undesirable precedent which is inconsistent with orderly and proper planning of the locality.

The wall material variation is supported as it will match the existing wall of the additions to the dwelling approved in 2008.

Accordingly, it is recommended that the application be refused.

AUTHORITY/DISCRETION:

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

DELEGATION:

In accordance with cl.9.1.2 of the Town's Delegation Register, the Council is required to determine the application for the following reason(s):

- *"The granting of development approval where three or more submissions have been received:*
 - *during the advertising period of the development application that objects to the application on valid planning grounds; and*
 - *which cannot be addressed by conditions of development approval.*

- Clause 2B of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate (Local Law 43)* requires Council to determine development applications which do not meet the requirements of *Local Law 43*.

BACKGROUND:

Address:	Lot 501 (No.1) Calver Place, City Beach
Report Date:	16 June 2020
File Reference:	DA20/0091
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Statutory Planning Officer, Marius Le Grange
Reporting Officer Interest:	Nil
Attachments:	<ol style="list-style-type: none"> 1. Aerial Plan (1 page) 2. Development Plans (5 pages) 3. Annotated Development Plans (2 pages) 4. Applicants Justification (4 pages) 5. Schedule of Submissions (7 pages) 6. Applicant's response to submissions (3 pages) 7. Schedule of Materials (1 page) 8. Site Photographs (2 page)

Applicant:	Studio Technica PTS Town Planning
Owner:	Siew Swan Ong and Beng Hong Tan
Zoning:	Residential R12.5
Precinct:	P1: City Beach
Development Description:	Proposed Additions and Alterations to existing 3 Storey House
Development Value:	\$200,000
Existing Land Use:	Residential
Proposed Land Use:	Residential
Land Area:	979m ²
Heritage Listing:	No
Application Date:	6 April 2020
Application Process Days:	71 Days

DETAILS:

Site History

1998	Dwelling approved
1990	Tiled verandah was approved with a reduced setback of 5.69m to Calver Place.
December 2007	Building Licence was issued for additions and alterations to the existing dwelling including ground and upper floor additions and alterations. Within this licence was the inclusion of a third storey loft (Dutch Gable).
March 2008	<p>Planning Approval was granted for alterations and additions including an extension of the garage into the secondary street setback area, extensions to the dwelling on the southern, northern and western sides, and an addition to the upper storey bedroom facing Calver Place which protrudes into the primary street setback area by 0.69m.</p> <p>This approval also lifted the eaves of the previously approved loft to make the dwelling read as 3 storeys and provide a loft and balcony space for outdoor entertainment. The application was approved with a variation of approximately 1.3m (7.8m) to the pitched roof (loft roof) and approximately 0.8m (8.3m) to the top of the flat roof (feature stone wall).</p>

The wall height variations in March 2008 were considered under the Town's previous *Residential Design Guidelines* (RDG), which allowed a maximum permitted wall height of 6.5m to a pitched roof and 7.5m to a flat roof.

In reading the Council report for the item in March 2008, it makes it clear that the Town reluctantly considered the changing of the loft/dutch gable within the main roof line to a separate storey upstairs loft/sunroom and balcony. Council recognised that the approval of the application did not meet the intent of the RDG's which contemplated only two-storey dwellings, but felt they were put in the position of agreeing to it because it decreased the expense of the original loft/dutch gable that had been approved under the Building License and consequently met the design principles at the time.

Site Context

The site is located on the corner of Calver Place, Empire Avenue, Chipping Road and is approximately 125m from West Coast Highway. The site currently has an existing 3 storey dwelling constructed on it. The lot is of triangular shape given its location abutting 3 road reserves. The surrounds consist of various dwellings including from mostly single storey and double storey residences. There are some instances of 'under crofts' and third-storey dwellings also in the vicinity.

Proposal

The alterations will consist of a Lift, Lift Lobby, Wet Kitchen and Alfresco room on the ground floor. The First Floor will consist further of a Lift and Lift Lobby area. The Second (top) floor will consist of a Lift, Lift Lobby, Walkway and Sun Room with a shower. The proposed alterations and additions is focused to be constructed on the northern side of the existing dwelling. The proposal is set back 7.5m from the primary street (Calver Place) and 2.72m at its closest point to the northern lot boundary. The overall increase in floor area which will form part of the third storey will be an increase from 70m² to 130m².

At the highest point above the corresponding natural ground level, the additions propose a wall height of approximately 8.14m in lieu of 7m to the sun room, a roof height of 9.02m in lieu of 9m. Given the lift addition is a flat/concealed roof, the max wall height permitted is 7m whereas the applicant proposes a wall height of 8.52m.

The proposed materials for the wall of the development is "Compressed Sheet Composite wall System with texture coat render finish." The applicant has confirmed in **Attachment 7** that the colour will match the existing remainder of the dwelling.

The proposal complies with all other relevant planning provisions including street setbacks, lot boundary setbacks, open space, visual privacy and overshadowing.

CONSULTATION:

Public Consultation

The application was advertised for a period of 14 days in accordance with the Town's *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

In response, a total of eight (8) submissions were received, all of which objected to the application.

The main concerns raised during the public consultation period are summarised below:-

- (i) Sets an unnecessary precedent for the future of the area.
- (ii) The proposed bulk and scale of the additions will have a visual amenity impact on street front and surrounding reserves.
- (iii) The proposal will impact on views of surrounding residences.
- (iv) Visual privacy concerns onto adjoining neighbours.

A Schedule of Submissions that includes each submission in its entirety is attached to this Report (refer **Attachment 5**).

APPLICANT'S COMMENTS:

The applicant has provided a letter addressing the design principles in support of those aspects of the application that do not meet the relevant deemed-to-comply requirements. The justification letter is attached to this Report (refer **Attachment 4**).

Furthermore the applicant has addressed the issues raised by the submissions received in **Attachment 6**.

STATUTORY ASSESSMENT:

State Planning Policy 7.3 - Residential Design Codes Volume 1

<i>5.1.6 Building height</i>		
	Deemed-to-comply Requirement	Proposed
Top of external wall (roof above)	6m	Approximately 8.14m
Top of external wall (Flat/Concealed roof)	7m	Approximately 8.52m
Top of pitched roof	9m	Approximately 9.02m
<p><u>Design Principles (of R-Codes):</u> <i>"Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:</i> <ul style="list-style-type: none"> • <i>Adequate access to direct sun into buildings and appurtenant open spaces;</i> • <i>Adequate daylight to major openings into habitable rooms; and</i> • <i>Access to views of significance".</i> <p>In addition, the following considerations of <i>Local Planning Policy 3.3 - Building Height (LPP 3.3)</i> are applicable:</p> <ul style="list-style-type: none"> a) <i>"Whether the proposed building height is consistent with the predominant building height of the buildings within the surrounding area; and</i> b) <i>The natural topography of the site and whether the proposed building height considers and responds to the topography".</i> </p>		

Design Principles Assessment

The natural topography of the site slopes upwards from the Chipping road towards the east of the subject lot by approximately 2.0m. However, the proposed three-storey extension is to be located towards the north side of the existing dwelling, between a NGL level of RL26.9 and RL27.5. Given the extension is located on the northern side of the dwelling, the additions are visible from the properties on Calver Place.

In respect to the design principles, the proposal does allow direct access to sun into buildings and appurtenant spaces and provides adequate daylight to major openings into habitable rooms as there are adequate setbacks provided, however, the building height will have an

impact on the amenity of both the streetscape of Calver Place and Chipping Road for bulk and scale of the development.

In relation to views the proposal will have an impact on views from properties located on Calver Place. In this instance the Indian Ocean is considered a view of significance. The upper floor balconies of properties on Calver Place offer views of significance to the Indian Ocean to the west. A number of submissions have been received relating to the negative impact of the proposal on neighbouring owners views.

The predominant building height of the residences within the locality are two-storey. Whilst there is an acceptance that the existing house has been approved with variations to the building height and there are 2-3 other taller homes in the immediate vicinity, this is not the predominant height in the locality. The previous determinations were permitted under different circumstances and in this case, for a reasonably small area of the dwelling located centrally on the site. The proposed addition will effectively increase the amount of wall length from approximately 8.1m to 14.2m, which is over a 1/3 increase to the existing wall length area which presents as a variation as viewed from Calver Place. The proposal will significantly increase the extent of non-compliance which is contrary to the existing and future desired character of the area.

In 2018, the Council specifically amended the Local Planning Policy 3.3 to reinforce the objective of keeping dwellings generally to two-storey's by reducing the permitted height limits, and allowing variations only where there was a need to respond appropriately to the topography, the proposal is consistent with the predominant building height of the area and there was no impact on views of significance. In this case, the application is not responding to a change in topography, the proposal is not consistent with the predominant building height and there is an impact on views of significance.

It is therefore not orderly and proper to consider a further addition which will exacerbate the extent of the impact of height of the dwelling on the locality. If approved, the proposal would set an undesirable precedent for the area and detrimentally impact on the desired future character of City Beach.

For the above reasons, the application is not considered to meet the associated design principles.

Local Law 43 - Buildings on Endowment Lands & Limekilns Estate (Local Law 43)

Clause 7(a)		
	General Regulation	Proposed
Construction materials	<i>All other dwelling-houses [ie. non single-storey dwellings] shall be constructed of brick, stone, concrete or similar material.</i>	<i>Compressed Sheet Composite wall System with texture coat render finish to match existing.</i>
<p>Clause 2B <i>"In a residential district the Council may permit land to be developed subject to such conditions as the Council deems fit:—</i></p> <p><i>a) for use for a purpose which is not permitted in that district;</i></p> <p><i>b) notwithstanding that the developments will not comply with the standard or requirement prescribed by this by-law in that district.</i></p> <p><i>if the Council is satisfied by an absolute majority that:—</i></p> <p><i>i) the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities; and</i></p> <p><i>ii) the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality".</i></p>		

Assessment

The application proposes to construct the walls from compressed sheet composite to be finished with a texture coat render to match the existing colour of the dwelling. The existing dwelling is finished in a dark beige cream. The proposal meets the principles given the applicant has highlighted the finishing render to match the existing colour. (Refer **Attachment 7**)

The proposal's intent is to match the existing colour and style of the dwelling, therefore it can be considered acceptable.

For the above reasons, the application is considered to meet Clause 2B of *Local Law 43*.

CONCLUSION:

The application for additions and alterations to an existing three-storey house is recommended for refusal. The proposal does not meet the design principles of the Residential Design Codes 5.1.6 – Building Height. The proposal will have an adverse impact on the surrounding properties and the streetscape. The proposal does not meet the matters of consideration within Local Planning Policy 3.3 – Building Height given its height in relation to the surrounding development.

For the above reasons, it is recommended that the application be refused.

FINANCIAL IMPLICATIONS:

Costs may be incurred by the Town if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

LEGISLATIVE CONSIDERATIONS:

- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 1*
- *State Planning Policy 7.3 - Residential Design Codes Volume 1*
- *Local Planning Policies*
- *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate*

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 provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

Council Meeting 23 June 2020

Impartiality Interest Declaration – Cr Mack

Prior to consideration of the item, Cr Mack disclosed an interest affecting impartiality and declared as follows:- “with regard to Item DV20.61, I declare that I spoke to the Consultant for the Applicant today 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.”

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That, in accordance with the provisions of *Local Planning Scheme No. 1*, the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme* and the provisions of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate (Local Law 43)*, Council REFUSES the application for Alterations And Additions To Existing Three-Storey Dwelling At Lot 501 (No.1) Calver Place, City Beach as shown on the attached plans stamped received 20 April 2020, for the following reasons: The proposal does not satisfy the design principles of Provision 5.1.6 - Building height of *State Planning Policy 7.3 - Residential Design Codes Volume 1* as the height of the three-storey extension will result in a building bulk which will have an adverse impact on the amenity of the streetscape, adjoining residences and views of significance;

2. The proposal does not satisfy the matters for consideration of *Local Planning Policy 3.3 - Building Height* as the height of the three-storey extension is inconsistent with the predominate building height within the locality and does not respond to the natural topography of the site; and
3. Having due consideration of sub-clauses 67(b), (g), (m) and (n) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the three-storey extension is not compatible with its setting as the additional building height will result in a building bulk impact which is not consistent with the streetscape and surrounding development within the locality. This is not consistent with the orderly and proper planning of the locality or desired future character of the area and as such will cause an undesirable precedent.

Motion put and CARRIED (8/1)

For: Mayor Shannon, Crs Barlow, Bradley, Haddon-Casey, McKerracher, Mack, Nelson and Timmermanis
Against: Cr Everett

DV20.62 LOT 1444 (NO. 6) KILDARE ROAD, FLOREAT – ADDITION (ANCILLARY DWELLING) TO EXISTING SINGLE DWELLING

PURPOSE OF REPORT:

The purpose of this report is for Council to consider a development application for an addition which is proposed to be attached to an existing single dwelling and contain a kitchen. The existing kitchen in the main part of the single dwelling is to remain, therefore the addition is proposed to be self-contained (an ancillary dwelling).

Council is to also consider this application due to not complying with cl(8) of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate* (Local Law 43) as the roof on the proposed addition is to be Colorbond (surf mist) which is the same material and colour as the existing roofing on the single dwelling.

SUMMARY:

The application does not meet the deemed-to-comply requirements of the R-Codes for the eastern (rear) lot boundary setback.

A 16m² portion of the addition is proposed to be set back less than 6m from the eastern lot boundary which is not considered to be significant.

The pitched roof of the proposed addition is facing towards the east and west therefore any glare from the proposed roofing material is unlikely to have a significant impact on the adjoining landowners to the north and south.

Existing trees at the rear of the property and existing solid dividing fencing will assist with minimising any impact the glare may have on the property to the east.

Accordingly, it is recommended that the application be approved.

AUTHORITY/DISCRETION:

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

DELEGATION:

Clause 2B of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate* (Local Law 43) requires Council to determine development applications which do not meet the requirements of *Local Law 43*.

BACKGROUND:

Address:	Lot 1444 (No.6) Kildare Road, Floreat
Report Date:	16 June 2020
File Reference:	DA20/0088
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Coordinator Statutory Planning, Andrew Bratley
Reporting Officer Interest:	Nil
Attachments:	1. Location Plan (1 page) 2. Development Plans (4 pages) 3. Site Photo (1 page) 4. Annotated Site Plan (1 page) 5. Schedule of Submissions (1 page)

Applicant:	A Gill
Owner:	A Gill
Zoning:	Residential R12.5
Precinct:	P3 - Floreat
Development Description:	Addition (Ancillary Dwelling) to Existing Single Dwelling
Development Value:	\$160,215
Existing Land Use:	Dwelling – Single
Proposed Land Use:	Ancillary Dwelling
Land Area:	833m ²
Heritage Listing:	Nil
Application Date:	7 April 2020

DETAILS:

Site Context

The subject property and those nearby contain single dwellings. The topography of the land is relatively flat.

Landscaping and trees of up to approximately 7m in height exists along the rear of the subject property.

Proposal

A 51.96m² single storey addition is proposed to be attached to the rear of the existing single dwelling.

The addition is proposed to contain a pool room with a kitchen, and a bedroom and a bathroom. The existing kitchen inside the single dwelling is to remain. The addition will therefore be self-contained (an ancillary dwelling).

The addition is proposed to be set back 2.8m in lieu of 6m from the eastern (rear) lot boundary and have Colorbond (surf mist) roofing with a 27 degree pitch to be consistent in terms of appearance with the roofing that exists on the single dwelling.

There is proposed to be no direct internal access between the addition and the existing dwelling.

The applicant has confirmed that the addition is proposed to be occupied by a family member related to the occupants of the main dwelling and not be used as short term accommodation.

CONSULTATION:

Public Consultation

The application was advertised for a period of 14 days in accordance with the Town's *Local Planning Policy 1.2 - Public Notification of Planning Proposals*. One submission was received which provided the following comments:

- The proposed addition possibly being used as short term accommodation.
- Potential noise issues from future air conditioning units, the location of which are not shown on the plans.
- Portion of the addition labelled as being a pool room, however, the location of any future pool pump is not shown on the plans and concerns exist regarding potential noise issues from the pool pump in future.

Refer to **attachment 5** for the schedule of submissions.

If the application is approved by Council it is recommended that a condition is included which prevents the addition from being used as short term accommodation unless development approval is obtained.

The location of any future air conditioning unit and pool pump is not currently known. If the application is approved by Council an advice note will be included that states any external air conditioners or swimming pool/spa equipment shall be in a location and manner that ensures noise emissions do not exceed the assigned levels of Table 1 of the *Environmental Protection (Noise) Regulations 1997*.

STATUTORY ASSESSMENT:

State Planning Policy 7.3 - Residential Design Codes Volume 1

5.1.3 Lot boundary setback		
	Deemed-to-comply Requirement	Proposed
Addition to single dwelling – Eastern lot boundary	6m	2.8m
Design Principles (of R-Codes): <i>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</i> <ul style="list-style-type: none"> • <i>reduce impacts of building bulk on adjoining properties;</i> • <i>provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		

Design Principles Assessment

A 16m² portion of the addition is proposed to be set back less than 6m from the eastern (rear) lot boundary which is not considered to be significant.

The proposed location of the addition makes more effective use of space for the outdoor living area as it is located towards the southern side of the property allowing for an adequate amount of sunlight to enter the outdoor living area near the northern lot boundary, and also to enter the northern facing major openings.

Landscaping and solid dividing fencing exists along the rear boundary, and the remainder of the existing dwelling is set back between 7m and 8m from the rear lot boundary (up to 2m further from the rear lot boundary than the required setback). An outbuilding and landscaping

also exists adjacent to the rear boundary on the property to the east which is within close proximity to where the addition is proposed. This will assist with minimising the impacts of building bulk to the eastern adjoining property.

The proposal will maintain the traditional separation between buildings and preserve the open nature of the local area.

The reduced setback does not cause any overlooking into the adjoining properties and no undue amount of overshadowing to the adjoining east and south lots.

No concerns were received during the advertising period with regard to the proposed reduced rear lot boundary setback.

For the above reasons, the proposed setback of the proposed addition is considered to meet the associated design principles.

Local Law 43 - Buildings on Endowment Lands & Limekilns Estate (Local Law 43)

	General Regulation	Proposed
Cl8 Construction materials	<i>All buildings shall be roofed with materials constructed of terracotta, concrete, slate, metal or other incombustible material approved by Council provided that metal roofs with a pitch of more than 5 degrees shall not be constructed with metal sheeting having a solar reflectivity index exceeding 40% unless approved by the Council.</i>	Colorbond (surf mist)
<p>Clause 2B <i>"In a residential district the Council may permit land to be developed subject to such conditions as the Council deems fit:–</i></p> <ul style="list-style-type: none"> <i>a) for use for a purpose which is not permitted in that district;</i> <i>b) notwithstanding that the developments will not comply with the standard or requirement prescribed by this by-law in that district.</i> <p><i>if the Council is satisfied by an absolute majority that:–</i></p> <ul style="list-style-type: none"> <i>i) the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities; and</i> <i>ii) the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality".</i> 		

The addition is proposed to have a Colorbond (surf mist) roof.

The roofing will be the same material and colour as the existing roofing on the rest of the dwelling which was approved in 2004, resulting in the local amenity not being significantly impacted by the appearance of the material proposed.

The pitched roof of the proposed addition is facing towards the east and west, therefore the property to the rear will experience some glare from certain aspects early in the morning. However, any glare will be for a relatively short period of time, and its impact will be minimised by existing solid dividing fencing, and an outbuilding and landscaping which exist towards the rear of the adjoining property.

No concerns were raised by the owners of the property to the east in relation to the proposed roofing material and the potential impact of any glare from it.

For the above reasons, the application is considered to meet Clause 2B of Local Law 43 and it is therefore recommended that the application be approved with nil conditions.

CONCLUSION:

The proposed lot boundary setback is considered to satisfy the associated design principles.

The proposed reduced rear lot boundary setback of the addition is not considered to be significant and therefore will maintain separation between buildings and preserve the open nature of the local area.

The relatively small extent to which the addition will encroach into the rear setback area will result in building bulk not having an adverse impact on the visual amenity of the surrounding properties.

Any glare experienced by the neighbouring property to the east will not be for any significant of time. Its impact will be minimised by existing an existing solid dividing fencing, and an existing outbuilding and landscaping on the property at the rear.

For these reasons, it is recommended that the application be approved.

FINANCIAL IMPLICATIONS:

Costs may be incurred by the Town if the applicant proceeds to a hearing.

LEGISLATIVE CONSIDERATIONS:

- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 1*
- *State Planning Policy 7.3 - Residential Design Codes Volume 1*
- *Local Planning Policies*
- *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate*

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 provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That, in accordance with the provisions of *Local Planning Scheme No. 1*, the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme* and the provisions of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate* (Local Law 43), Council **APPROVES BY ABSOLUTE MAJORITY the application for an addition (ancillary dwelling) to the existing single dwelling and variations to Local Law 43 at Lot 1444 (No.6) Kildare Road, Floreat, as shown on the attached plans stamped received 7 April 2020, 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 proposed addition shall not be used as short term accommodation unless development approval is obtained from the Town prior to the use commencing; and**
- 3. All stormwater shall be contained and disposed of on-site at all times, to the satisfaction of the Town.**

Standard Advice Notes to be included by the Administration.

Debate ensued. Cr Mack departed the meeting at 6.33 pm

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (8/0)
(Cr Mack not present at the meeting)

DV20.63 LOT 114 (NO. 1) WARRI ROAD, CITY BEACH – ADDITIONS TO EXISTING SINGLE DWELLING – VARIATION TO LOCAL LAW 43

PURPOSE OF REPORT

The purpose of this report is for Council to determine an application which does not comply with cl7(b) of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate* (Local Law 43) as the construction materials of the proposed additions of the existing dwelling will be 'Hardies compressed sheeting' cladding in lieu of brick, stone, concrete or similar masonry materials.

SUMMARY:

The cladding is proposed to be finished with 'Dulux Acratex white' paint to match the remainder of the dwelling which is to remain. The appearance of the proposed cladding will be consistent with building materials used in the construction of other dwellings in the locality, which is subject to Local Law 43 requirements. It is therefore recommended that Council approves the application.

AUTHORITY/DISCRETION:

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

DELEGATION:

Clause 2B of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate* (Local Law 43) requires Council to determine development applications which do not meet the requirements of Local Law 43.

BACKGROUND:

Address:	Lot 114 (No. 1) Warri Road, City Beach
Report Date:	16 June 2020
File Reference:	DA20.0068
Responsible Officer:	Marlaine Lavery, Director Planning and Development
Reporting Officer:	Jennifer Heyes, Manager Statutory Planning
Contributing Officer:	Andrew Bratley, Coordinator Statutory Planning
Reporting Officer Interest:	Nil
Attachments:	1. Aerial Plan (1 page) 2. Development Plans (14 pages)

Applicant:	John Chisholm Design
Owner:	K Knuckey
Zoning:	Residential R20
Precinct:	P1 – City Beach
Development Description:	Additions to Existing Single Dwelling
Development Value:	\$150,000
Existing Land Use:	Single dwelling
Proposed Land Use:	N/A – Works associated with existing use
Land Area:	879m ²
Heritage Listing:	No
Application Date:	18 March 2020
Application Process Days:	88 days

DETAILS:

Site History

On 15 May 2020, the Town under delegation approved development application DA20/0068 for upper storey additions to an existing single dwelling at the subject property.

Site Context

The site is located within the City Beach Planning Precinct and contains a two storey single dwelling. The topography of the land falls steeply towards the south-western portion of the site.

Proposal

The application proposes to construct additions to the existing single dwelling with 'Hardies compressed sheeting' cladding. The cladding is proposed to be finished with 'Dulux Acratex white' to match the remainder of the dwelling which is to remain.

CONSULTATION:

Public Consultation

The application was advertised for a period of 14 days in accordance with the Town's *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

No submissions were received during the public consultation period.

STATUTORY ASSESSMENT:

Local Law 43 - Buildings on Endowment Lands & Limekilns Estate (Local Law 43)

Clause 7(b)		
	General Regulation	Proposed
Construction materials	<i>All other dwelling-houses [ie. non single-storey dwellings] shall be constructed of brick, stone, concrete or similar material.</i>	'Hardies compressed sheeting' cladding.

Clause 2B

"In a residential district the Council may permit land to be developed subject to such conditions as the Council deems fit:-

- a) for use for a purpose which is not permitted in that district;*
- b) notwithstanding that the developments will not comply with the standard or requirement prescribed by this by-law in that district.*

if the Council is satisfied by an absolute majority that:-

- i) the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities; and*
- ii) the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality".*

Assessment

The application proposes to construct the additions to the existing single dwelling with 'Hardies compressed sheeting' cladding. The cladding is proposed to be finished with 'Dulux Acratex white' paint.

The external finish of the remainder of the dwelling is white rendered brick work. The colour of the proposed cladding will be similar to the existing render.

It is considered that the proposed material is consistent with the overall intent of the Local Law and will provide a robust finish whilst using light weight construction materials.

No submissions were received during consultation with regards to the proposed building materials.

For the above reasons, the application is considered to meet Clause 2B of Local Law 43 and it is therefore recommended that the application be approved with nil conditions.

FINANCIAL IMPLICATIONS:

Costs may be incurred by the Town if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

LEGISLATIVE CONSIDERATIONS:

- *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate*

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 provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That, in accordance with the provisions of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate* (Local Law 43) Council APPROVES BY AN ABSOLUTE MAJORITY the application for variations to Local Law 43 at Lot 114 (No. 1) Warri Road, City Beach as shown on the attached plans stamped received 31 March 2020, subject to the following condition:

1. **The roof material shall not be zinalume, white or off-white metal sheeting where the roof pitch exceeds five degrees.**

Motion put and CARRIED BY AN ABSOLUTE MAJORITY (8/0)
(Cr Mack not present at the meeting)

DV20.64 LOT 1 (NO. 29) ST LEONARDS AVENUE, WEST LEEDERVILLE – SCHEME AMENDMENT INITIATION REQUEST

PURPOSE OF REPORT:

The purpose of this report is to present a request, received from a landowner, to amend the Town of Cambridge Local Planning Scheme No. 1 (the Scheme) to Council for initiation.

SUMMARY:

The Town has received a Scheme Amendment Request (the request) on behalf of the landowner of Lot 1 (No. 29) St Leonards Avenue, West Leederville, to amend the Scheme. The request seeks to add the 'Restaurant/Café' and 'Small Bar' land uses to the permissibility of the site, which currently has approval to operate as a local shop and educational establishment.

The site is located within the Cambridge Street Urban Corridor, which contemplates residential and commercial land uses, as designated by the Town's draft Local Planning Strategy (LPS). It is also within walking distance of the West Leederville Activity Centre and West Leederville Train Station.

Both uses are proposed to be "D" or Discretionary land uses. They would be subject to normal assessment processes which will involve imposition of planning conditions where necessary (E.g. hours of operation).

It is recommended Council initiate the amendment and allow statutory public advertising to be undertaken.

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.
- Information For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	6/05/2020
Responsible Officer:	Director Planning & Development, Marlaine Lavery
Reporting Officer:	Manager Strategic Planning, Brett Cammell
Contributing Officer:	Senior Strategic Planning Officer, Simon Shub
Reporting Officer Interest:	Nil
Attachment(s):	1. Applicants request for initiation of amendment. 2. Extract of Schedule B of Town Planning Scheme No.1

BACKGROUND:

Site Context

Lot 1 (No. 29) St Leonards Avenue, West Leederville (the site) is located on the corner of St Leonards Avenue and Cambridge Street and is zoned Residential R60. There is vehicular access available from a crossover on Cambridge Street, which provides access to 8 off-street parking bays.

Immediately adjoining the site to the north is a vacant residential lot. There is a mixture of commercial and residential uses to the east and west of the site, on both sides of Cambridge Street.

The site is located within the Cambridge Street Urban Corridor as designated by the LPS and is in close proximity to the Cambridge Street Medical Precinct (to the east) and the West Leederville Activity Centre (to the west). The site is accessible by public transport and within an 800m walkable catchment of the West Leederville Train Station.

Development history

A summary of the land use history of the site is outlined in the table below:

Date	Application	Outcome
20 June 1988	Demolition of a delicatessen attached to a single house and construction of a Local Shop (Delicatessen)	Approved at City of Perth Ordinary Council Meeting (655.)
17 September 1996	Change of use from Local Shop to Computer Shop	Refused at Ordinary Council Meeting (10.5.1)
17 December 1996	Change of use from Local Shop to Medical Suite	Refused at Ordinary Council Meeting (DES96.43)
24 June 1997	Change of use from Local Shop to Medical Suite	Refused at Ordinary Council Meeting (DES97.125)
24 June 1997	Gourmet Deli (Local Shop) & Cookery Classes (Educational Establishment)	Approved at Ordinary Council Meeting (DES97.126)

Details of the approved deli and educational establishment are shown in the table below:

Gourmet delicatessen (Local Shop)	Incidental Gourmet Cooking classes (Educational Establishment)
<ol style="list-style-type: none"> 1. Prepared food 2. Milk products 3. Non-alcoholic beverage selection 4. Special coffees and teas 5. Breads and pastries 6. Packaged sauces, oils, vinegars, 7. Local and imported cheeses 8. Cured and smoked meats 9. Gourmet cooking accessories 10. Assorted gourmet dry foods 	<ol style="list-style-type: none"> 1. Special classes in food preparation and presentation 2. Food buying techniques 3. Hygiene, storage and care of food 4. Maximum class size of 8 people

In 2006, in accordance with Health Regulations the site was granted a license to conduct an eating house for takeaway food only. Following the introduction of the Food Act 2008, the site was classified as a caterer. The site was used as a commercial kitchen to supply catering services for commercial and private venues.

In 2016, enquiries were made regarding the approved use of the site and whether it was non-conforming. At this time, advice was provided which outlined the development history outlined above, the definition of the 'Local Shop' land use and that the prospective tenant did not require further planning approval if the proposed business met the definition of 'Local Shop'.

In 2017, a building permit was submitted to fit-out the premises (new cool room, extend existing wall and installation of a wider door). Subsequently, new signage was added and 'butters' commenced operation which involved the use of the site for serving of food and drink to be consumed on-site and take-away. Since then, there have been no known complaints regarding the use of the site.

In 2018, a development application was lodged which initially sought approval for 'alterations and additions to the existing Restaurant' which had non-conforming use rights. Through the application process it was clarified that the site did not have non-conforming use rights and was not capable of approval as the Restaurant land use is an "X" use which is not permitted by the Scheme. Early in 2019, the application was refused under delegation as the proposed 'Restaurant' use is a prohibited ('X') use class defined under the Town's Local Planning Scheme.

Following the determination of the change of use application in January 2019, the Town considered compliance action in accordance with Section 214 of the *Planning and Development Act 2005*. Despite the decision to refuse the change of use application for a restaurant use in January 2019, the CEO determined that the Town would not undertake compliance action against the current land use (Restaurant), subject to the following conditions:

1. The current premises may continue unchanged, until the zoning of the site has been considered under a reviewed or new local planning scheme and that the new local planning scheme is gazetted;
2. No justified complaints being received unless it is considered the use may be adversely impacting the surrounding neighbourhood amenity or the orderly and proper planning of the area; and
3. The Town is currently reviewing its Scheme and the use will be again reviewed by the Town in two years from the date of the letter.

DETAILS:

The Request was received on 1 May 2020 and seeks to:

1. Amend the Scheme Text by inserting an entry in Schedule B entitled 'Additional Uses' by including an additional use right over Lot 1 for the purposes of 'Restaurant/Café' and 'Small Bar'; and
2. Amend the Scheme Map accordingly.

In support of the request, the applicant has provided the following justification (refer to **attachment 1** for further details):

1. The Amendment will formalise the current use of the land, provide greater flexibility to the current tenant on the land, provide a sense of certainty for the current tenant operating on then land and facilitate the upgrade and expansion of the existing commercial development on the land.
2. The Amendment will facilitate the continued operation of the existing restaurant on the land, which provides a much needed service to the local community and the employees of the nearby commercial uses.
3. The subject land is ideally located in terms of its proximity to a commercial development and access to public transport.
4. The proposal is consistent with the Town's future strategic planning framework, including the Town's draft 'Local Planning Strategy' and the intent for the future development along Cambridge Street, which has been identified as an 'Urban Corridor'.

The merits of the proposal and the justification will be assessed under the headings below.

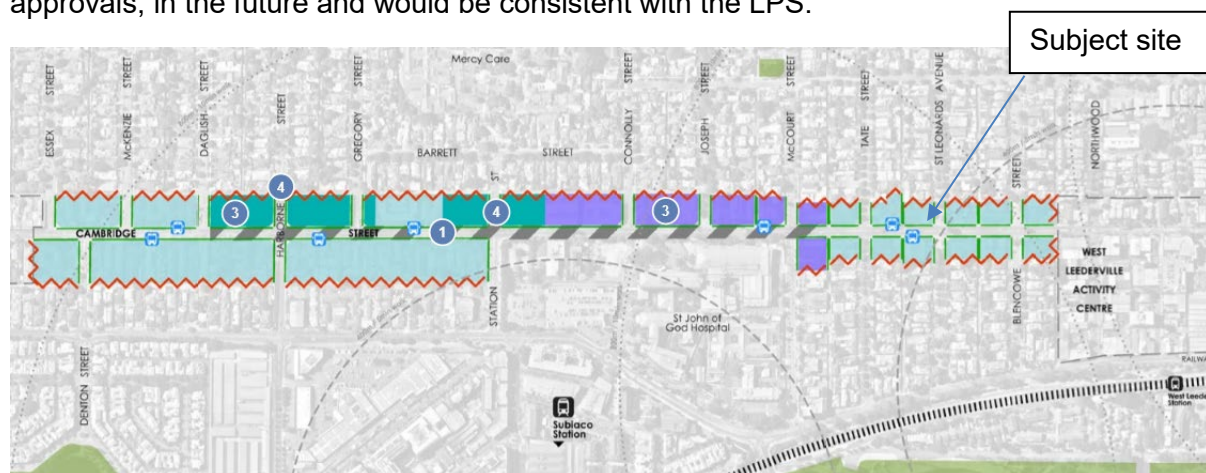
Planning Framework

Draft Local Planning Strategy

The LPS sets 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. At the Ordinary Council Meeting held on 26 May 2020, Council submitted the LPS to the WAPC for endorsement.

The Cambridge Street Urban Corridor (the Corridor) is envisioned to facilitate increased residential and commercial development opportunities, with the local centres and medical precinct accommodating mixed use development and the urban corridor precincts accommodating apartment and townhouse style residential development. As part of the detailed planning that will be undertaken for the Corridor, consideration will be given to opportunities for local centres to act as focal points along the corridor, prioritising commercial and retail land uses which support local community needs and provides for employment opportunities.

The subject site, as identified in the diagram below, is located within the corridor in between the Medical Precinct and West Leederville Activity Centre. While detailed planning associated with the corridor is scheduled to occur over the medium term (3-5 years), the LPS vision for the corridor indicates that the requested land uses could be permissible, subject to appropriate approvals, in the future and would be consistent with the LPS.



Accordingly, the proposal is considered to be consistent with the objectives of the LPS.

Local Planning Scheme No. 1

Schedule B 'Additional Uses' of the Scheme, includes 7 additional uses which detail the land particulars (please refer to **attachment 2** for an extract of these), additional uses and applicable development standards/conditions as shown below:

No.	Land Particulars	Additional Uses	Development Standards/Conditions

'Restaurant/Café' and 'Small Bar' are 'X' uses within the Residential Zone, which means that they are not permitted by the Scheme.

Part 6 of the Scheme provides the following definitions for the requested additional uses:

Restaurant/Café: *means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988*

Small Bar: *means premises the subject of a small bar licence granted under the Liquor Control Act 1988*

These land use classes and their associated definitions are derived from the model provisions for Local Planning Schemes set out within Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and are unlikely to change.

The Scheme provides objectives for the zones within the Scheme and the objectives for the residential zone are shown in the table below:

Zone Name	Objectives
Residential	<ol style="list-style-type: none"><i>To provide for a range of housing and a choice of residential densities to meet the needs of the community.</i><i>To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</i><i>To provide for a range of non-residential uses, which are compatible with and complimentary to residential development</i>

As detailed above, the site has operated in some commercial manner since at least 1988, most recently as a café/restaurant. Despite these uses being 'not permitted' within the Residential zone, there have been no known amenity impacts or registered complaints associated with the use of the site since it commenced in 2017.

It is proposed that the requested land uses (Restaurant/Café and Small Bar) be included as additional uses with a 'D' designation. This means that the uses are not permitted unless Council has granted approval, and therefore means that an application is required. The Town can then assess the specifics of the application against the requirements of the Scheme and local planning policies to ensure the uses are compatible with the surrounding residential areas.

Through the assessment process, appropriate conditions of approval can be applied where necessary (eg. Hours of operation). This process is recommended rather than specifying conditions in the Additional Use Scheme table.

The 'D' land use designations are consistent with other zones in the Town for these uses and allows the proposals to be considered on their merits, while also providing the current tenant with flexibility and certainty regarding land use permissibility in the future.

Draft Local Planning Strategy

The LPS sets 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. At the Ordinary Council Meeting held on 26 May 2020, Council submitted the LPS to the WAPC for endorsement.

In order to address the State Governments requirements, the 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 Cambridge Street Urban Corridor (the Corridor) is envisioned to facilitate increased residential and commercial development opportunities, with the local centres and medical precinct accommodating mixed use development and the urban corridor precincts accommodating apartment and townhouse style residential development. As part of the detailed planning that will be undertaken for the Corridor, consideration will be given to opportunities for local centres to act as focal points along the corridor, prioritising commercial and retail land uses which support local community needs and provides for employment opportunities.

The subject site, as identified in the diagram below, is located within the corridor in between the Medical Precinct and West Leederville Activity Centre. While detailed planning associated with the corridor is scheduled to occur over the medium term (3-5 years), the LPS vision for the corridor indicates that the requested land uses could be permissible, subject to appropriate approvals, in the future and would be consistent with the LPS.



Accordingly, the proposal is considered to be consistent with the LPS and the objectives of the Residential zone.

Standard Amendment

Part 5, Division 1, clause 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides definitions of basic, standard and complex amendments.

The proposed amendment is considered a 'standard' amendment as it is an amendment:

- Relating to a zone that is consistent with the objectives identified in the scheme for that zone (a);
- That is consistent with a local planning strategy for the scheme that has been endorsed by the Commission (b);
- That would have minimal impact on land in the scheme area that is not the subject of the amendment (e); and
- That does not result in any significant environmental, social, economic or governance impacts on land in the scheme area (f).

POLICY/STATUTORY IMPLICATIONS:

Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the requirements for amending the Local Planning Scheme.

Pursuant to Section 81 of the *Planning and Development Act 2005* when a local government resolves to prepare an amendment to a local planning scheme, the local government is to refer the proposed amendment to the Environmental Protection Authority (EPA).

RISK MANAGEMENT IMPLICATIONS:

Low: As this is an applicant requested scheme amendment and is broadly consistent with the draft Local Planning Strategy. If initiated, Council will have the opportunity to consider the amendment following advertising.

FINANCIAL IMPLICATIONS:

In accordance with Regulation 48 (3) of the *Planning and Development Regulations 2009*, should Council elect to initiate the Scheme Amendment, an estimate of costs must be provided in the form of Schedule 3.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies 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 4.1 Examine and better identify through planning and consultation those features and qualities which define our individual 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.

COMMUNITY ENGAGEMENT:

Should Council initiate the amendment request, the *Planning and Development (Local Planning Scheme) Regulations 2015* require the Town to advertise the scheme amendment for a period of 42 days. This is also consistent with Local Planning Policy 1.2 'Public notification and advertising procedures'.

COUNCIL DECISION: (COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council:-

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, INITIATES the proposed amendment to Town Planning Scheme No. 1 to:

- 1.1. Amend the Scheme Text by inserting an entry in Schedule B entitled 'Additional Uses' by including an additional use right over Lot 1 (No. 29) St Leonards Avenue, West Leederville for the purposes of 'Restaurant/Café' and 'Small Bar' as shown below:

No.	Land Particulars	Additional Uses	Development Standards/Conditions
	Lot 1 (No. 29) St Leonards Avenue, West Leederville	Restaurant/Café – "D" Small Bar – "D"	Nil

- 1.2. Amend the Scheme Map accordingly;
2. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DETERMINES that the proposed amendment is a standard amendment as:
 - 2.1. It is consistent with the draft Local Planning Strategy that has been submitted to the WAPC for endorsement;
 - 2.2. It is an amendment that would have a minimal impact on land in the scheme area that is not the subject of the amendment;
 - 2.3. The amendment is not a basic or complex amendment;
 3. REFERS the proposed amendment to the Environmental Protection Authority for advice in accordance with the provisions of the *Planning and Development Act 2005*;
 4. ADVISES the applicant that the relevant Scheme Amendment Documentation is to be prepared and scheme amendment fees to be paid;
 5. AUTHORISES Chief Executive Officer to execute the relevant amendment documentation; and
 6. RECEIVES a further report at the conclusion of the advertising period.

Motion put and CARRIED EN BLOC (8/0)
(Cr McKerracher not present at the meeting)

DV20.65 REVIEW OF ALFRESCO DINING APPROVAL PROCESS AND RECOMMENDATION TO SIMPLIFY

PURPOSE OF REPORT:

The purpose of this report is to review and clarify the approval processes for alfresco dining within road reserves, and then to recommend how the process can be improved.

SUMMARY:

The Town currently has 30 alfresco dining areas associated with restaurants/cafes predominantly operating on the Town's land. The alfresco dining areas are subject to an annual permit process whereby compliance against the Town's applicable local law and policies is validated.

A recent review of the Town's local planning framework has identified that alfresco areas are also technically required to obtain development approval under Local Planning Scheme No. 1 (LPS1). This approval requirement has been applied by the Town in recent times however the process largely duplicates the permit approval process required to be undertaken annually by businesses. The requirement for development approval is considered disproportionate to the potential amenity risk associated with alfresco dining and incidental structures within the road reserve, and that these matters can be more efficiently and effectively controlled by the local law and associated policies.

This report provides an overview of the approval process for alfresco dining and incidental development within the road reservation, and recommends that development approval be exempted for such use and development within the road reserve due to an existing and sufficient regulatory framework provided by the applicable local law and policies.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	Nil
Report Date:	19 May 2020
Responsible Officer:	Director Planning & Development, Marlaine Lavery
Reporting Officer:	Manager Strategic Planning, Brett Cammell
Contributing Officers:	Senior Strategic Planning Officer, Simon Shub Place Development Officer, Rowan Johns
Reporting Officer Interest:	Nil
Attachment(s):	1. Amended Local Planning Policy 1.1 'Minor Use and Development Exempt from Development Approval' 2. Trading in Public Places Local Law 2016

BACKGROUND:

The use of public land within the Town for alfresco dining is broadly governed by:

- Metropolitan Region Scheme (MRS) – for land not zoned or reserved by the local planning scheme;
- Local Planning Scheme No. 1 (LPS1);
- Trading in Public Places Local Law 2016;
- Policy 4.2.5 Outdoor Eating Facilities; and
- Policy 4.4.5 Trading in Public Places.

Development approval

Road reserves within the Town are reserved 'Local Road' on the Scheme Map (with the exception of roads that are reserved under the MRS – discussed further below under 'Policy / Statutory Implications'). Reserving local roads on the Scheme Map is somewhat unusual as most Schemes in the metropolitan area have local roads as un-reserved. The implications of local roads being reserved on the Scheme Map is that development approval is required, unless exempted by the *Planning and Development (Local Planning Schemes) Regulations 2015* 'Deemed Provisions' or by a local planning policy, or if the works are 'public works'.

Currently, no development or use of a local road reserve by a private person (i.e. not a service agency, public authority or local government) is exempt from the need for development approval. Therefore, development approval is technically required for alfresco dining and any works within the local road reserve.

Local Law and Permits

In addition to development approval, a permit for the use of public land is required under the Town of Cambridge Trading in Public Places Local Law 2016 and associated policies. Outdoor Eating Permits are issued on a yearly basis whereby a review of compliance with the Local Law and policies is undertaken.

The permit assessment process outlined by the Local Law and policies involve the consideration of the following matters (summarised):

- That the activity is undertaken adjacent to the property operating the restaurant, café, small bar, shop etc;
- That the activity is compatible with the safe and reasonable movement of pedestrian and vehicular traffic;
- Technical specifications relating to footpath widths, sightlines, pedestrian clearance, distance from kerb, position of furniture etc;
- Public liability insurance;
- Consumption of alcohol; and
- Enforcement.

A permit can be issued with conditions, and additional conditions may be imposed upon renewal of the permit. The Local Law includes offence and penalty provisions and the Town can cancel a permit if the conditions of the permit are not complied with.

There are 30 alfresco dining areas within the Town on public land. The average size of the dining area is approximately 10sqm with around 3-4 tables. The alfresco dining areas are associated with adjacent restaurants and cafes and involve some incidental structures on the public land such as tables, planter boxes and other decorative structures. The majority of these dining areas have operated for a number of years with valid permits, however not many have development approval due to a previous view from Administration that development approval was not required.

DETAILS:

The process to obtain the necessary approvals to provide alfresco dining is lengthy and can be costly to the applicant. Development approval takes by far the most time, with the decision making process taking up to 3 months and sometimes involving community consultation.

As the Restaurant/Café/Small Bar land use on the private property is usually already approved, or permitted within that zone, the application process for a new alfresco area usually focusses on applying parking rates to the alfresco area. This is largely a recent interpretation, in part due to amendments made to Local Planning Policy 3.13: Parking in August 2018. The amendments to LPP3.13 followed concern that parking was undersupplied at the Empire Village Shopping Centre, where alfresco dining was not included in the 'dining area' for the purpose of calculating parking demand during the assessment, despite the alfresco area being located on private land. Minor changes were made to LPP3.13 to clarify that alfresco area is to be included in the car parking calculation.

However, under current practice whereby development within a local planning scheme reserve requires development approval, the alfresco area proposed in the road reserve has been included in car parking calculations. This was not the intention of the amendments to LPP3.13 in August 2018 where the accompanying report stated that the parking rates wouldn't apply to alfresco area in public land, however it is acknowledged that the phrasing in the actual policy isn't clear on this point. This creates a somewhat confusing situation whereby the applicant needs to provide parking on private land for a use that is undertaken on public land, and for a use that is subject to additional (and time limited) permits and approvals administered by the Town.

The development approval process is considered disproportionate to the potential amenity impacts (namely parking) brought about from a relatively minor increase in dining area within the road reserve. For some uses, alfresco dining areas do not even allow for additional patronage due to other regulations, specifically Occupancy Permits and liquor licencing whereby occupancy numbers are limited by the number of toilets provided. As noted above, the areas for alfresco dining within the Town are relatively small and therefore additional parking demand and impact is considered negligible.

An application for development approval within the road reserve can consider a number of matters other than just use and parking, however as detailed in the table below, these matters are also addressed through other regulatory measures:

Matter	Applicable regulation
Noise	<i>Environmental Protection (Noise) Regulations 1997</i> (administered by the Town)
Alcohol	Department of Gaming, Racing and Liquor licensing processes (administered and enforced by DGRL)
Safety and access	Technical requirements of Policies 4.2.5 Outdoor Eating Facilities and 4.4.5 Trading in Public Places
Trading hours	Conditions on Local Law permit
Ongoing compliance	Cancellation or non-renewal of permit

Other local government's planning policies and practices (Subiaco, Fremantle, Victoria Park and South Perth) were reviewed and alfresco dining areas within the road reserve either do not require development approval or were not assessed against the parking provisions as the alfresco dining areas are not located on the development site. The City of Stirling does not require parking for alfresco areas in public land up to 30sqm in area, however 1 bay per 14sqm of alfresco area is required for areas greater than 30sqm.

Recommendation

The Town's existing local law and associated policies are considered sufficient to regulate alfresco dining and incidental structures in public places (road reserves). The requirement for development approval is not considered necessary or proportionate to the potential amenity impacts of alfresco dining, and it is therefore proposed to explicitly exempt alfresco dining from the need for planning approval within the local road reserve. As the Town's existing local laws and policies also deal with structures in the road reserve (eg. planter boxes, tables etc), as well as matters such as public liability insurance provisions, the proposed wording of the planning approval exemption is broad, however will only be applicable where an existing local law or policy applies, and where the use or development is in association with an adjacent approved land use.

Schedule 2, Part 7, Clause 61(1)(i) of the regulations, allows the Town to exempt certain use and development from the requirement for development approval in a local planning policy. It is recommended that the following underlined text be inserted into Local Planning Policy 1.1: Minor use and development exempt from development approval:

The following uses and development are deemed to be of a minor nature and are therefore exempt from the requirement to obtain the Council's development approval under the Scheme:

10. The use and development of land within the Local Road Scheme Reserve where the use and development is:
- a) In association with an adjacent land use; and
 - b) Regulated by an applicable Town of Cambridge local law(s) and/or associated policy(s).

Firstly, the alfresco dining and/or incidental structures must be associated with an adjacent land use for the exemption to apply. Secondly, the use and development must be regulated by another measure – i.e. to ensure the existing permit process is applicable to the proposal. If either of these circumstances can't be met, then a development application would be required.

For an application for a new restaurant/café type use, alfresco dining would not be part of the assessment process where the dining area is within the road reserve. However, if the alfresco dining is located on the private land, then that area would be subject to the normal assessment process, including parking requirements.

In accordance with Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

Improved internal processes

The recommendations of this report are aligned with further work being undertaken to streamline and simplify the Town's permit approvals for businesses.

Officers are currently investigating options to improve the processes for permits including; Trader's Permit, Temporary Food Stallholder's Permit, Temporary Sign or Planter Box Permit and Temporary Display of Goods Permit. The review will involve assessing whether the permits are achieving their desired outcomes, the regulatory framework (Local Laws, Policies and Guidelines), user experience and administrative requirements, with particular regard to the commitments agreed to under the Small Business Friendly Local Government Charter (referenced below).

Once improvements have been identified by officers a separate report with recommendations will be presented to Council.

POLICY/STATUTORY IMPLICATIONS:

Metropolitan Region Scheme (MRS)

Grantham Street is reserved under the MRS as 'Other Regional Road'. The Western Australian Planning Commission (WAPC) is the determining authority for use and development on MRS reserved land, however some approval authority is delegated to local governments under section 16 of the *Planning and Development Act 2005*.

Instrument of Delegation PL403, Del 2017/02, published in the Government Gazette on 30 May 2017, delegates authority to the local government to approve development on or abutting regional road reserves except in certain circumstances (mainly dealing with access). The Town has written to the Department of Planning, Lands and Heritage seeking clarification as to whether the Town can exempt the requirement for development approval for alfresco dining and incidental structures within the Grantham Street road reservation. A further report will be provided to Council should further amendments to the Town's planning framework be required to enact this exemption.

Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 *'Deemed Provisions'*

- cl. 61(1) *'Development approval of the local government is not required for the following works –*
- (i) *the carrying out of any other works specified in a local planning policy or local development plan that applies to the development as works that do not require development approval.'*

- cl. 61(2) *‘Development approval of the local government is not required for the following uses –*
(e) *any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval.’*

Local Planning Policy 1.1: Minor Use and Development Exempt from Development Approval

Policy describes circumstances and requirements where use and development is exempted from the need for development approval.

Town of Cambridge Trading in Public Places Local Law 2016

Division 3 deals with Outdoor Eating Facilities.

Policy 4.2.5 Outdoor Eating Facilities

Provides specific requirements for alfresco dining.

Policy 4.4.5 Trading in Public Places

Provides requirements for trading in public places, including structures and temporary installations such as signage, planter boxes and goods displays.

RISK MANAGEMENT IMPLICATIONS:

Low: The current development approval process for alfresco dining and incidental structures is considered disproportionate to the amenity risks posed. Removing the development approval requirement and regulating the use through permits is considered sufficient to adequately consider amenity impacts that may arise from alfresco dining. It is also noted that the Restaurant / Café / Small Bar use adjacent to the alfresco area would undergo a development approval process, or have been deemed a permitted use in that zone.

Simplifying the approval process for alfresco dining and incidental structures will likely be viewed favourably by the Town’s business community, and is in alignment with the Town’s strategic objectives.

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

Strategic Community Plan 2018-2022

The recommendations of this Report are consistent with the following aspects of the Town’s Strategic Community Plan 2018-2022:-

Goal 11: An efficient local government

Strategy 11.3 Embrace innovation and continuously strive to improve services delivered to the community.

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 5.2 Foster and encourage local business development in the local and district centres which support our residents and the local and broader community.

Economic Development Strategy 2018-2022

The recommendations of this Report are consistent with the following aspects of the Town's Economic Development Strategy 2018-2022: -

Goal 1: Provide a high standard of communication and business support

Strategy 1.5 Review current business related approvals processes and develop a set of process improvement recommendations

Goal 2: Develop our unique centres to support population growth and attract high quality employment

Strategy 2.1 Review current design guidelines and current processes for assessing alternative solutions presented in development applications

Small Business Friendly Local Government Charter (signed July 2018)

3. Administration and regulation

The local government agrees to:

- a) take reasonable action to limit unnecessary administrative burdens on small business such as:
 - i) only asking for information that is absolutely necessary;
 - ii) not asking for the same information twice;
 - iii) working collaboratively with other local governments;
- b) undertake regular policy reviews to limit their impact on small businesses, and to test new policies and procedures for 'small business friendliness'; and
- c) ensure that its officers have the necessary knowledge and skills to apply plans and regulations in a consistent manner.

COMMUNITY ENGAGEMENT:

Community consultation is not required to enact the recommendation of this report.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council:-

1. **NOTES** the current approval processes for alfresco dining within road reserves as detailed in this report;
2. In accordance with Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, AMENDS Local Planning Policy 1.1 'Minor Use and Development Exempt from Development Approval' (as shown in attachment 1) by inserting the following exemption:

“10. The use and development of land within the Local Road Scheme Reserve where the use and development is:

 - a) **In association with an adjacent land use; and**
 - b) **Regulated by an applicable Town of Cambridge local law(s) and/or associated policy(s)”; and**
3. Pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, does not advertise the amendment as it is considered to be minor.

Motion put and **CARRIED EN-BLOC** (8/0)
(Cr McKerracher not present at the meeting)

DV20.66 CHARACTER STUDY FOR SUBURBS – PROJECT PLAN AND RESOURCING

PURPOSE OF REPORT:

The purpose of this report is for Council to consider an outline project plan and resourcing implications for the preparation of a Character Study for Suburbs (the Study) in the 2020/21 financial year.

SUMMARY:

It is recommended that the project plan outlined in this report be endorsed in principle to allow the commencement of work on the Study, as identified within the Local Planning Strategy.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	20/05/2020
Responsible Officer:	Director Planning & Development, Marlaire Lavery
Reporting Officer:	Manager Strategic Planning, Brett Cammell
Contributing Officer:	Senior Strategic Planning Officer, Simon Shub
Reporting Officer Interest:	Nil
Attachment(s):	1. Existing character descriptions

BACKGROUND:

The preparation of a Character and Heritage Area Strategy is identified as a key project, as identified in the Draft Local Planning Strategy and in the Strategic Planning Priority reports, as shown below:

Draft Local Planning Strategy 2019 (LPS)

Formal advertising for the Town's draft LPS concluded in March 2020 and at the May 2020 Ordinary Council Meeting, Council submitted the draft Local Planning Strategy (LPS) to the WAPC for endorsement. It is hoped that the LPS will be given final approval by the Minister for Planning by the end of 2020.

The draft LPS identifies six supporting strategies for more specific areas of the Town, including a 'Character and Heritage Area Strategy'.



The LPS also identifies eight guiding planning principles for each strategic theme, with accompanying objectives. The 'principle' and 'objectives' for 'Character and Heritage' are shown below.

'The Town will recognise and protect the established character and heritage of suburban and urban areas and facilitate the conservation and celebration of key precincts, streets and sites.'

Suburban Character Precincts: *to celebrate and strengthen the character of suburban precincts throughout the Town.*

Character Streets: To protect and enhance the integrity of character streets and streetscapes throughout the Town.

Heritage Sites: To facilitate the protection and preservation of key heritage features of identified Heritage Sites. The following table outlines the proposed project plan for the OS&CI Strategy, for Council's consideration

Strategic Planning priority projects

The preparation of a Character and Heritage Area Strategy is identified as a 'priority project' for the Strategic Planning business unit for financial year 2019/20 (refer Council minutes 25 June 2019, DV19.74).

At the December 2019 Ordinary Council Meeting, Council agreed to:

defer drafting Local Planning Scheme No. 2 (Project 13) until Financial Year 2020/21 to commence following formal advertising of the 'Local Planning Strategy' (Project 1) and progression of the Character Study for Suburbs (Project 12).

It is noted that the title of the project changed from the 'Character and Heritage Area Strategy' as identified within the LPS to the 'Character Study for Suburbs'.

Other related Projects

The Town's Heritage Survey (formerly Municipal Heritage Inventory and Townscape Precinct Study) was first adopted at its meeting held on 17 December 1996 (Item DES97.89) and finalised in June 1997.

At the Ordinary Council Meeting held on 27 November 2018, Council adopted the Updated Local Government Inventory. This included the addition of 75 places on to the Local Planning Scheme No. 1 Heritage List and 118 places added to the Local Heritage Survey (LHS).

Throughout this process, the Town was able to gain a valuable insight into community valued character features of the Town's suburbs.

At the Ordinary Council Meeting held on 28 April 2020, Council adopted an amended Local Planning Policy 3.1 'Streetscape' (LPP3.1). LPP3.1 incorporated character descriptions for City Beach and Floreat, which were prepared with the assistance of Associate Professor Lee Stickells, University of Sydney, and draw on his research related to the planning and development of those precincts (Form and Reform: Affective form and the garden suburb. Doctoral Thesis, UWA, 2005).

DETAILS:

The Town comprises 10,771 dwellings (ABS 2016) distributed throughout City Beach, Floreat, Wembley-Jolimont and West Leederville. The housing component of the LPS identifies, in general terms, streetscape characteristics which inform the perception of the streets and in turn the desirability and attractiveness of the area. Part 2 of the LPS provides a general overview of the characteristics of Wembley and West Leederville, with character descriptions of City Beach and Floreat being sourced from LPP3.1, and these are included as an attachment to this report.

While heritage and character are closely related and share some attributes, the two are different. Unlike heritage, character is usually an evolving or developing quality and is dependent upon less tangible or measurable qualities than heritage. The concept of character is broader than just architectural style or the era of development. Character captures the interrelationship between built form, natural landscapes and vegetation in the public and private domains and distinguishes one place from another.

It is noted that the LPS seeks to incorporate a heritage component to this strategy. Heritage in the Local Government context is often emotive and can be subject to misinformation which can serve to complicate projects such as this. Given that the Town's LHS was updated in November 2018, it is recommended that the focus of the Study be shifted exclusively to identifying key suburban precincts that are prime examples of the style of development and subdivision of that area, and the sense of place that style reinforces within the community. It may be that heritage related recommendations may fall out of the Strategy (e.g. Heritage Areas or additional places to be considered for heritage listing), however for the purpose of defining and scoping this project, the Study will focus on character.

In general terms, there are a number of elements that can help define a local character, with other elements perhaps contributing greater weight to the local character – for example building setbacks, road and lot layout, verge widths and treatments, age of buildings etc. It is expected that these elements will vary throughout the Town and may be more prominent in some areas than others.

In order to effectively analyse the characteristics/features of the suburban precincts, at a streetscape level, in the Town it is recommended that the preparation of the Study be staged. In recent times, City Beach and Floreat character analysis has been undertaken and is sufficient for the time being taking into account statutory framework changes. This leaves West Leederville and Wembley, and given the current West Leederville Activity Centre Plan project, it is recommended that Wembley be considered for the first stage of this project.

Staging of assessment

The following table outlines the proposed project plan for the Study, based on a phased approach involving the preparation of a sub-strategy for each suburb, for Council's consideration.

Sub-strategy 1: Wembley (Phase 1)

	Task	Resources
1.	Undertake assessment of existing valued streetscape features within the Town, considering: <ol style="list-style-type: none"> 1. Local Context 2. Site Design 3. Built Form Design 4. Streetscape and public realm design 	Desktop data collection and site visits
2	Review of relevant plans, including but not limited to: <ol style="list-style-type: none"> 1. Local Heritage Survey 2. Local Planning Scheme 3. Local Planning Strategy 4. Local Planning Policies (specifically the Precinct Policies) 5. State Planning Framework 	Literature review of current documents and other examples of character studies in the metropolitan area
3	Review Local Heritage Survey (formerly Local Government Inventory) submissions and the character related questions from the LPS preliminary consultation undertaken in 2018	Data collection from survey submissions
4	Prepare draft character descriptions for the nominated precinct	
5.	Identification of stakeholders and preliminary consultation for nominated precinct; <ol style="list-style-type: none"> 1. Preparation of survey of valued streetscape features and draft character descriptions (identified in task 1 & 4) 2. Seek feedback from the community for specific areas within the suburb that have distinct character 3. Assessment of preliminary consultation feedback 	Advertisements in the Post, Social Media, Community Engagement firm, production
6.	Detailed assessment and investigation of outcomes of preliminary consultation	
7.	Present sub-strategy 1 to Council for endorsement	

Sub-strategy 2: West Leederville (Phase 2)

8.	Repeat steps 1-6 for next suburb	As noted in table above
9.	Present sub-strategy 2 to Council for endorsement	

Sub-strategy 3: City Beach and Floreat (Phase 3)

10	Repeat steps 1-6 for City Beach and Floreat	<i>As noted in table above</i>
11	Present sub-strategy 3 to Council for endorsement	

Character Study of Suburbs (Phase 4)

12	Prepare draft Study based on outcomes of each sub-strategy	Production company
13	Present draft Study to Council for adoption for the purposes of advertising	
14	Undertake formal consultation of draft Study	Advertisements in the Post, Social Media, Community Engagement firm, Production
15	Assess submissions	
16	Consideration of submissions and final adoption	

Timing

A reasonable amount of work has already been undertaken that can be used for the Study. It is anticipated that each Phase will take approximately 4 months from start to finish, however, work on each Phase can run concurrently. Overall, the Study is expected to be a 12 month project.

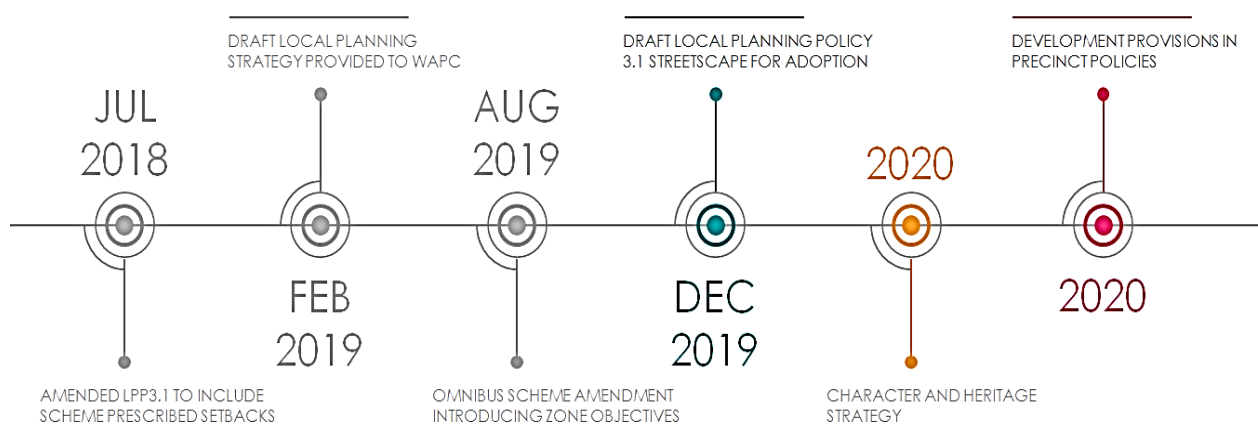
Resourcing

When the Study was originally identified within the LPS, it was envisaged that the work could be undertaken externally. However, upon review of the tasks listed above, and the proposed staged approach, it is recommended that the preparation of the Study be undertaken with existing resources and utilising consultants where specific skills (i.e. production, heritage or character related advice) are required.

Subject to Council's resolution, the Town will proceed with the background component of the Study.

Next Steps

At the Ordinary Council Meeting held on 27 February 2018, Council considered a schedule of review of the Town's Local Planning Policies. The Administration has gradually been working through these, while progressing Council's Strategic Priorities each year. The progress of the strategic projects, as they relate to the Study, is shown in the diagram below.



Once completed, the outcomes of the Study are intended to inform the development of precinct specific planning policy and correspond with the preparation/adoption of the new Local Planning Scheme.

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report.

RISK MANAGEMENT IMPLICATIONS:

Low: It is important to set a strategic direction for this matter, however there are not considered any notable immediate risks to the Town should this project not proceed at this time.

FINANCIAL IMPLICATIONS:

The vast majority of work will be funded through staff time and resources from the Town's operating budget. Some expenses will be incurred for specialist heritage advice, advertising and document production. These expenses will be funded from the anticipated Strategic Projects budget line from the 2020/21 budget.

STRATEGIC DIRECTION:

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

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

Strategy 4.4 Ensure and respect our existing streetscapes, setbacks and green spaces

COMMUNITY ENGAGEMENT:

No community engagement on the content of this report is required at this stage, having regard to Policy 1.2.11 'Community Engagement' and Local Planning Policy 1.2 'Public Notification and Advertising Procedures'.

Considerable community engagement will be undertaken during the preparation of the Character Strategy as outlined above. Consultation material will be provided to Elected Members for review prior to consultation events in accordance with Policy 1.2.15 'Public Consultation Material'.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council:-

- 1. APPROVES, in principle, the Project Plan and resourcing recommendation outlined in this report for preparation of a Character Study for Suburbs;**
- 2. NOMINATES Wembley as the first suburb for phase 1 of the Character Area Strategy; and**
- 3. RECEIVES a further report upon completion of the preliminary consultation associated with Clause 2.**

Motion put and CARRIED EN-BLOC (8/0)
(Cr McKerracher not present at the meeting)

DV20.67 DRAFT LOCAL PLANNING POLICY 3.23: TRANSPORTABLE STORAGE STRUCTURES – CONSIDERATION OF SUBMISSIONS, FINAL ADOPTION AND SUBMISSION TO WAPC

PURPOSE OF REPORT:

The purpose of this report is to present the results of advertising of draft Local Planning Policy No. 3.23: Transportable Storage Structures (Policy) and recommend the path forward for the adoption of the Policy.

SUMMARY:

At its meeting held on 24 March 2020, Council resolved to advertise draft Local Planning Policy 3.23: Transportable Storage Structures (DV20.27). The draft Policy was advertised between 25 April 2020 and 18 May 2020, a period of 23 days. The Town did not receive any submissions during this period.

A recently released WAPC fact sheet on Outbuildings, puts into question the validity of the advertised policy, as the provisions of the Policy conflict with the provisions of the R-Codes and the information contained in the Outbuildings Fact Sheet. As such, it is recommended that the Town seek WAPC approval for the Policy to amend the R-Codes prior to adopting the advertised policy.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	N/A
Report Date:	18 May 2020
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Strategic Planning, Brett Cammell
Contributing Officer:	Strategic Planning Officer, Chris Della Bona
Reporting Officer Interest:	Nil
Attachments:	1. Advertised Local Planning Policy 3.23: Transportable Storage Structures 2. WAPC Fact Sheet: Outbuildings

BACKGROUND:

The Town has recently received enquiries and development applications pertaining to the use of transportable storage structures on residential land as either temporary storage, or adaptively reused as an outbuildings or ancillary dwellings.

To guide the decision making process in determining future applications for development approval, the Town the Policy, and Council at its meeting on 24 March 2020 resolved to adopt the draft Policy for the purpose of advertising.

CONSULTATION

The Policy was advertised in accordance with Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.2: Public Notification of Planning Proposals. The submission period was 23 days, commencing 25 April 2020 and 18 May 2020.

At the conclusion of the submission period, no submissions were received.

DETAILS:

The Western Australian Planning Commission (WAPC) has recently released a fact sheet pertaining to outbuildings (Attachment 2). The fact sheet states unequivocally that transportable storage structures fit the definition of an Outbuilding under State Planning Policy 7.3 – Residential Design Codes Vol. 1 (R-Codes). Under cl. 61 of the Deemed Provisions, and Outbuilding is exempt from the need for development approval where it meets the deemed to comply provisions of the R-Codes. The fact sheet goes on to imply that standard sized sea containers would meet size dimensions of the R-Codes deemed to comply provisions (see extract below).

Are shipping containers outbuildings?

As a shipping container is a structure that is typically enclosed and not used for habitable purposes, it falls within the definition of an outbuilding. The two most common sizes of shipping containers are typically referred to as 20 and 40 footers.

Shipping containers & the R-Codes	Internal length	Internal width	Internal height	Internal floor area
20	5.9m	2.35m	2.4m	13.86m ²
40	12.03m	2.35m	2.4m	28.27m ²
R-Code deemed to comply	Silent	Silent	Wall height 2.4m	60m ² or 10% of lot

As the R-Codes are a state planning policy, there is a presumption that local planning frameworks are to be consistent with the R-Codes, and should only be varied in specific circumstances. Clause 7.3.1 specifies which design elements of the R-Codes can be varied by a local planning policy. The design element relating to Outbuildings is not an area of the R-Codes where the 'deemed to comply' provisions can be varied by a local planning policy, unless WAPC approval is granted.

There are three options to move forward with this policy:

1. Seek WAPC approval for the advertised policy – recommended;
2. Adopt the policy as is; and
3. Amend the policy to only deal with matters allowed for by the R-Codes (visual impacts including design, materials and finishes).

These options are discussed as follows.

1. *Seek WAPC approval for the advertised policy*

The advertised policy only allows sea containers on a temporary basis, effectively prohibiting these structures in all other cases. This is distinct from the R-Codes (and factsheet) whereby Outbuildings are dealt with as permanent structures, and are permitted as of right when they meet the 'deemed-to-comply' provisions. Given the substantial departure of the Policy from the 'deemed-to-comply' provisions of the R-Codes, the Policy is likely to require WAPC approval in order for it to be valid and enforceable.

In order for WAPC to approve a local planning policy that amends the 'deemed-to-comply' provisions of design element 5.4.3 Outbuildings, the Town needs to demonstrate that the amendment is:

1. is warranted due to a specific need related to that particular locality or region;
2. is consistent with the objectives and design principles of the R-Codes Volume 1; and
3. can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.

It is recommended that the Town seek WAPC approval for the Policy, prior to adopting the Policy. Should the Policy be approved by the WAPC, it would allow the Policy to operate in the way it was drafted, not permitting transportable storage structures as of right, except on a temporary basis. Should the Policy be refused by the WAPC, the Town can still pursue Option 3 as outlined below.

2. *Adopt the Policy as advertised*

If the Policy is adopted as advertised, there is a high risk that the Town would be challenged on the validity of the Policy, due to its inconsistency with the R-Codes. The result of this would be that transportable storage structures that met the 'deemed-to-comply' provisions of clause 5.4.3 of the R-Codes would be exempt from requiring development approval and could be placed in residential area, without requiring any approval of the Town. Additionally, as the Policy does not contain any provisions related to the appearance of permanent transportable storage structures, such structures would not require any screening or finishing to reduce the industrial appearance of the structure in residential areas. Due to these risks associated with option, it is not recommended that the Town pursue this path forward.

3. *Amend the Policy to focus on the appearance of structures*

The WAPC position is that transportable storage structures are considered an Outbuilding and as such can be permanently installed in residential areas. The Town can amend the Policy so that it is consistent with the provisions of the R-Codes and the information contained in the WAPC Outbuildings Fact Sheet. The amended policy would outline that while transportable storage structures are permitted as an Outbuilding, their industrial appearance is incongruent with character of a residential setting, and as such would require to be screening or finishing to minimise the industrial appearance of the structure from the street, and other properties. Due to the significant nature of the changes, the amended Policy would need to be

readvertised, prior to final adoption. This option is recommended as a fall-back position, should the Policy's amendment to the R-Codes not be approved by the WAPC.

POLICY/STATUTORY IMPLICATIONS:

A local planning policy does not form part of a Scheme, and cannot bind the Council in respect of an application or planning matter. However, the Council is required to have due regard to the provisions and objectives of the policy in its decision making. A local planning policy adopted under a town planning scheme also cannot vary or override any legislative or regulatory requirement.

Clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the council may make a local planning policy in respect of any matter related to the planning and development of the Scheme area.

RISK MANAGEMENT IMPLICATIONS:

Reporting Officer to insert their opinion as to the status of risk and a brief comment, if appropriate.

Medium: As there have been recent applications for development approval and enquiries about the use of transportable storage structures, it is imperative to have a framework for making decisions related to these structures, particularly given the recent trend to use them as permanent structures.

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:

The Policy was advertised in accordance with Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.2: Public Notification of Planning Proposals which is considered to meet the requirements of the Town's Community Engagement Policy.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council:-

- 1. ENDORSES Local Planning Policy 3.23: Transportable Storage Structures, as shown in Attachment 1, and seek approval from the Western Australian Planning Commission (WAPC);**
- 2. Subject to WAPC Approval, ADOPTS Local Planning Policy 3.23: Transportable Storage Structures, as shown in Attachment 1 for submission to the WAPC; and**
- 3. Subject to WAPC Approval, PUBLISHES a public notice of the adopted Policy in a local newspaper and on the Town's website.**

Motion put and CARRIED EN-BLOC (8/0)
(Cr McKerracher not present at the meeting)

DV20.68 LOCAL PLANNING POLICY 1.5: RESPONSE TO STATE ADMINISTRATIVE TRIBUNAL MATTERS – MINOR AMENDMENTS FOR ADOPTION

PURPOSE OF REPORT:

The purpose of this report is to present amendments to Local Planning Policy 1.5: Response to State Administrative Tribunal Matters (LPP1.5) in response to Council's decision on 24 March 2020.

SUMMARY:

Council requested a report on reviewing LPP1.5 at its Ordinary Meeting of 24 March 2020 (held on 26 March 2020 and 31 March 2020).

Proposed amendments have been drafted to LPP1.5, taking into account discussion held during an Elected Member forum on 12 May 2020. The amendments provide greater clarity to the Town's officers and representatives when presenting a Council decision at a SAT hearing.

The amendments are considered 'minor' and therefore advertising of the amended Policy is not considered necessary, pursuant to clause 5(2) of the Deemed Provisions.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	3 June 2020
Responsible Officer:	Director Planning & Development, Marlaire Lavery
Reporting Officer:	Manager Strategic Planning, Brett Cammell
Contributing Officer:	Nil
Reporting Officer Interest:	Nil
Attachment(s):	1. Amended Local Planning Policy 1.5: Response to State Administrative Tribunal Matters – clean version for adoption 2. Amended Local Planning Policy 1.5: Response to State Administrative Tribunal Matters – showing tracked changes

BACKGROUND:

28 August 2018 Ordinary Meeting of Council

DV18.119 – Local Planning Policy 2.9: Response to State Administrative Tribunal Matters was adopted (LPP2.9).

26 March 2019 Ordinary Meeting of Council

DV19.29 – LPP2.9 was amended to be renumbered LPP1.5, along with the renumbering and formatting of many local planning policies.

24 March 2020 Ordinary Meeting of Council (held on 26 and 31 March 2020)

DV20.32 - Council resolved the following:

1. *REQUESTS the Chief Executive Officer to review the Council Local Planning Policy 1.5: Response to State Administrative Tribunal Matters and the Town's current procedures concerning reports to the Joint Development Assessment Panel.*
2. *NOTES that the Chief Executive Officer has requested that the Town's Responsible Authority Reports be submitted to Council for information prior to being submitted to the to the [sic] Joint Development Assessment Panel; and*
3. *REQUESTS a report to be submitted to Council by no later than April 2020.*

Item 12.1 – Notice of Motion. Council resolved:

That Council:

1. *INSTRUCTS the CEO that, until Local Planning Policy 1.5 is reviewed and amended, all instructions to legal representatives acting on behalf of the Council must have a report brought to Council which includes:*
 - a. *Legal advice;*
 - b. *Instructions to legal representatives; and*
2. *APPROVES BY AN ABSOLUTE MAJORITY to DELEGATE, pursuant to Section 5.42 of the Local Government Act 1995 its power to provide ongoing instructions to the Town's legal representatives to the CEO, on the condition that all instructions and legal advice must be provided in writing.*

28 April 2020 Ordinary Meeting of Council

10.5 – A new policy was presented that sought to combine existing LPP1.5 into a broader Council Policy to provide guidance on dealing with SAT matters. Council resolved to *'defer the item to an Elected Member forum for further consideration.'*

12 May 2020 Elected Member forum

An Elected Member forum was held pursuant to Council's resolution on 28 April 2020. During discussion it was broadly agreed that a separate Policy would be prepared for the Town to provide guidance in dealing with SAT matters, whilst changes to the existing planning policy LPP1.5 would be drafted in light of the discussion. This report presents the draft changes to LPP1.5.

26 May 2020 Ordinary Meeting of Council

10.6 – Council adopted Policy 1.2.24: 'State Administrative Tribunal Matters'. This Policy outlines how the Town will deal with SAT matters, but importantly, defers planning matters to LPP1.5.

DETAILS:

LPP1.5 has been amended in light of discussion held at the Elected Member forum on 12 May 2020. The most notable change has been to include a new section 11 that provides explicit instructions to the Town's officers, consultants and legal representatives when presenting a Council decision during a SAT hearing. In short, Council's decision is to be presented in full, with any departures from the decision to be referred back to Council.

POLICY/STATUTORY IMPLICATIONS:

Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 2 'Deemed Provisions'

- cl. 3(3) *'A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matter to which the policy applies.'*
- cl. 5(2) *'Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is minor.'*

Register of Delegations and Sub-Delegations

12.1.4 Planning and Development Delegations

Function Delegated (to CEO):

7. Perform all functions associated with applications for review to the State Administrative Tribunal including performing responses and representing Council except as outlined in Local Planning Policy 1.5.

Council conditions on this delegation:

The following exceptions are not delegated:

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 [of] the Town's response to the Section 31 reconsideration.

RISK MANAGEMENT IMPLICATIONS:

Medium: The proposed changes to LPP1.5 are considered necessary to provide clarity to the Town's officers in representing Council's decisions before SAT.

FINANCIAL IMPLICATIONS:

There are no direct financial implications associated with the recommendations of this report. Costs incurred preparing the amended Policy were spent from the Town's Operating Budget for FY2019/20.

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 4.1 Implement initiatives that strengthen governance skills, transparency and knowledge.

COMMUNITY ENGAGEMENT:

Consultation on the proposed changes to LPP1.5 is not considered necessary as the changes are 'minor', pursuant to cl. 5(2) of the Deemed Provisions.

COUNCIL DECISION: (COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council, in accordance with Schedule 2, Part 2 Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*: -

- 1. ADOPTS amended Local Planning Policy 1.5: Response to State Administrative Tribunal Matters, as shown in Attachment 1; and**
- 2. Pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DOES NOT ADVERTISE the amendment as it is considered to be minor.**

Motion put and CARRIED EN-BLOC (8/0)
(Cr McKerracher not present at the meeting)

**DV20.69 CITY BEACH P9108 – STATE REGISTER OF HERITAGE PLACES
CONSIDERATIONS**

PURPOSE OF REPORT:

The purpose of this report is to provide Council with background information and consideration of steps to be taken by the Town relating to the City Beach foreshore (heritage place: P9108) addition to the Heritage Council of Western Australia's assessment program for potential entry in the State Register of Heritage Places.

SUMMARY:

On 19 January 2018, the Heritage Council of Western Australia notified the Town of Cambridge that it had considered a preliminary assessment of heritage place P9108 City Beach and decided to add the place to its assessment program for potential entry in the State Register of Heritage Places.

At its meeting held on 26 May 2020, Council considered a report regarding future works and conservation of the South City Beach Kiosk (Item 12.1). As part of its determination, resolved:

That Council requests the Chief Executive Officer to report to Council on what steps need to be taken (if any) to provide the Heritage Council with the information and advice requested by the Heritage Council's letter to the Town dated 19 January 2018 regarding City Beach.

This report provides Council with information on the assessment status and recommends Council request the Heritage Council of Western Australia prioritise the assessment of P9108 City Beach for the potential entry in the State Register of Heritage Places.

AUTHORITY / DISCRETION

<input checked="" type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	City Beach - Lots 2301 and 6000 Challenger Parade, City Beach
Report Date:	4 June 2020
Responsible Officer:	Director Planning and Development, Marlane Lavery
Reporting Officer:	Manager Strategic Planning, Brett Cammell
Contributing Officer:	Acting Senior Strategic Planning Officer, Kimberley Macphail
Reporting Officer Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Heritage Council of Western Australia letter dated 19 January 20182. P9108 City Beach Heritage Place Record with Statement of Significance3. P26251 South City Beach Kiosk Heritage Place Record with Statement of Significance

BACKGROUND:

The State Register of Heritage Places is managed by the Heritage Council of Western Australia (HCWA) and Minister for Heritage to formally identify places of cultural heritage significance that make an important contribution to understanding the heritage of Western Australia. Places are entered in the State Register at the recommendation of the HCWA and on direction from the Minister for Heritage.

On 19 January 2018, the HCWA notified the Town that its Register Committee had considered a preliminary assessment of the City Beach foreshore area (heritage place P9108) and determined that the place is likely to have cultural heritage significance at a State level.

HCWA advised that the place was added to its assessment program for potential entry on the State Register of Heritage Places and the Town will be notified when this assessment is scheduled to be undertaken. In the meantime, the Town was requested to provide any information about P9108 City Beach, development applications and approvals related to the place, as well as the Town's views regarding the cultural heritage significance and possible registration of the place.

A copy of the correspondence from the HCWA is provided in Attachment 1.

City Beach foreshore has been identified to hold local level cultural heritage significance since 1996 (Item DES96.65). However at the time of the HCWA correspondence, the Town had engaged heritage consultants to undertake a comprehensive review of its local heritage places.

Heritage assessments of P9108 City Beach and P26251 South City Beach Kiosk were undertaken in line with the HCWA 'Criteria for the assessment of Local Heritage Places and Areas' and the *Heritage of Western Australia Act 1990*. The Heritage List and Local Government Inventory were subsequently adopted in November 2018 (DV18.170) with:

- P9108 City Beach classified Category 3 – Some Significance: the place contributes to the heritage of the locality and has some altered or modified elements, not necessarily detracting from the overall significance of the item; and
- P26251 South City Beach kiosk as Category 2 – Considerable Significance: Very important to the heritage of the locality with high degree of integrity/authenticity.

Copies of the place records containing physical description, spatial boundaries, level of local cultural heritage significance and a statement of significance of the places are provided in Attachment 2 and 3.

The Town advised the HCWA of relevant development approvals, and its views regarding the cultural heritage significance of the City Beach Foreshore and the South City Beach Kiosk (via the adoption of the statement of significance for these places in the Heritage List and Local Heritage Survey) in March, July and December of 2018.

In July 2019, the new *Heritage Act 2018* came into effect, replacing the *Heritage of Western Australia Act 1990*. The 2018 Act introduces a new process for entry into the State Register of Heritage Places and transitional provisions for matters commenced under the 1990 Act (detailed further below).

At its meeting held on 26 May 2020 (Item 12.1), Council considered a report pertaining to the future conservation of the South City Beach Kiosk. As part of its determination, resolved:

That Council requests the Chief Executive Officer to report to Council on what steps need to be taken (if any) to provide the Heritage Council with the information and advice requested by the Heritage Council's letter to the Town dated 19 January 2018 regarding City Beach.

DETAILS:

Recommended Steps for the Town

The Town has liaised with DPLH Officers to confirm the status of the HCWA assessment and the information required from the Town. Based on the requested information in the HCWA letter and the new procedures under the *Heritage Act 2018*, it is considered that the Town has supplied the necessary information at this time.

However, it is noted that there have been three minor development approvals (i.e. Clancy's shutter alterations, Hamptons shade sails, and Odyssey change of use) issued by the Western Australian Planning Commission (WAPC) recently.

It is recommended the Town take this opportunity to notify the HCWA on these approvals in case WAPC has not, and to advise on the Town's recent and proposed works such as the shelter replacements undertaken in early 2020, and the range of actions relating to the South City Beach Kiosk.

There are several hundred places on the assessment program and an assessment date has yet to be set. There is no statutory timeframe within which the HCWA must conduct its assessment and make a recommendation to the Minister. For reference, the Quarry Amphitheatre assessment commenced 5 years after the Town was notified the place was add to the assessment program.

With this in mind, it is open for the Council to request the HCWA prioritise the assessment of the P9108 City Beach. If Council resolve not to request the assessment be prioritised, or, if HCWA do not accept the request, the place will remain on the assessment program.

Process for entry in the State Register of Heritage Places

Cultural heritage significance is the aesthetic, historic, scientific, social or spiritual value for individuals or groups. Although the Town has classified P9108 City Beach to hold 'some significance' to the local area, it is possible for the place to have different values for the wider community which contribute to its cultural heritage significance at the State level.

HCWA officers have verbally advised that P9108 City Beach is still listed in its assessment program and the Town will be notified once the full assessment is scheduled to commence.

As part of its review and recommendation process, the HCWA must:

1. Compile a draft heritage assessment to determine whether the place has cultural heritage significance as per the State level criteria in section 38 of the *Heritage Act 2018*.
2. Consult with the Town and the public for a minimum 42 day period in relation to the entry of the place in the State Register and the content of the draft statement of significance.
3. Consider the draft assessment and submissions received to finalise its recommendation. The HCWA may invite the Town to address meetings where HCWA is considering its recommendation for entry in the State Register.
4. If the place is considered to have State cultural heritage significance, the assessment, submissions and HCWA recommendation are referred to the Minister for Heritage for final consideration. The Minister then has 30 days to determine whether to enter the place on the State Register.
5. A place is then formally entered in the State Register once the Minister's direction is published, owners and submitters are notified and a memorial is placed on the relevant land titles.

Implications of Entry on the State Register

Entry on the State Register does not prohibit changes, works or adaptation of a place; the HCWA encourage sensitive development and new compatible uses of heritage places as the best way of assuring long term conservation. However it is important to note that HCWA advice must be sought on a considerable range of proposals on or nearby the State Registered place.

If P9108 City Beach is entered on the State Register, the Town, along with WAPC and other determining authorities, will be required to refer the following types of proposals to the HCWA for advice prior to making a decision:

- a proposal, project, plan, programme, policy, public work, operation or undertaking for or relating to the development of land;
- any other proposal by the Town or a public authority to exercise any of its powers in a way that would or might significantly affect the physical character of land;
- an approval, authorisation, consent or permission under any written law for anything that would or might significantly affect the physical character of land; and
- development applications, subdivision applications and Scheme amendments.

Minor works, such as maintenance, like-for-like repairs, some landscaping and signage generally do not require referral.

As the HCWA assessment progresses, it is considered worthwhile for the Town to prepare a conservation management plan to assist with future works programs and management of the facilities, structures and beach amenities within and adjacent to the City Beach P9108 boundaries. In the absence of a Conservation Management Plan, the HCWA State Register of Heritage Places Development Assessment Framework gives an idea as to the types of works and changes that may be supported by the HCWA.

POLICY/STATUTORY IMPLICATIONS:

The assessment and entry of a place in the State Register of Heritage Places is undertaken by the Heritage Council of Western Australia in accordance with Part 3 of the *Heritage Act 2018*. Under section 20 of the *Heritage Act 2018* the Town must comply with any reasonable request for information made by the HCWA.

Part 3 of the Heritage Act 2018 does not specify timeframes for how long a place may be included in the HCWA's assessment program or for the HCWA to complete its assessment and make a recommendation to the Minister of Heritage on the potential entry of a place on the State Register of Heritage Places.

RISK MANAGEMENT IMPLICATIONS:

Medium: The Town's reputation regarding its management of a heritage place of considerable community interest. It is important the Town lead by example to ensure the heritage significance of City Beach foreshore and the associated facilities under the Town's management are recognised, respected and promoted.

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 Community

Goal 1: A sense of community, pride and belonging

Strategy 1.2: Promote our strong community identity and focus our responses on the needs of local residents, businesses and ratepayers.

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 4.5 Liaise with relevant agencies on planning, including provision for education and health facilities and service.

Our Council

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. In accordance with the assessment criteria it was determined that community engagement is not required.

However, public consultation will be undertaken by the Heritage Council of Western Australia once the place assessment moves forward, including statutory requirements associated with entry on the State Register of Heritage Places in accordance with the *Heritage Act 2018*.

**COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)**

Moved by Cr Everett, seconded by Cr Bradley

That Council:-

- 1. NOTES this report on the background and heritage status of the City Beach foreshore place P9108 City Beach;**
- 2. AUTHORISES the Chief Executive Officer to:-**
 - 2.1. NOTIFY the Heritage Council of Western Australia of development proposals relevant to P9108 City Beach; and**
 - 2.2. REQUEST the Heritage Council of Western Australia prioritise the assessment of P9108 City Beach for potential entry in the State Register of Heritage Places.**

Motion put and CARRIED EN-BLOC (8/0)
(Cr McKerracher not present at the meeting)

DV20.70 PROGRESS REPORT 4 ON STRATEGIC PLANNING PRIORITIES FOR 2019/20 AND ENDORSEMENT OF PRIORITIES FOR 2020/21

PURPOSE:

The purpose of this report is to:

1. Provide the final quarterly progress report on the priority projects for the strategic planning business area for the financial year 2019/20; and
2. Propose priority projects for the business area for financial year 2020/21.

SUMMARY:

On 25 June 2019, Council adopted a number of priority projects for the strategic planning business area of the Town for the financial year 2019/20. This report is the fourth and final quarterly progress report on the projects for FY2019/20.

This report proposes priority projects for financial year 2020/21. There are no new projects proposed, rather a continuation and anticipated finalisation of a number of 2019/20 projects.

Council endorsement of these priorities for the coming year will provide a useful framework for ensuring that operational decisions regarding resource allocation and work programming throughout the year can be made in a manner consistent with Council's expectations.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Not applicable
Report Date:	4 June 2020
Responsible Officer:	Director Planning and Development, Marlane Lavery
Reporting Officer:	Manager Strategic Planning, Brett Cammell
Contributing Officer:	Nil
Reporting Officer Interest:	Nil
Attachments:	Nil

BACKGROUND:

On 25 June 2019, Council resolved as follows (refer DV19.74):

That Council:-

1. *NOTES the information related to the Strategic Priorities for 2018/19 for Strategic Planning;*
2. *ADOPTS the strategic priorities and timetable for the 2019/20 financial year, as detailed in the following table:*

	Project	July-Sept 2019	Oct-Dec 2019	Jan-Mar 2020	Apr-Jun 2020
<i>FY2018/19 ongoing projects:</i>					
1	Local Planning Strategy				
2	Town Planning Scheme 1 review - omnibus amendment				
3	Wembley Activity Centre Plan - statutory planning controls				*
4	West Leederville Activity Centre Plan - update and statutory planning controls				
5	West Leederville Hub Project	To be determined			
6	Local Planning Policy 3.1: Streetscape - review				
7	Local Planning Policy 5.1: Parking - review				
8	Short Term Rental Accommodation	To be determined			
9	Review of centres				
<i>FY2019/20 new projects:</i>					
10	Public Open Space Strategy				
11	Medical Precinct Urban Design				
12	Character study for suburbs				*
13	Drafting Local Planning Scheme No. 2				*

* Project will likely continue through to FY2020/21

3. *NOTES that Quarterly reports on the progress of the projects identified in the table above will be presented to Council.*

The first quarterly report was presented to Council on 24 September 2019 where Council resolved to 'defer the item ... to an Elected Member Forum to enable the projects to be discussed with the newly Elected Members.' (Refer DV19.126)

An Elected Member forum was held on Tuesday 12th November 2019 whereby the item was discussed.

On 17 December 2019, Council considered the second quarterly report and resolved:

1. *NOTES the information related to the Strategic Priorities for 2019/20 for Strategic Planning; and*
2. *AGREES to defer 'Drafting of Local Planning Scheme No. 2 (Project 13) until Financial Year 2020/21 to commence following formal advertising of the 'Local Planning Strategy' (Project 1) and progression of the 'Character Study for Suburbs' (Project 12).*

On 24 March 2020, Council considered the third quarterly report and resolved:

1. *NOTES the information related to the Strategic Priorities for 2019/20 for Strategic Planning;*
2. *Undertakes a REVIEW of Local Planning Policy 3.19: Percent for Public Art to incorporate mechanisms to utilise contributions for tree planting in lieu of public art; and*
3. *REQUESTS that a report on the review detailed in Point 2 above be presented to Council by July 2020.*

DETAILS:

This report comprises two sections:

1. Progress update on priority projects for FY2019/20; and
2. Proposed priority projects for FY2020/21.

Progress update 4 on priority projects for FY2019/20

1. Local Planning Strategy (LPS)

Project status	LPS was adopted by Council on 26 May 2020, after formal advertising. The LPS has been submitted to the WAPC and under the 2015 Regulations the WAPC is to make a determination within 60 days of the document being lodged (i.e. by around 7 August 2020). The WAPC may require modifications to be made to the document.
Project on target	On target.
Risk or barriers	None identified at this stage.

2. Town Planning Scheme No. 1 (TPS1) review

Project status	Deferred until FY2020/21 as per Council resolution 17 December 2019.
Project on target	Not applicable.
Risk or barriers	Not applicable.

3. Wembley Activity Centre Plan (ACP) - statutory planning controls

Project status	<p>Council considered the statutory planning controls for the Wembley Activity Centre Plan area in March 2019. Full implementation of the Wembley Activity Centre Plan requires the update of the following documents, scheduled as noted:</p> <ul style="list-style-type: none"> • Zoning changes incorporated into a new local planning scheme; • Updates to Local Planning Policy 2.4: Precinct P4: Wembley, Q1 2020 and • Review Wembley ACP in line with new R-Codes Vol. 2, Q1 2020. <p>Initial work has been done on the above, however will require further resourcing in 2020 to achieve. This project won't be finalised in FY2019/20 and will be proposed to continue into FY2020/21.</p> <p>Lodgement of a local development plan for Wembley Hotel site has required a reallocation of resources away from this project.</p>
Project on target	Behind schedule
Risk or barriers	No new risks or barriers have been identified.

4. West Leederville Activity Centre Plan - update and statutory planning controls

Project status	Council adopted the West Leederville ACP for advertising on 28 April 2020. Advertising commenced on 22 May 2020 and will close on 22 June 2020. A report on submissions is scheduled for Council meetings in August 2020, and as such this project will continue into FY2020/21.
Project on target	Slightly behind schedule due to the procurement process taking longer than anticipated.
Risk or barriers	No new risks or barriers have been identified.

5. West Leederville Hub Project

Project status	This project was deferred by Council on 18 December 2018 until such time as the Local Planning Strategy and West Leederville ACP are further advanced to final approval.
Project on target	Deferred
Risk or barriers	Not applicable

6. Local Planning Policy 3.1: Streetscape (LPP3.1) - review

Project status	The revised Policy was adopted by Council on 28 April 2020. This project is now complete.
Project on target	Complete
Risk or barriers	N/A

7. Local Planning Policy 3.13: Parking - review

Project status	In April, Council adopted a two stage review process. LPP3.13 was amended to address implementation issues and following advertising, was adopted on 26 November 2019. A report on Stage Two of the review (cash in lieu expenditure plan, review of parking standards) was scheduled to be presented to Council in December 2019, however work on this stage isn't yet complete.
Project on target	Behind schedule
Risk or barriers	No known risks or barriers

8. Short Term Rental Accommodation - discussion paper

Project status	This project was deferred by Council on 18 December 2018 until the outcomes of the Inquiry into Short-Stay Accommodation being undertaken by the Economics and Industry Standing Committee (Committee) were known. The Committee tabled its report on 26 September 2019 titled, 'Levelling the Playing Field: Managing the impact of the rapid increase of Short-term Rentals in Western Australia' (Report). On 12 February 2020, the Minister for Planning responded to the Report, saying that the Government is adopting nearly all of the recommendations arising from the inquiry. An interagency working group has been established to implement the recommendations, however no further update has been provided since this February announcement.
Project on target	Deferred
Risk or barriers	No known additional risks or barriers

9. Review of centres

Project status	On 25 February 2020 Council considered a confidential report on this matter (refer DV20.6 'Land not subject to a residential density code') and resolved to incorporate further review of such land (including a number of Centres) into the preparation of a new local planning scheme and map, scheduled to occur later in 2020.
Project on target	Project complete for now, further work to be undertaken during preparation of new Scheme.
Risk or barriers	No known additional risks or barriers

10. Public Open Space Strategy

Project status	Council endorsed, in principle a project plan and resourcing recommendation to prepare an Open Space and Community Infrastructure Strategy on 25 February 2020 (refer DV20.12). Quotations have been sought from consultants to undertake the project, with the submission period closing on 9 June 2020. It is anticipated a consultant will be appointed by the end of June and the project can commence during July 2020.
Project on target	On target
Risk or barriers	No known risks or barriers

11. Medical Precinct Urban Design

Project status	A draft report and associated local planning policy was presented to DRP and some Elected Members on 7 May 2020. Further work and revisions are required to the documents in light of the DRP and Elected Member feedback. This work is underway.
Project on target	Behind target
Risk or barriers	No known risks or barriers

12. Character study of suburbs

Project status	A scope and plan for this project is on this agenda for Council's consideration. Subject to endorsement of that report, this project will continue through FY 2020/21. This project is also referred to in the draft Local Planning Strategy as 'Character and Heritage Strategy'.
Project on target	Slightly behind target
Risk or barriers	No known risks or barriers

13. Drafting Local Planning Scheme No. 2

Project status	Deferred until financial year 2020/21 as per Council resolution on 17 December 2019.
Project on target	Deferred
Risk or barriers	No known additional risks or barriers

Other work undertaken

Whilst the business area's focus has primarily been on the above adopted projects, a number of other pieces of work have been undertaken (or are in progress) since July 2019. These are listed as follows:

1. Review of LPP1.3: Design Review Panel (September 2019)
2. Nomination and appointment process for Design Review Panel members (September 2019)
3. Review of planning and development delegations (July 2019)
4. Review of Construction Management Plan related local planning policies (August 2019, response to Notice of Motion May 2019)
5. Submission on state government proposals (SPP3.6 Development Contributions August 2019, Residential Aged Care position statement December 2019)
6. Review of LPP2.4: Wembley (June 2019, Sept 2019, November 2019, February 2020)
7. Sustainable Grants program undertaken (November 2019)
8. Inaugural Heritage Grants program undertaken (November 2019)
9. Report on Potential Bus Purchases and Summer Bus 2019/20 (November 2019, response to Notice of Motion September 2019)
10. Report on Place and Economic Development Options (response to Notices of Motion September and October 2019)
11. LPP3.24: Determining Natural Ground Levels (February 2020)
12. Draft LPP3.23: Transportable Storage Structures (March and June 2020)
13. Ongoing liaison and facilitation of (confidential) Design Review Panel presentations for Local Development Plans for:
 - o Ocean Village Shopping Centre (DRP November 2019, March 2020) – lodgement expected by June 2020
 - o Wembley Hotel (DRP July 2019)
 - o St John of God Healthcare Subiaco – lodgement expected by May 2020
14. Review of Local Planning Policy 1.5: Response to State Administrative Tribunal Matters (March and June 2020)
15. COVID-19 Recovery and Relief Plan – Express Determination Service for change of use development applications (March 2020)
16. Review and implementation of State government planning exemptions and legislative changes (April – June 2020)

Summary comments

Overall, progress on the priority projects identified for FY2019/20 has been behind schedule. Whilst three important projects have progressed well and are either complete or near completion (Local Planning Strategy, LPP3.1: Streetscapes and West Leederville Activity Centre Plan), a number of other projects are running behind schedule. These delays are attributed generally to:

- A slightly optimistic program schedule for FY2019/20; and
- Shifting priorities and unplanned work resulting in a need to reallocate resources.

Lessons have been learnt from the FY2019/20 work program and will be factored into the work program for FY2020/21. There will also be a reduced number of 'big ticket' projects proposed as the business unit now shifts to implementing the actions stated in the various Strategies adopted over the past three years (Local Planning Strategy, Economic Development Strategy 2018-2022, Sustainability Strategy 2019-2023 and Walking Trails Strategy 2018-2021).

Proposed priority projects for FY2020/21

No new projects are proposed for FY2020/21; rather the year will focus on completion of projects that are to be carried over from 2019/20. The following timeframe is proposed.

	Project	July-Sept 2020	Oct-Dec 2020	Jan-Mar 2021	Apr-Jun 2021
1	Local Planning Strategy				
2	Drafting Local Planning Scheme No. 2				
3	West Leederville Activity Centre Plan				
4	Stage 2 review of Local Planning Policy 3.13: Parking				
5	Wembley Activity Centre Plan – review and update				
6	Medical Precinct Urban Design Study and planning controls				
7	Open Space and Community Infrastructure Strategy				
8	Character Study for Suburbs				
9	Review Local Planning Policy 3.19: Percent for Public Art to incorporate tree planting mechanism				
10	Short Term Rental Accommodation	To be determined after State government planning response			
11	West Leederville Hub Project	To be determined after West Leederville ACP			

As mentioned above, the business area's work will shift somewhat to implementation of the recently adopted Strategies. Each of these strategies contain a number of actions to be implemented by the Town, along with annual reporting on the progress. This work will continue, but has not been identified above as specific projects.

Similarly, the strategic planning part of the business area undertakes a statutory assessment role for scheme amendments, local development plans and activity centre plans (where submitted by the landowner). Currently Wembley Hotel site LDP is under assessment and it is anticipated that a LDP will be submitted for Ocean Village shopping centre during 2020. This work is not identified as a project above, but will be undertaken by the business area.

Local planning policies will also continue to be reviewed where required throughout the year however none of these reviews are considered major enough at the moment to warrant being identified as projects.

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report.

RISK IMPLICATIONS:

This content and recommendation of this report are considered of a 'low' risk nature.

FINANCIAL IMPLICATIONS:

The projects discussed in this report have been financed through the Town's operating budget for FY2019/20 under the 'Strategic Projects' budget line. The proposed projects for FY2020/21 have assumed a similar (or slightly reduced) budget allocation for FY2020/21. If the FY2020/21 budget allocation is less than anticipated, a review of the priority projects may be presented for Council's consideration.

STRATEGIC DIRECTION:

Strategic Community Plan 2018-2028

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

Corporate Business Plan 2018-2022

The proposed priority projects generally align with the Corporate Business Plan as detailed in the following table.

Services and facilities to achieve SCP goals and strategies	Supporting activities	18/19	19/20	20/21	21/22	Comments – alignment with proposed priority projects
Strategic Town Planning Services	Finalise Local Planning Strategy	X	X			Identified as Project 1 above
	Finalise Local Planning Scheme No. 2		X	X		Identified as Project 2 above
	Review of local planning policies	X	X			Ongoing, also Project 4
	Develop a Public Open Space Strategy	X	X			Identified as Project 7 above
	Review and finalise planning framework for West Leederville Activity Centre Plan	X	X			Identified as Project 3 above
	Review planning framework for other activity centres and precincts	X	X	X		Ongoing and to be incorporated in Project 2 (Local Planning Scheme No. 2)
	Undertake analysis and prepare a		X	X		Identified as Project 8 above

Services and facilities to achieve SCP goals and strategies	Supporting activities	18/19	19/20	20/21	21/22	Comments – alignment with proposed priority projects
	Character Strategy for suburbs					
	Develop an Integrated Transport Strategy			X	X	Not proposed as project for FY2020/21. Likely to commence 2021/22.
Economic Development	Implement the Economic Development Strategy		X	X	X	Ongoing, not identified as a project, but annual implementation reports to be provided.
Sustainability Services	Develop a Sustainability Strategy	X				Complete
	Scenario planning for reduced water allocation		X			To be undertaken 2020/21 as part of implementation of Sustainability Strategy.
	Commit to the Waterwise Council Program	X	X	X	X	
	Review the energy efficiency program		X			
	Develop a Natural Areas Strategy for our bushland, waterways and coastal natural areas	X	X			To be undertaken by Parks and Natural Environment business unit in 2021.

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.

Committee Meeting 16 June 2020

Impartiality Interest Declaration – Cr McKerracher

With regard to Item DV20.70, I disclose that until 22 October 2017 I had an association with the Coast Ward Ratepayers' Association Inc 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.

Impartiality Interest – Cr Everett

With regard to Item DV20.70, there are items included in this table for noting and adoption which when being considered as individual items for action or input which could materially influence content or outcome, I have declared an interest. As a result of these various declarations, there could be a perception that my impartiality may be affected. Given the nature and purpose of this item, and acknowledging past declarations I will for this item declare an impartiality interest and consider the matter on its merits.

During discussion, Members advised that the shading in the table did not show up in the printed copy of the Agenda and requested that this be corrected for the next meeting of Council.

PROCEDURAL MOTION:

Moved by Mayor Shannon, seconded by Cr Nelson

That the item relating to Progress Report on Strategic Planning Priorities for 2019/20 and Endorsement of Priorities for 2020/21 be submitted to Council for determination.

Motion put and CARRIED (5/0)

Council Meeting 23 June 2020

Impartiality Interest Declaration – Cr McKerracher

With regard to Item DV20.70, I disclose that until 22 October 2017 I had an association with the Coast Ward Ratepayers' Association Inc 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.

Impartiality Interest – Cr Everett

With regard to Item DV20.70, there are items included in this table for noting and adoption which when being considered as individual items for action or input which could materially influence content or outcome, I have declared an interest. As a result of these various declarations, there could be a perception that my impartiality may be affected. Given the nature and purpose of this item, and acknowledging past declarations I will for this item declare an impartiality interest and consider the matter on its merits.

Cr Mack returned to the meeting at 6.34 pm.

Cr Mack departed the meeting at 6.35 pm for personal reasons.

**COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)**

That Council:-

1. **NOTES** the information related to the Progress Report 4 on Strategic Priorities for 2019/20 for Strategic Planning;
2. **ADOPTS** the strategic priorities and timetable for the 2020/21 financial year, as detailed in the following table:

	Project	July-Sept 2020	Oct-Dec 2020	Jan-Mar 2021	Apr-Jun 2021
1	Local Planning Strategy				
2	Drafting Local Planning Scheme No. 2				
3	West Leederville Activity Centre Plan				
4	Stage 2 review of Local Planning Policy 3.13: Parking				
5	Wembley Activity Centre Plan – review and update				
6	Medical Precinct Urban Design Study and planning controls				
7	Open Space and Community Infrastructure Strategy				
8	Character Study for Suburbs				
9	Review Local Planning Policy 3.19: Percent for Public Art to incorporate tree planting mechanism				
10	Short Term Rental Accommodation	To be determined after State government planning response			
11	West Leederville Hub Project	To be determined after West Leederville ACP			

3. **NOTES** that Quarterly reports on the progress of the projects identified in the table above will be presented to Council.

Motion put and CARRIED (8/0)
(Cr Mack not present at the meeting)

DV20.71 JOINT DEVELOPMENT ASSESSMENT PROCEDURE - RESPONSIBLE AUTHORITY REPORTS

PURPOSE OF REPORT:

The purpose of this report is to receive an approval from Council to continue to submit the Responsible Authority Reports prepared by Administration direct to the Joint Development Assessment Panel (JDAP) without first being presented to Council.

SUMMARY:

At an Elected Members Concept Forum on Tuesday 12 May 2020, the current JDAP procedure was presented to Councillors. There was a discussion regarding the JDAP process, specifically whether or not it was preferable to have the Responsible Authority Report (RAR) presented to Council before submission to the JDAP and if so, whether the Report should state that Council either support or do not support the officer recommendation. The other option discussed would be that Council just 'note' the recommendation. It was decided that the Director of Planning and Development would email all Elected Members asking their opinion and collate the results

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	None
Report Date	4 June 2020
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Director Planning and Development, Marlaine Lavery
Contributing Officer:	Nil
Reporting Officer Interest:	Nil
Attachments:	None

BACKGROUND:

Currently the RAR is emailed to Councillors on the day it is submitted to JDAP. Administration has a statutory 90 day timeframe to carry out the assessment of the proposal and complete the RAR. This includes advertising the proposal, undertaking all external and internal referrals, requesting further information from the applicant or technical experts, assessing the proposal and then writing the report. Also, it is not unusual for the applicant to submit amended plans or further information close to the statutory deadline and this can lead to late amendments to the Report. Recently changes have been made to streamline the internal process and it is anticipated that the RAR and attachments could be issued to Councillors in advance of the submission to the JDAP. This will allow the Councillors time to read and understand the RAR before it becomes available to the public.

DETAILS:

An email from the Director Planning and Development was sent to all Councillors on Tuesday 12 May 2020 asking whether or not they support the Responsible Authority Report being formally presented to Council before submission. The question was also asked whether they wanted to state on the RAR that they support or do not support administrations recommendation or if the report should just be noted. The responses are as follows:

	RAR's presented to Council	Provide opinion or Note
Mayor Shannon	Yes	Note
Cr McKerracher	No	-
Cr Everett	No	
Cr Mack	No	
Cr Nelson	Yes	Note
Cr Barlow	No	
Cr Haddon Casey	No	
Cr Timmermanis	No Response	
Cr Bradley	No Response	

The vote was 5/2 in favour of the current process continuing, where the RAR is issued to Councillors and not formally presented to Council. Of those Councillors who voted for the RAR to be presented to Council, all requested that the RAR be noted and did not wish to state their opinion on the recommendation.

It is considered therefore, with the additional measures incorporated into the current JDAP procedure that the RAR will be issued to Councillors when complete and before submission to JDAP.

POLICY/STATUTORY IMPLICATIONS:

The *Planning and Development (Development Assessment Panels) Regulations 2011* provide statutory authority to the decision making role of the JDAP in the planning process. In effect, JDAP steps into the role of the local government to determine particular applications, but still within the realm of the local government's local planning scheme and 'Deemed Provisions', as provided for by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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.

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council APPROVES that any Responsible Authority Report prepared by Administration is submitted direct to the Joint Development Assessment Panel without first being presented to Council.

Motion put and CARRIED (6/2)

For: Mayor Shannon, Crs Barlow, Everett, Haddon-Casey, McKerracher and Nelson

Against: Crs Bradley and Timmermanis
(Cr Mack not present at the meeting)

DV20.72 BUILDING PERMITS APPROVED UNDER DELEGATED AUTHORITY- MAY 2020

PURPOSE:

The purpose of this report is to receive the register of Building Permits issued under delegated Authority.

SUMMARY:

The report details building approvals issued under delegated authority.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	N/A
Report Date:	4/06/2020
Responsible Officer:	Director Planning and Development, Marlaire Lavery
Reporting Officer:	Manager Regulatory Services, Stephen Cleaver
Contributing Officer:	N/A
Reporting Officer Interest:	Nil
Attachment(s):	1. Building Approvals (Confidential)

BACKGROUND:

Listed below are the total numbers of permits issued for the month of May 2020. 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.

	May 2020	May 2019	Financial Year to date 2019/2020	Corresponding Financial Year to date 2018/2019
Building Permits (Certified)	23	37	346	338
Building Permits (Uncertified)	9	7	94	115
Demolition Permits	7	4	48	56

Building Approval Certificate (Unauthorised Work)	1	2	14	15
Building Approval Certificate (Strata)	1	2	4	5
Occupancy Permits	0	2	9	10
Occupancy Permits (strata)	0	0	0	3
Total	41	54	515	542
Value of Construction	\$12,953,491.09	\$77,235,906.00	\$132,240,528.09	\$ 175,578,450.

DETAILS:

Nil

POLICY/STATUTORY IMPLICATIONS:

Building Act 2011.

RISK MANAGEMENT IMPLICATIONS:

Low: As the approvals have already been issued under delegated authority by the Town's Building Surveyor, the risks to the Council are low.

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 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:

Nil

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That Council RECEIVES the Schedule of Building and Demolition Permits approved under delegated authority for the month of May 2020 as attached to and forming part of the notice paper.

Motion put and CARRIED EN-BLOC (8/0)
(Cr McKerracher not present at the meeting)

DV20.73 DELEGATED DECISIONS AND NOTIFICATIONS – MAY 2020

PURPOSE:

The purpose of this report is to receive the register of Planning Delegated Decisions.

SUMMARY:

To report on matters which have been dealt with under delegated authority.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	Not applicable
Report Date:	June 2020
Responsible Officer:	Director Planning and Development, Marlaine Lavery
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Administration Officer, Nancy Vanden Bergh
Reporting Officer Interest:	Nil
Attachment(s):	1. Delegated Decisions and Notifications for May 2020

DETAILS:

The Planning applications listed under attachment 1 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:-

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report.

RISK IMPLICATONS:

There are no Risk Implications related to this report.

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 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:

Nil

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That the Council RECEIVES the report on Delegated Decisions and Notifications dealt with under delegated authority for the period of May 2020.

Motion put and CARRIED EN-BLOC (8/0)
(Cr McKerracher not present at the meeting)

COMMUNITY AND RESOURCES COMMITTEE

The report of the Community and Resources Committee meeting held on Monday 15 June 2020 was submitted as under:

1. DECLARATION OF OPENING

The Presiding Member declared the meeting of the Community and Resources Committee open at 6.02 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present:	Time of Entering	Time of Leaving
Members:		
Cr Andres Timmermanis (Presiding Member)	6.02 pm	7.43 pm
Mayor Keri Shannon	6.02 pm	7.43 pm
Cr Kate Barlow	6.02 pm	7.43 pm
Cr Rod Bradley	6.02 pm	7.43 pm
Cr Gary Mack	6.02 pm	7.43 pm

Observers:

Nil

Officers:

Kelton Hincks, Director Infrastructure & Works
Priya Narula, Manager Services
Rob Andrews, Manager Corporate Business (In at 6.06 pm)
Roy Ruitenga, Manager Finance (In at 6.05 pm)
Lee Gyomorei, Coordinator Governance & Office of CEO
Denise Ribbands, Senior Governance Officer

Members of the Public:

Nil

Media:

Ben Dickinson, Post Newspaper (In Electronically until 7.29 pm)

Adjournments:

Nil

Time meeting closed:

7.43 pm

APOLOGIES/LEAVE OF ABSENCE

Apologies: CEO, Mr John Giorgi, JP,
Director Corporate & Community Services, Mr Cam Robbins,
Manager Technical Services & Works, Mr Peter Foxcroft, and
Manager Parks & Natural Environment, Mr Andrew Head

3. PUBLIC QUESTION TIME

Nil

4. DEPUTATIONS AND PETITIONS

Nil

5. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of the Community and Resources Committee held on 18 May 2020 as contained in the May 2020 Council Notice Paper be confirmed.

6. DECLARATION OF MEMBERS' INTERESTS

Item CR20.75 – Cr Bradley – Impartiality Interest
Item CR20.79 – Mayor Shannon – Financial Interest

7. REPORTS

CR20.70 KIMBERLEY STREET AND LAKE MONGER DRIVE INTERSECTION

PURPOSE OF REPORT:

The purpose of this report is to inform Council of the options to improve traffic flow and safety at the Kimberley Street and Lake Monger Drive intersection, as requested at the 27 August 2019 Council Meeting.

SUMMARY:

A report regarding the Proposed Black Spot Program Submissions for 2020/2021 (CR19.77) was presented to Council at its meeting held 27 August 2019. Council resolved to withdraw three of the four proposals and requested that a further report into options to improve traffic flow and safety at the Kimberley Street and Lake Monger Drive intersection, including the extension of the left hand turning lane on Lake Monger Drive onto the Mitchell Freeway north bound be presented to Council for consideration.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	Kimberley Street Lake Monger Intersection West Leederville
Report Date:	4 June 2020
Responsible Officer:	Director Infrastructure and Works, Kelton Hincks.
Reporting Officer:	Manager Technical Services and Works, Peter Foxcroft.
Contributing Officer:	Coordinator Design, Waste and Technical Services, Kevin White.
Reporting Officer Interest:	Nil.
Attachment(s):	1. Location Plan. 2. Concept Design – Kimberley Street Blackspot project 3. Concept Design – Lake Monger Drive right turn lane option 4. Concept Design – Roundabout option 5. MRWA – Lake Monger Left Turn Lane

BACKGROUND:

At its Ordinary Council Meeting of 27 August 2019, a report was presented regarding the Town's four successful Black Spot Submissions for the 2020/2021 financial year (CR19.77). These four submissions are listed below:

1. Bold Park Drive/Oceanic Drive;
2. Crosby Street/Grantham Street;
3. Kimberley Street/Lake Monger Drive; and
4. Perry Lakes Drive/Oceanic Drive.

Council resolved to withdraw the submissions for Black Spot Funding for Locations 1, 2 and 4. The submission for Kimberley Street and Lake Monger Drive involved the modification of the approach lanes in Kimberley Street. The right turn lane was to be lengthened and embayed into the median with the subsequent realignment of the south bound lane and the required road widening into the abutting reserve.

Council also requested that a further report be presented to Council assessing options to improve the traffic flow and safety of the Kimberley Street and Lake Monger Drive intersection. At the meeting it was decided:

That Council:-

1. *REQUESTS a report into options to improve traffic flow and safety of the Kimberley Street/Lake Monger Drive intersection, including the extension of the left hand turning lane on Lake Monger Drive onto the Freeway North, for consideration at the February 2020 Ordinary Council meeting.*

DETAILS:

Lake Monger Drive is a District Distributor A road as described in the Town's Road Hierarchy, has a posted speed limit of 60km/h and a traffic volume of 22,953 vehicles per day (vpd.) Kimberley Street is a Local Distributor Road, has a posted speed limit of 50km/h and a traffic volume of 4,818 vpd.

The Main Roads WA (MRWA) crash data for the Kimberley Street and Lake Monger Drive intersection from 2015 to 2019 records 22 crashes. Of these crashes, 16 were rear end collisions of vehicles turning right out of Kimberley Street onto Lake Monger Drive. These statistics indicate a significant problem at the intersection.

Detailed below are four options that have been considered by the Administration to improve the flow of traffic and safety at the Kimberley Street and Lake Monger Drive intersection:-

1. Kimberley Street "Black Spot" intersection modification;
2. Lake Monger Drive right turn lane;
3. Lake Monger Drive roundabout; and
4. Lake Monger Drive traffic lights.

Option 2: Lake Monger Drive Right Turn Lane (stage two)



Once the proposed Kimberley Street Black Spot intersection modification works has been constructed, the Administration will monitor the intersection and look to further improve the intersection by proposing to install a right turn lane on Lake Monger Drive as displayed above.

The intent of the proposed right turn lane is to safely reduce the speed of eastbound travelling vehicles turning into Kimberley Street. The increased length of the turn lane will allow the vehicles to decelerate before turning into Kimberley Street. The proposed tighter turning radius at the intersection will also reduce vehicle speed when negotiating the turn. This will improve the reaction time of drivers exiting Kimberley Street so they can safely judge the time required to cross to the Lake Monger Drive median strip.

The proposed construction of a right turn lane in the Lake Monger Drive median island will necessitate the removal of three trees. A number of established trees will also require under pruning to improve sight lines for vehicles exiting Kimberley Street heading east. The existing limited sight distance when exiting Kimberley Street heading east and the speed of the eastbound vehicles turning into Kimberley Street are contributing factors to the number of rear end collisions at this intersection.

Option 3: Lake Monger Drive Roundabout (not preferred)



The proposed roundabout shown above is designed to accommodate the existing two lanes of directional traffic along Lake Monger Drive as well as the required pre-deflection to reduce speed approaching the roundabout. To facilitate the roundabout installation, a significant area of the Lake Monger reserve would have to be utilised, which would involve extensive earthworks for the road realignment and would require significant traffic management during construction. The Kimberley Street entrance to the roundabout would move closer to the existing homes which may become an issue to the residents.

Due to the disparity of traffic volumes (Lake Monger Drive has 22953 vehicles per day (vpd) as opposed to Kimberley Street at 4818 vpd), a roundabout treatment would have no benefit in terms of traffic flow as the smaller volume traffic would have right of way over the larger volume of traffic. The existing crash behaviour at this intersection is a significant over-representation of rear-end crashes. Roundabout treatments are known to increase rear-end crashes.

The roundabout is a suggested alternative to alleviate the current problems at the intersection but would be an expensive solution. A preliminary cost for the construction of the roundabout has not been undertaken at this time.

Option 4: Lake Monger Drive Traffic Signals (not preferred)

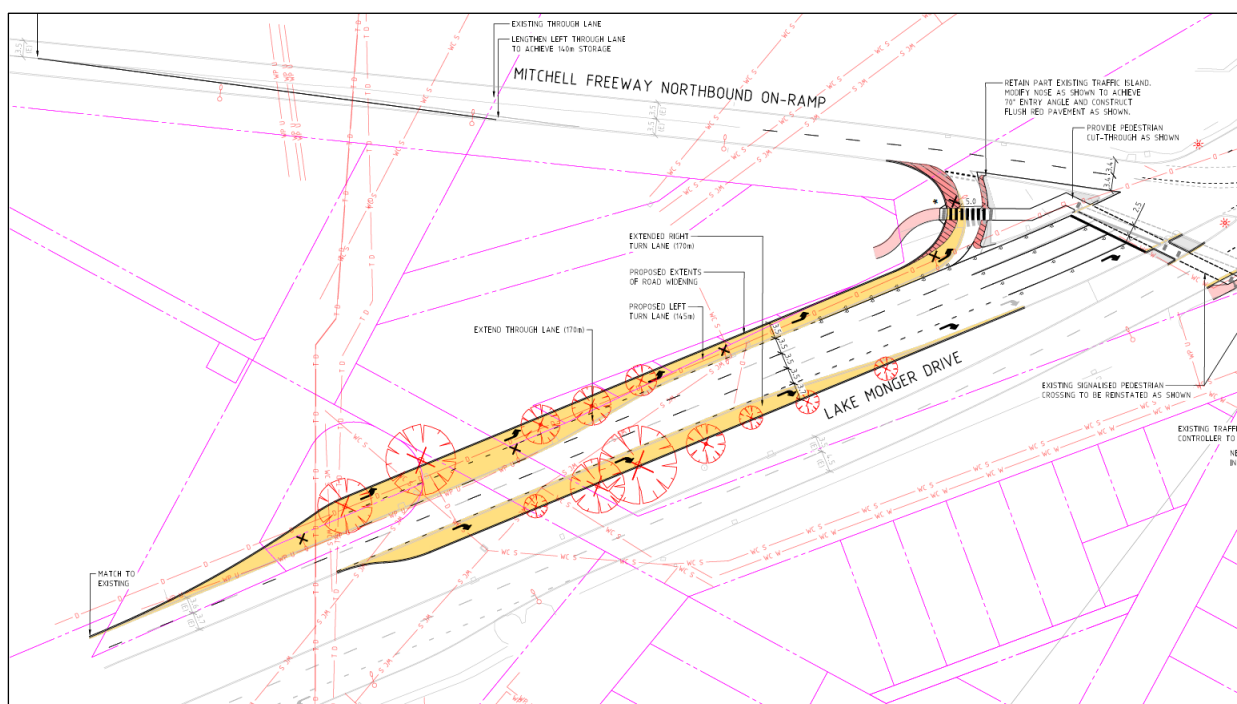
A suggested alternative treatment for this intersection is traffic signals. Traffic signals along Lake Monger Drive would disrupt the existing traffic flow, particularly during the am and pm peak periods, due to the phasing of the traffic signals allowing vehicles to enter and exit Kimberley Street.

All intersection traffic signals are under the care and control of MRWA. MRWA may not support the installation of traffic signals at the intersection due to the close proximity of the signalised Lake Monger Drive/Southport Street intersection. This would also possibly impact on the proposed future upgrade works at that intersection.

A concept design and costing has not been undertaken for this option as traditionally traffic signals are an expensive option and require a specialist to undertake the modelling.

Extension of MRWA proposed left turn lane onto the Mitchell Freeway

The concept design below outlines MRWA proposed upgrade to the Lake Monger Drive/Southport Street intersection (see full design on **Attachment 5**).



MRWA are proposing future upgrade modifications to the intersection of Lake Monger Drive and Southport Street to reduce traffic congestion. This intersection is approximately 250m east of the Kimberley Street intersection and includes an extension of the left turn lane along the northern side of Lake Monger Drive ending just before the Kimberley Street intersection.

A suggestion has been raised that the proposed left turn lane be extended to facilitate vehicles turning right from Kimberley Street to directly enter the left turn lane to access the freeway north. The concern with this proposed modification is that the two through lanes along Lake Monger Drive will need to be crossed to enable a driver to enter the left turn lane. Considering the high volume of traffic on Lake Monger Drive, this is a hazardous manoeuvre, causing drivers to hesitate leading to a potential increase in rear end crashes. Drivers will also be encouraged to wait in the median until the traffic clears to enable the manoeuvre directly into the left turn lane.

This will result in further traffic congestion in Kimberley Street. The further extension of this proposed left turn lane will result in road widening and the loss of a number of verge trees.

The Kimberley Street Black Spot project is the first step in providing a safer intersection for road users. The Town has received a significant financial contribution towards this project as it is recognised by the State Government as a dangerous intersection. It is therefore recommended that the proposed black spot project to improve traffic congestion and reduce crashes in Kimberley Street should proceed in the 2020/2021 financial year.

At the conclusion of the project, the Town will conduct further traffic investigations in regards to improving traffic safety following the completion of the MRWA modifications at the Lake Monger Drive/Southport Street intersection. MRWA currently have no time line available for the completion of this work.

POLICY/STATUTORY IMPLICATIONS:

Policy No. 5.2.17(a) 'Road Design Standards' indicates that "design and construction be compatible with best modern practice and design".

RISK MANAGEMENT IMPLICATIONS:

Low: The proposed modifications on Kimberley Street will directly affect only three residents. One crossover will be affected with the modifications improving access and egress. Safety benefits will be weighted highly versus tree amenity concerns and any removed trees will be replaced. Accordingly, the matter is considered to be low risk. However, should this project be postponed the risk status will need to be reviewed as the Town may lose the Black Spot Grant and preventable crashes may continue.

FINANCIAL IMPLICATIONS:

The funding will be one third Local Government and two thirds State Government in the 2020-2021 Financial Year. The total estimated cost of the proposed modifications for Kimberley Street is \$114,000. Black Spot Grant funding for this project will be \$76,000. The Town's contribution for this project will be \$38,000.

STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:

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:

All conditionally approved Black Spot projects for the 2020-2021 program will involve direct and indirect community consultation.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council:-

1. **RECEIVES** the information in this report regarding the proposed options to improve traffic flow and safety of the Kimberley Street/Lake Monger Drive Intersection;
2. **DEFERS** the final traffic assessment for options to improve traffic flow along Lake Monger Drive/Kimberley Street intersection, until Main Roads WA complete the intersection upgrade at the Lake Monger Drive/Southport Street intersection; and
3. **APPROVES** the Administration to progress with option 1, the Kimberley Street modification Black Spot project, to be constructed in the 2020/2021 financial year.

Motion put and CARRIED EN-BLOC (8/0)
(Cr Mack not present at the meeting)

CR20.71 DEPARTMENT OF TRANSPORT - LONG TERM CYCLE NETWORK

PURPOSE OF REPORT:

The purpose of this report is to seek Council's endorsement of the Department of Transport's Long Term Cycle Network Plan (**Attachment 2**).

SUMMARY:

The Department of Transport (DoT) has worked with 33 local government authorities across the Metropolitan and Peel areas to develop an interconnected bicycle network. The aim of the network is to link parks, schools, facilities and transport services to make bike riding more convenient for people of all ages and abilities.

The agreed Long Term Cycle Network (LTCN) will guide funding allocations through the WA Bicycle Network Grants Program. The DoT is seeking endorsement of the program from all the participating local government authorities to facilitate consistency across the network. The DoT is seeking Council endorsement of the aspirational LTCN based on the following statement detailed in the attached memorandum (**Attachment 1**):

'Council endorse the aspirational Long Term Cycle Network (LTCN) developed in collaboration between Council officers and the Department of transport. Endorsement of the LTCN does not commit Council or State Government agencies to deliver all, or any part, of the LTCN within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route within the LTCN.'

Council endorsement confirms support for local and State Government agencies to work together in delivering the aspirational LTCN over the longer term.'

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input checked="" type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	Town of Cambridge
Report Date:	4 June 2020
Responsible Executive/Director:	Director Infrastructure and Works, Kelton Hincks
Responsible Manager:	Manager Technical Services and Works, Peter Foxcroft
Reporting Officer:	Coordinator Design, Waste & Technical Services, Kevin White
Contributing Officer:	Sustainability Officer, Janine Roets
Reporting Officer Interest:	Nil
Attachments:	1. Department of Transport Long Term Cycle Network Memo 2. Long Term Cycle Network Plan Map

BACKGROUND:

The original Cycling Network Plan was released by the State Government in 2016. In 2017/2018, the DoT received funding to develop a detailed plan with the aim of connecting all key activity centres across the Metropolitan and Peel areas. Following wider consultation with LGA's, the LTCN has now been completed. A Memorandum was released by the DoT providing information and requesting endorsement of the LTCN (**Attachment 1**).

DETAILS:

The DoT and Local Government Authorities' (LGA) aim was to categorise routes within the network to ensure consistency and continuity across all the LGA's. A primary route is seen as a high demand route that connects major destinations. A secondary route has a lower demand and serves as connections between primary routes and activity centres. Lastly, local routes have a low demand and are located within residential areas whilst still serving as connecting routes.

The Town of Cambridge Bicycle Plan 2018-2022 (CR18.10) was developed based on the categorisation of the routes and according to the DoT guidelines, thus no changes to the plan were required. LGA's with older plans had to make significant changes to their plans to align their networks with the greater network.

The final network was reviewed by Main Roads, Perth Transport Authority and Metronet teams. The process also allowed for LGA's to communicate and discuss future interconnected routes. The routes affecting the Town of Cambridge are indicated in the attachment map (**Attachment 2**).

The Town of Cambridge Bicycle Plan 2018-2022 will be reviewed in 2022. The DoT envisages future updates as part of the process to include the LTCN aspects, including community comments. New routes can be added based on new developments and existing routes can be realigned where required.

A regional LGA endorsed aspirational LTCN will assist in leveraging additional bicycle infrastructure funding, especially when Federal funding is available. Future WA Bicycle Network Grant Program funding will be guided by the LTCN. Only routes within the endorsed LTCN will be eligible for grants and only LGA's with a Council endorsed LTCN will remain eligible for the funding, therefore it is recommended the LTCN is endorsed by Council.

POLICY/STATUTORY IMPLICATIONS:

There are no policy implications associated with this report.

RISK MANAGEMENT IMPLICATIONS:

Low: This report is to seek Council endorsement of the Department of Transport's Long Term Cycle Network Plan, if not endorsed, the Town may not receive funding in the future.

FINANCIAL IMPLICATIONS:

There are no direct financial implications associated with this report, however, endorsement from the Council is a requirement for future WA Bicycle Network Grants.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's Strategic Community Plan:-

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 "INFORM" with the objective "to provide balance and objective information".

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council ENDORSES the Department of Transport's Long Term Cycle Network Plan as shown in Attachment 2.

Motion put and CARRIED (7/1)

For: Mayor Shannon, Crs Barlow, Everett, Haddon-Casey, McKerracher, Nelson
and Timmermanis

Against: Cr Bradley
(Cr Mack not present at the meeting)

CR20.72 STREET TREE MASTER PLAN: OUTCOMES OF COMMUNITY CONSULTATION

PURPOSE OF REPORT:

The purpose of this report is to provide Council with the outcomes from the Draft Street Tree Master Plan (STMP) community consultation, and recommend adoption of the STMP, subject to minor changes to species selection requirements.

SUMMARY:

The STMP was made available for public comment via an online survey for a four week period from March to April 2020. A total of 98 submissions were received as shown in **(Attachment 1)**.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	1 Bold Park Drive, Floreat
Report Date:	4 June 2020
Responsible Officer:	Director Infrastructure and Works, Kelton Hincks
Reporting Officer:	Manager Parks and Natural Environment, Andrew Head
Contributing Officer:	Senior Landscape Officer, Patrick Bewely
Reporting Officer Interest:	Nil
Attachment(s):	1. Community Consultation Feedback 2. Draft Street Tree Management Plan 3. Appendix A – Tree species selection table

BACKGROUND:

A report regarding the draft STMP was presented to Council at its meeting held 24 March 2020 (CR20.31), where it was decided:

That Council:

1. *RECEIVES the revised Draft Street Tree Masterplan as shown in Attachment 1;*
2. *APPROVES the Draft Street Tree Masterplan for public consultation subject to removal of all deleted species prior; and*
3. *REQUESTS that a report be presented to Council documenting the feedback received following public consultation.*

DETAILS:

The draft STMP was available on the Town's website for a period of four weeks from 1 April 2020 to 4 May 2020. The Town's community was made aware of the Street Tree Master Plan consultation period through the Cambridge E-News, E-mail and newspaper publications, Social Media (Instagram, Facebook and Twitter) and on the Town's website.

Community Consultation Feedback

Feedback was gathered from the survey which requested the following information:

1. Name and address;
2. Contact information;
3. Level of support for the Urban Forest Strategy (high, medium or low); and
4. General comments and feedback.

A total of 98 submissions were received from residents across the Towns' suburbs (**Attachment 1**). The number of respondents from each suburb is listed below:

- a) Floreat – 32;
- b) City beach – 24;
- c) Wembley – 19;
- d) West Leederville – four;
- e) Jolimont – one; and
- f) Mount Claremont – one.

The remaining respondents were either from outside the Town of Cambridge or did not list an address. This information is summarised in Figure 1.

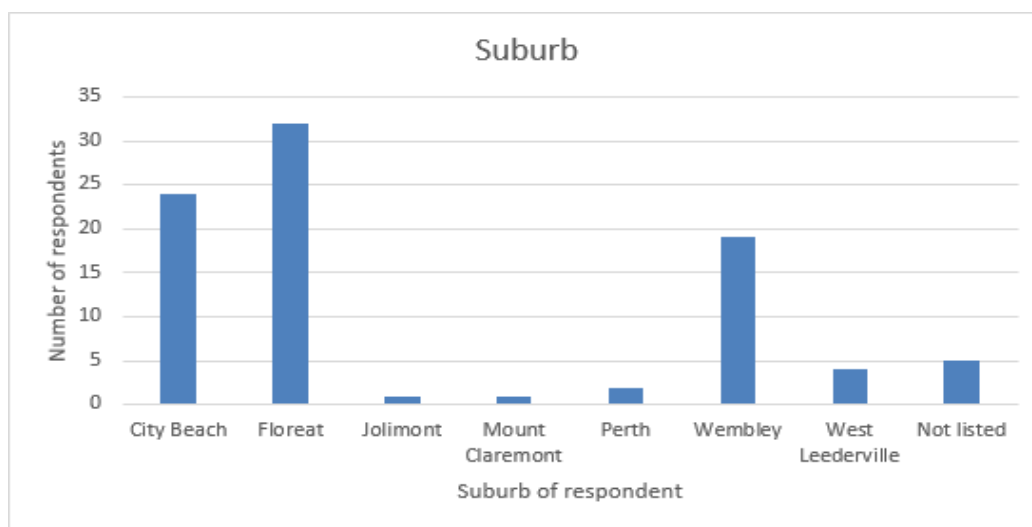


Figure 1 - Number of Respondents from Each Suburb

The community consultation results represented in Figure 2 below suggest the level of support for the STMP is marginal, the results are as follows;

- a) 32 respondents listing a high level of support;
- b) 32 with medium level of support; and
- c) 28 expressing a low level of support.

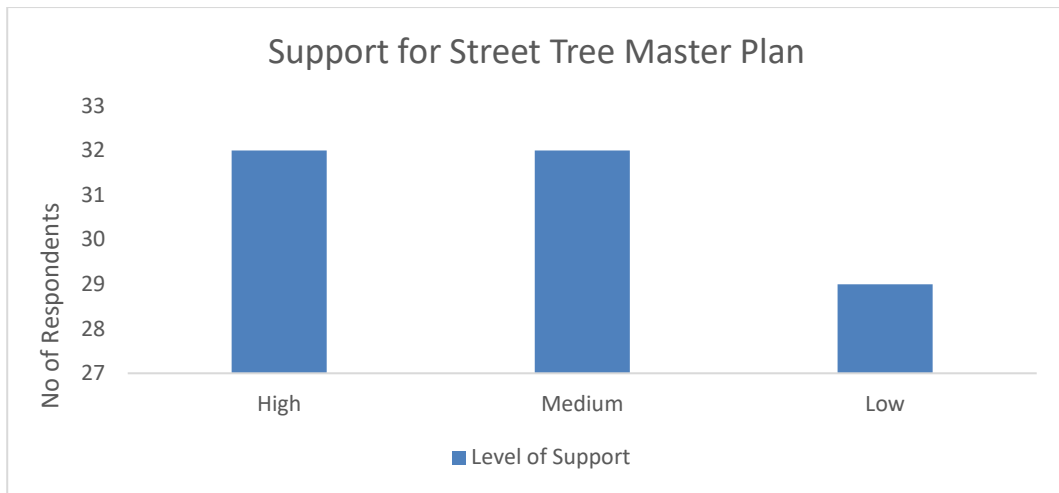


Figure 2 - Support for Street Tree Master Plan

The general comments and feedback made up the majority of the data received (**Attachment 1**). All of the comments were thematically analysed and categorised into the following topics (See Figure 3);

1. Against Masterplan;
2. Against Street Tree;
3. General support for Street Tree Masterplan;
4. Miscellaneous;
5. N/A;
6. Omission/ Correction;
7. Species Selection; and
8. Tree planting request

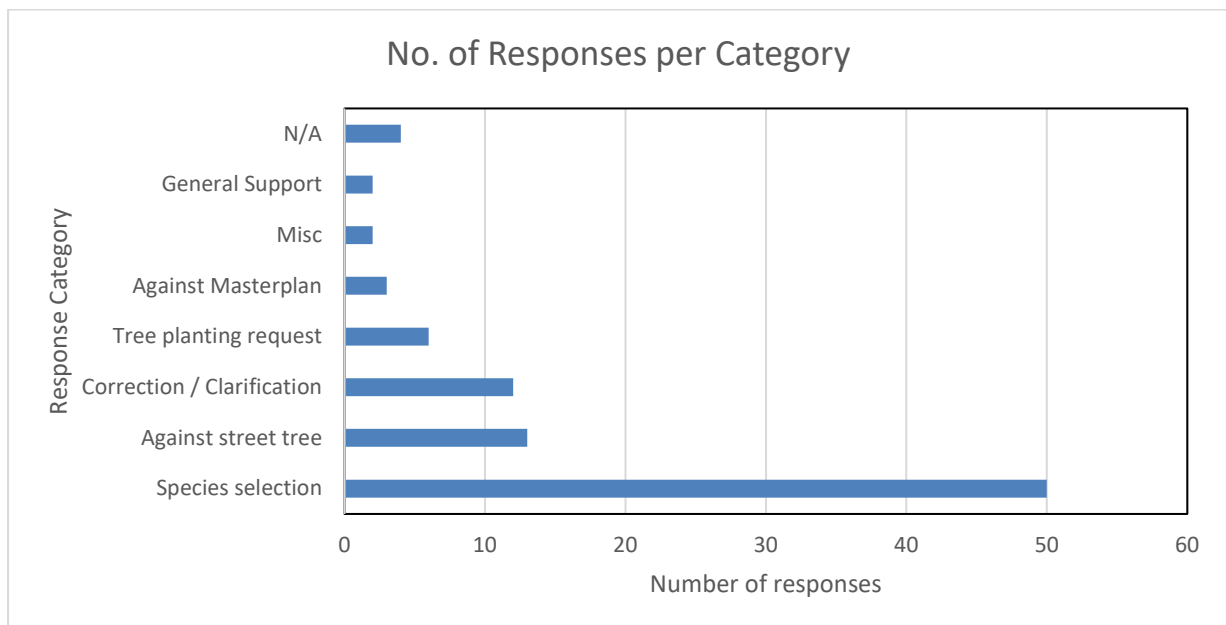


Figure 3 - Number of Responses per Category

Given the large number responses to the STMP, each of the categories listed above have been summarised below.

General Support and Miscellaneous

Those respondents showing general support included comments praising the Town for this initiative. Responses categorised as miscellaneous noted items which were not relevant to the STMP and a response was not required.

Against the Master Plan

Comments were received against the concept of a STMP. Some of the reasons included that; the STMP was too prescriptive and would create monocultures, the Town should be focusing on other things during the current economic environment, and that residents should have the right to refuse a street tree. The Town's response to these will highlight the benefits of street trees and encourage the resident to discuss the species and location of the street tree once they have received their street tree planting letter.

Tree Planting Request

Some comments were received requesting a street tree within their verge, or for more trees within their street. The Town's response is that residents requesting a street tree will be added to the planting list for the coming winter season. Also if residents notify the Town of missing trees in their street, these areas will be reviewed by the Town for planting in the next round of planting.

Correction/Clarification

Comments were received which noted some omissions and corrections within the STMP. These have been corrected in the updated document (**Attachment 2**).

Against a Street Tree

Various comments were received against having a street tree on their verge altogether. Specific reasons for this included excessive leaf litter, blocking views, blocking vehicle sight lines, root damage, and spoiling the look of home gardens. The Town's response is to reiterate the benefits of street trees such as increasing in property values, provision of shade and wind buffering. Where relevant, the Town also noted that residents are encouraged to discuss the street tree species and location with the Town after they have received their street tree planting letter.

Species Selection

Over half of all comments received relate to the inflexible nature of the species selection. Of these comments, 37 were negative, one was positive and 11 were neutral. The Town's response to negative comments about species selection was to encourage the respondent to discuss species selection with the Town. During this process, the Town will review the case for an alternate species and if appropriate, allow the resident to select a species from the amended Appendix A - Tree species selection table (**Attachment 3**).

The community consultation has provided the Town with a significant level of support to amend the STMP species list to deliver greater flexibility. History has shown that street tree planting is far more successful when residents are supportive of the tree placement and greater flexibility in species selection will also facilitate greater support. Therefore is recommended that the STMP is amended to provide a wider variety of options to choose from for residents who do not support the species nominated in the tree planting letter. In addition, where resident support cannot be

obtained, the approach will be to identify other locations where tree planting is supported by adjoining residents.

By increasing the flexibility through these suggested changes and seeking support from adjoining residents prior to street tree planting, the Town will be able to implement street tree planting in a positive way within the community.

POLICY/STATUTORY IMPLICATIONS:

Policy or Statutory Implications related to this report are as follows:

- a) Local Planning Policy 3.1 Streetscape Policy;
- b) 5.1.3 Management of Street Trees Policy;
- c) 5.2.19 Street Trees - Landscaping and Maintenance Policy; and
- d) Urban Forest Strategy.

RISK MANAGEMENT IMPLICATIONS:

Low: The risks associated with the adoption of the STMP are low as the tree species selected have been suitably researched for their appropriateness in the urban environment.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report, as the documents aim is to provide guidance for future planting programs.

STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:

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

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

Strategy 4.3 Make neighbourhoods green and pleasant

Goal 7 The Town is environmentally responsible and leads by example

Strategy 7.2 Optimise our use of ground water and improve the efficiency of our clean water consumption

COMMUNITY ENGAGEMENT:

The residents who provided comment on the Street Tree Master Plan will be notified by letter that their feedback has been received and reviewed. Where a specific response is required it will be provided. The revised plan will be made available on the Town's Website once adopted.

ADMINISTRATION RECOMMENDATION:

That Council:-

1. RECEIVES and CONSIDERS the Street Tree Master Plan Community Consultation outcomes, as shown in Attachment 1;
2. APPROVES:-
 - 2.1 the deletion of existing street tree species column in the suitable tree species table;
 - 2.2 the deletion of alternate tree species column in the suitable tree species table;
 - 2.3 the inclusion of the tree species selection table to increase flexibility in species selection; and
3. ADOPTS the Draft Street Tree Master Plan, as shown in Attachment 3.

Committee Meeting 15 June 2020

During discussion, Cr Timmermanis advised that the Draft Street Tree Master Plan is shown in Attachment 2 not 3 as stated in Clause 3 of the recommendation. In accordance with Clause 9.11 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the mover, with the consent of the seconder, amended the recommendation accordingly.

**COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)**

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council:-

1. RECEIVES and CONSIDERS the Street Tree Master Plan Community Consultation outcomes, as shown in Attachment 1;
2. APPROVES:-
 - 2.1 the deletion of existing street tree species column in the suitable tree species table;
 - 2.2 the deletion of alternate tree species column in the suitable tree species table;
 - 2.3 the inclusion of the tree species selection table to increase flexibility in species selection; and
3. ADOPTS the Draft Street Tree Master Plan, as shown in Attachment 2.

Motion put and CARRIED EN-BLOC (8/0)
(Cr Mack not present at the meeting)

CR20.73 COUNCIL POLICY REVIEW – INFRASTRUCTURE AND WORKS

PURPOSE OF REPORT:

To provide Council with the details of the review of Council policies pertaining to the Infrastructure and Works Directorate and recommends various updates to improve currency, transparency and efficiency.

SUMMARY:

This report provides a list of the changes to the Council policies pertaining to the Infrastructure and Works Directorate encompassing the Parks and Natural Environment, Technical Services and Works, and Asset Management service areas.

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:	1 Bold Park Drive, Floreat
Report Date:	3 June 2020
Responsible Officer:	Director Infrastructure and Works, Kelton Hincks
Reporting Officer:	Director Infrastructure and Works, Kelton Hincks
Contributing Officers:	Manager Parks and Natural Environment, Andrew Head Manager Technical Services and Works, Peter Foxcroft Manager Asset Management, Peter Maloney
Reporting Officer Interest:	Nil
Attachment(s):	1. Infrastructure and Works Policies with mark-ups.

BACKGROUND:

In accordance with Council Policy 1.2.1, Council Policies are reviewed and updated as necessary biennially by April following ordinary Council elections. Reviewing these documents on a regular basis ensures policies reflect current operating practices and procedures.

The policies listed in this report are Council policies and are not administrative in nature. The purpose of the policies is to provide a guide to the Administration, assisting it to function consistently in an efficient and effective manner and respond to resident enquiries as soon as possible. The policies are a guide to Council's position in regard to the various subject matters to enable the Administration to act without unnecessary and repetitious reference to Council.

The policy manual is not prepared as a reference manual of solutions to all problems that the Town may be requested to investigate.

DETAILS:

34 Infrastructure and Works policies have been reviewed with the following changes:

Parks

5.1.1 - Management of Conservation Areas Within Public Open Space
Last reviewed 26 June 2018 - retain, minor word changes to the objective.

5.1.3 - Management of Street Trees
Last reviewed 26 June 2018 - retain, minor word changes to the objective and references to the Urban Forest Strategy and Street Tree Masterplan.

5.1.4 - Management of Park Trees
Last reviewed 26 June 2018 - retain, minor word changes to the objective and references to the Urban Forest Strategy.

5.1.5 - Street Tree Protection during Property Development
Last reviewed 26 June 2018 - retain, minor word changes to the objective.

Works and Engineering

5.2.1 - Parking - Uniform Traffic Control Signage
Last reviewed 24 June 2018 – rescind, covered by AS:1742.11 – Manual of Uniform Traffic Devices – Parking Controls.

5.2.2 - Footpaths - Laying of Memorial Plaques
Last reviewed 24 June 2018 – retain, minor changes.

5.2.3 - Verges - Grading to Building Line
Last reviewed 24 June 2018 – rescind, not required.

5.2.4 - Verges - Paving in Commercial Areas
Last reviewed 24 June 2018 – rescind, not required.

5.2.5 - Construction of Footpaths and Shared Paths
Last reviewed 24 June 2018 - retain, change to title and objective.

5.2.6 - Reinstatement of Roads and Footpaths
Last reviewed 24 June 2018 - retain, minor wording changes.

5.2.7 – Standard Vehicle Crossover

Last reviewed 24 June 2018 - retain, minor changes.

5.2.8 - Truncations - Sight Lines at Driveways and Entries to Rights of Way

Last reviewed 24 June 2018 - retain, minor changes to wording and drawings.

5.2.9 - Truncations - Intersection of Roads

Last reviewed 24 June 2018 - retain, minor changes to wording and drawings.

5.2.10 - Truncations - Rights of Way (Laneways)

Last reviewed 24 June 2018 - retain, change to title, and minor changes.

5.2.11 - Stormwater Drainage for Private Properties

Last reviewed 24 June 2018 - retain, minor changes.

5.2.13 - Parking - Work Zones for Building Sites

Last reviewed 24 June 2018 - retain, minor changes.

5.2.14 - Road Lighting

Last reviewed 24 June 2018 - retain, minor changes.

5.2.15 - Street and Rights of Way Name Signs

Last reviewed 24 June 2018 - retain, minor changes.

5.2.16 - Car Park Numbering System

Last reviewed 24 June 2018 - retain, minor changes.

5.2.17 - Road Design

Last reviewed 24 June 2018 - retain, minor changes.

5.2.18 - Rights of Way Development

Last reviewed 24 June 2018 - retain, amendments to section (v) Public Consultation, as per CR18.30 (March 2018)

5.2.19 - Road Verges - Landscaping and Maintenance

Last reviewed 24 June 2018 - retain, minor changes.

5.2.20 - Public Events - Application for a Temporary Road Closure to Conduct a Street Party or Sporting Event

Last reviewed 24 June 2018 - retain, minor changes.

5.2.21 - Road Traffic Policy

Last reviewed 24 June 2018 - retain, addition of road hierarchy table and other minor changes.

5.2.22 - Parking Restrictions

Last reviewed 24 June 2018 - retain, minor changes.

Waste

5.3.1 - Waste Removal Services - Residential Properties

Last reviewed 24 June 2018 - retain, updates made.

5.3.2 - Waste Removal Services - Commercial/Business Premises

Last reviewed 26 June 2018 - retain, updates made.

5.3.3 - Waste Removal Services - Bulk Verge Collection
Last reviewed 24 June 2018 - retain, updates made

5.3.4 - Waste Policy Fee Rebate (Concession) for Hardship
Last reviewed 24 June 2018 - retain, updates made

General

5.4.2 - Verges - Maintenance and Cleaning
Last reviewed 26 June 2018 - retain, no change

5.4.5 - Signs - Directional Signs
Last reviewed 26 June 2018 - retain, no change.

5.4.6 - Signs - Service Clubs
Last reviewed 26 June 2018 – rescind as covered by Local Planning Policy 3.15.

5.4.8 - Loan of Town of Cambridge Equipment
Last reviewed 26 June 2018 - retain, minor changes.

5.4.9 - Asset Management
Last reviewed 26 June 2018 – retain, no change.

Marked up versions of the amended policies are included in the report attachment.

POLICY/STATUTORY IMPLICATIONS:

Policy 1.2.1 requires a biennial review of all policies by April following Council elections.

RISK MANAGEMENT IMPLICATIONS:

Low: There is a low risk of future implications resulting from the changes in these policies. However, there is a medium risk if the policies are not corrected to align with updated laws, regulations and other relevant corporate documents.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

The report recommendation embraces 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 and knowledge.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 as "inform" with the objective to provide balanced and objective information.

All Infrastructure policies will be available on the Town's website following this review.

Committee Meeting 15 June 2020

During discussion, Cr Mack referred to Policy No. 5.3.1 and queried clause 1.4(a) which stated that the bulk verge collection for green waste and junk has changed from twice per year to one service per year on a pre-booked basis. The Director Infrastructure confirmed that currently there are still two verge collections, however, the Administration will be reviewing the service due to the significant cost and issues related to the operation. The results of the review will be included in the Town's Draft Waste Management Strategy and submitted to a future Council meeting.

COUNCIL DECISION: (COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council APPROVES the policies relating to Infrastructure and Works be retained unchanged, amended or rescinded, as detailed in the report and the changes be incorporated into the Town's Policy Manual.

Motion put and CARRIED EN-BLOC (8/0)
(Cr Mack not present at the meeting)

CR20.74 LIBRARY MANAGEMENT SOFTWARE REPLACEMENT

PURPOSE:

To seek Council approval for the Library Management Software replacement project and a 5 year funding commitment.

SUMMARY:

Cambridge Library has been using OCLC's World Management software (WMS) since 2014. This was an updated version of the software previously used, OCLC's AMLIB. The existing LMS is not meeting the needs of operations, has limited reporting capability which hampers proactive management of the collection and staff rosters, and does not provide for more contemporary customer services and engagement such as online payments

New Library Management software is required for improved functionality, improved customer service, and an improved staff experience. Vendors are now offering new services including mobile apps, integration with third party services, cash management and improved visibility online that are currently not available to Cambridge Library customers using existing software. Funds allocated to the project in 2019/20 are inadequate and additional funds are required.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Property Location:	Cambridge Library, 99 The Boulevard, Floreat 6014
Report Date:	16 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Community Services, Priya Narula
Contributing Officer:	Coordinator Library Services and Local Studies, Jacqui Pickerill
Reporting Officer Interest	Nil
Attachment(s):	Nil

BACKGROUND:

Cambridge Library has been using OCLC's World Management software (WMS) since 2014. This is an updated version of the software previously used, OCLC's AMLIB. The existing LMS is not meeting operational needs, has limited reporting capability which hampers proactive management of the collection and staff rosters, and does not provide for more contemporary customer services and engagement such as online payments

In 2014/2015, the Library's E-services team review identified that WorldShare no longer meets the needs of the Library service due to:

Limited functionality that is affecting customer service and staff workflow:

- Customer membership expiry date override not available;
- Borrowing history not available online;
- Inability to make bulk changes to records;
- No SMS notification functionality;
- Machine Readable records do not import from external vendors in the right format;
- In order to use POS printers a special printer server needs to be set up for each printer on each PC. Starting up 4 customer service PCs in the morning can take up to 5 minutes per PC;
- Locating an item using the staff catalogue can take up to ten mouse clicks to determine if the item is on loan or reserved, resulting in frustration for the customer and staff;
- Does not automatically update borrower status; and
- Issues integrating with other systems.

Limited reporting capabilities including statistics and work processes:

- The overdue notification process to customers is partly manual rather than fully automated;
- Collection management reports are limited;
- Monthly statistics can take up to four hours to complete; and
- Does not allow accurate reporting on some statistics required by the State Library of WA.

Ongoing issues with inadequate support from the vendor:

- Issues logged that have been outstanding for 2 years, despite continued contact with the vendor;
- Basic, but important, enhancement requests denied;
- Frequent bugs such as menu features disappearing, buttons losing functionality- often requiring convoluted workarounds until resolved;
- Responses often not useful, incorrect or copied and pasted directly from the user manual without elaborating;
- Short notice for system maintenance and scheduled downtime e.g. one hour notice;
- Inadequate documentation provided to advise staff of changes after an upgrade;
- Complex and overly long workflows which have impacted staff productivity and Occupational Health and Safety matters;
- Poor adaptability to change, particularly apparent during the COVID-19 crisis;
- Limited configuration options, changes made to settings not retrospective and substantial manual work required; and
- Limited options for growing and meeting the future needs of the Cambridge Library service.

DETAILS:

In the last few years, a number of AMLIB libraries in Western Australia, including the Western Suburbs Libraries and the City of Vincent, have upgraded to a new LMS and it is timely for Cambridge Library to do the same. New software is required for improved functionality and reporting to allow review and development of the service, improved customer service, and an improved and more efficient staff experience. In addition, vendors are now offering new services including mobile apps, events booking systems, cash management and improved visibility online that are currently not available to Cambridge Library customers using existing software.

Future needs are focused on the customer and improving their experience and interaction with the library service:

- A Library app to improve customer accessibility to the service;
- Improved customer interaction with the Library catalogue and with their membership online;
- Flexible reporting tools;
- The ability to create online book lists;
- The ability to add alerts on authors or subjects especially Home Delivery selections;
- The ability for the customer to view their borrowing history;
- A website that is more intuitive, user friendly and provides seamless movement between the website and social media;
- Fully customisable Online Public Access Catalogues;
- Ability to be more accountable e.g. through cash handling processes. Link the LMS software with a cash drawer. End of day reports from the software and the cash drawer are used for reconciliation purposes and improved accountability for auditing purposes;
- Improved archival and digital asset management (Local Studies collection); and
- 24/7 vendor support and WA Libraries User Group.

Improvements will be noticed in terms of improved reporting, rostering, procurement, stocktake capability, streamlined processes, customer service and engagement.

The overall project and replacement of the LMS will require support from the Information Technology Team and has been identified as a major project in 2020/21. The project would require the involvement of one IT representative:

- during the procurement process to ensure technical and functional requirements are met;
- to assist with SIP integration with other systems; and
- for ongoing consultation and advice.

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report.

RISK MANAGEMENT IMPLICATIONS:

Medium: The risk associated with not approving this project is medium. Continuing to use the existing software on a long term basis will affect functionality which will affect customer service and workflow. In addition the Cambridge Library will not be competitive with surrounding Local Governments in providing a contemporary Library service.

FINANCIAL IMPLICATIONS:

\$40 000 has been allocated to the replacement of the LMS in the 2019/20 adopted budget. These funds are not sufficient to complete the installation. An initial review of vendors has shown that replacement of the LMS software will cost approximately \$80,000 in the first year.

It is proposed that \$80,000 be included in the operational budget to allow for this project. \$45,000 for licensing fees and \$35, 000 for the extraction, conversion and migration of data. Similar to Microsoft products, purchasing of Library software is a subscription, and the Town will not "own" the software product.

In addition to software costs, funds will be required for:

- The OCLC current annual LMS licence fee is \$20,000. Both systems will need to be run side by side for approximately 12 weeks to ensure successful migration to the new system and to minimise disruption to customer service. The annual OCLC license cost could be reduced if the project is adopted in 2020 and pending availability of IT representative to support the project;
- Additional short-term casual staffing for up to four weeks.(to allow for training of staff while maintaining a customer-facing service in the Library; and
- Approximately \$50,000 per year annual fee in the second year and onwards.(5 year contract, initial year plus 4 years).

A new LMS is expected to bring efficiencies that will impact the Library's staffing requirements. The introduction of a new LMS will enable further savings to staff and operational expenditure once it has been introduced and embedded. It is estimated that at least 1.0 FTE could be harvested once the system is embedded.

It is noted that this project is subject to tender process as the tender is threshold will be exceeded over the term of the licence period i.e over \$150,000.

STRATEGIC DIRECTION:

The report supports a number of priority areas and goals of the Town's Strategic Community Plan 2018 - 2028 specifically:

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 3: An active, safe and inclusive community

- Strategy3.1 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.

Goal 11: An efficient local government

- Strategy 11.3 Embrace innovation and continuously strive to improve services delivered to the community

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 the Community Engagement Policy No 1.2.11 as not requiring community consultation

ADMINISTRATION RECOMMENDATION:

That Council:-

1. NOTES the report on the replacement of the library management software; and
2. APPROVES the Library Management Software (LMS) replacement project and a 5 year funding commitment, including the funds allocated to this project in the 2019/2020 Draft budget.

Committee Meeting 15 June 2020

During discussion, the Mayor suggested that the Library Management Software replacement project be deferred until a strategic direction for the Town's IT system has been undertaken.

**COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)**

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council DEFERS the Library Management Software (LMS) replacement project for 3 months until a strategic direction for the Town's IT system has been undertaken.

Motion put and CARRIED EN-BLOC (8/0)
(Cr Mack not present at the meeting)

CR20.75 2020 COMMUNITY RECOGNITION AWARDS

PURPOSE:

To seek Council endorsement for the recipients of the 2020 Community Recognition Award categories:

- Community Service Volunteer Award
- Sport and Recreation Volunteer Award; and
- Youth Volunteer Award.

SUMMARY:

The Town's Community Award and Recognition program provides an opportunity to acknowledge volunteering within the community. This report recommends recipients for the 2020 Community Recognition Award categories:

- Community Service Volunteer Award,
- Sport and Recreation Volunteer Award; and
- Youth Volunteer Award.

The announcement of the award winners will be made via social media this year as the awards function, scheduled to occur on the 22 May 2020, was cancelled due to the COVID-19 pandemic.

The recipient of each of the volunteer awards will be presented with a \$750 gift card in recognition of their contribution.

A total of three nominations were received for the 2020 Community Services Volunteer Award, seven for the 2020 Sports and Recreation Volunteer Award and one for the 2020 Youth Volunteer Award. Specific details of these nominations are outlined in the confidential attachments.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	7 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Community Services, Priya Narula
Contributing Officers:	Community Development Officer, Courtney Aylett
Reporting Officer Interest:	Nil
Attachments:	1. 2020 Community Service Volunteer award nominee report (confidential). 2. 2020 Sport and Recreation Volunteer award nominee report (confidential). 3. 2020 Youth Volunteer award nominee report (confidential). 4. Assessment Matrix (confidential).

BACKGROUND:

At its meeting held on 20 June 2016 (CR16.99), Council endorsed three categories in its Community Award and Recognition Program being 'Community Service Volunteer Award', 'Sport and Recreation Volunteer Award' and 'Youth Volunteer Award'.

All award details are confidential until the announcement through the Town's social media channels.

DETAILS:

Nominations for the Community Award and Recognition Program opened on Monday 10 February 2020 and closed on Monday 23 March 2020.

In order to provide the opportunity for recognition and acknowledgement of individuals for their volunteering contribution within the community, the 2020 Community Recognition Awards were advertised through the following channels:

- Correspondence was sent via email and the Club Development Newsletter to all the Town's sporting groups, community groups, local schools, youth groups and service clubs on 15 January, 25 February and 20 March 2020;
- The Awards were advertised on the Town's website from 10 February 2020, with a web slider linking to the award program information, active from February 14;
- Facebook posts calling for nominations were posted on 26 February, 2 March, 8 March, 19 March and the 22 March 2020; and
- The awards were advertised in the Cambridge News (21 February 2020 edition).

Nomination categories and selection criteria are as follows:

1. Community Service Volunteer Award

The criteria for the award includes all of the following:-

- (i) (a) An individual (does not need to be a resident of the Town) who has made a significant voluntary contribution to benefit either Cambridge residents or a community group/organisation, operating within the Town of Cambridge;
- Or
- (b) A Town of Cambridge resident who has made a significant voluntary contribution to a community group/organisation that provides a service or benefit to the Town's residents (the group does not need to be based or operate solely within the Town);

- (ii) the volunteer's time and effort is above the standard expected of any citizen (hours of time volunteered, range of tasks undertaken and length of service) and sets an example for others;
- (iii) an individual who has demonstrated significant initiative, innovation or creativity in their volunteering, which has brought about positive change. This could include delivering an event or project that benefits the Cambridge Community;
- (iv) has used their energy, commitment and enthusiasm to raise awareness of volunteering, whilst encouraging others to volunteer and achieve their potential.

2. Sport and Recreation Volunteer Award

The criteria for the award includes all of the following:-

- (i) An individual (does not need to be a resident of the Town) who has made a significant voluntary contribution to benefit a Sporting or Recreational organisation operating within the Town of Cambridge.
- (ii) the volunteer's time and effort is above the standard expected of any citizen (hours of time volunteered, range of tasks undertaken and length of service) and sets an example for others;
- (iii) an individual who has demonstrated significant initiative, innovation or creativity in their volunteering, which has brought about positive change. This could include delivering an event or project that benefits the Cambridge Community;
- (iv) has used their energy, commitment and enthusiasm to raise awareness of volunteering, whilst encouraging others to volunteer and achieve their potential.

3. Youth Volunteer Award

The criteria of the award include all of the following:-

- (i) An individual (does not need to be a resident of the Town) under 25 years of age who has made a significant voluntary contribution to benefit Cambridge residents or a community group/organisation, operating within the Town of Cambridge;
- (ii) the volunteer's time and effort is above the standard expected of any citizen (hours of time volunteered, range of tasks undertaken and length of service) and sets an example for others;
- (iii) an individual who has demonstrated significant initiative, innovation or creativity in their volunteering, which has brought about positive change, this could include delivering an event or project that benefits the Cambridge Community;
- (iv) has used their energy, commitment and enthusiasm to raise awareness of volunteering, whilst encouraging others to volunteer and achieve their potential.

The recipient of each of the volunteer awards will be presented with a \$750 gift card in recognition of their contribution.

A total of three nominations were received for the 2020 Community Services Volunteer Award, seven for the 2020 Sport and Recreation Volunteer Award and one for the 2020 Youth Volunteer Award.

One application was moved from the Sport and Recreation Volunteer Award to the Youth Volunteer Award due to the low number of applications received for the Youth Award and the greater age relevance of the individual.

Specific details of these nominations are outlined in the confidential attachments.

POLICY/STATUTORY IMPLICATIONS:

Policy No. 2.1.30 - Community Awards and Recognition Program.

RISK MANAGEMENT IMPLICATIONS:

There is no risk associated with the awarding of the 2020 Community Recognition Awards.

FINANCIAL IMPLICATIONS:

An amount of \$10,000 has been allocated in the 2019/20 Budget for the purpose of this program including the volunteer award winner gift cards and the Community Recognition Awards function.

Due to the cancellation of this year's Community Recognition Awards function, scheduled for Friday, May 22, the program will run significantly under budget.

STRATEGIC DIRECTION:

The Town's Community Recognition Awards Program supports a number of goals within the Town's Strategic Community Plan 2018-2028. These include:

Priority Area: Our Community Life

Goal 1: A sense of community, pride and belonging

Strategy 1.1: Encourage and support a range of activities and events at which communities can gather and interact

Strategy 1.2: Promotion of a strong community identity

Goal 3: An active, safe and inclusive community

Strategy 3.2: Deliver programs supporting local clubs and community groups' capacity to run their community activities

Strategy 3.3: Encourage activity that meets the needs of people of all ages, cultures and abilities

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. The below consultation has occurred:

- Correspondence was sent via email and the Club Development Newsletter to all the Town's sporting groups, community groups, local schools, youth groups and service clubs on 15 January, 25 February and 20 March 2020.
- The Awards were advertised on the Town's website from 10 February 2020, with a web slider linking to the award program information active from 14 February 2020.
- Facebook posts calling for nominations were posted on 26 February, 2 March, 8 March, 19 March and 22 March 2020.
- The awards were advertised in the Cambridge News (21 February 2020 edition).

Committee Meeting 15 June 2020

The Presiding Member agreed to discuss this item behind closed doors at the end of the meeting due to the confidential nature of the attachments.

Impartiality Interest Declaration – Cr Bradley

Prior to consideration of the item, Cr Bradley disclosed an interest affecting impartiality and declared as follows: “with regard to item CR20.75, I declare that I am the Town’s representative on Coast Care 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.”

Council Meeting 23 June 2020

Impartiality Interest Declaration – Cr Bradley

Prior to consideration of the item, Cr Bradley disclosed an interest affecting impartiality and declared as follows: “with regard to item CR20.75, I declare that I am the Town’s representative on Coast Care 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 AND ADMINISTRATION RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council:-

- 1. ENDORSES:-**
 - 1.1 Nominee 2 as the 2020 Community Service Volunteer Award;**
 - 1.2 Nominee 2 as the 2020 Sport and Recreation Volunteer Award;**
 - 1.3 Nominee 2 as the 2020 Youth Volunteer Award; and**
- 2. AWARDS an amount of a \$750 gift card to the above recipients and promoted through the Town’s media outlets.**

During discussion, Mayor Shannon suggested that a Community Arts Volunteer Award should be created.

AMENDMENT:

Moved by Mayor Shannon, seconded by Cr Barlow

That a further clause be added to the motion as follows:-

- 1.4 The creation of a Community Arts Volunteer Award.**

Amendment put and CARRIED (8/0)
(Cr Mack not present at the meeting)

Debate ensued. Cr Barlow suggested that Nominee 6 should receive the 2020 Sport and Recreation Volunteer Award.

AMENDMENT

Moved by Cr Barlow, seconded by Mayor Shannon

That clause 1.2 of the motion be amended to read as follows:-

1.2 Nominee 6 as the 2020 Sport and Recreation Volunteer Award.

Amendment put and CARRIED (5/3)

For: Mayor Shannon, Crs Barlow, Bradley, McKerracher and Timmermanis

Against: Crs Everett, Haddon-Casey and Nelson

(Cr Mack not present at the meeting)

COUNCIL DECISION:

That Council:-

1. ENDORSES:-

1.1 Nominee 2 as the 2020 Community Service Volunteer Award;

1.2 Nominee 6 as the 2020 Sport and Recreation Volunteer Award;

1.3 Nominee 2 as the 2020 Youth Volunteer Award;

1.4 The creation of a Community Arts Volunteer Award; and

2. AWARDS an amount of a \$750 gift card to the above recipients and promoted through the Town's media outlets.

Motion, as AMENDED, put and CARRIED (8/0)

(Cr Mack not present at the meeting)

CR20.76 COMMUNITY EVENTS PROGRAM 2020/2021

PURPOSE:

To seek Council endorsement of the proposed Town of Cambridge Festivals and Events program for 2020/2021; and inclusion of funding for the program in the 2020/2021 draft budget.

SUMMARY:

On 27 August 2019, a Community Events Plan was endorsed by Council (*CR19.81- 2019-2020 Community Events Plan*). The Plan outlined a series of proposed events for the 2019/2020 Financial Year. The various events that were held prior to the COVID-19 pandemic were well received by the Cambridge community.

Due to COVID-19 restrictions still in effect for events, and the uncertainty around when these restrictions will be eased and what that will entail, it is proposed that the Summer of Fun Events be modified to focus on small, localised events for the 2020/2021 financial year.

This report seeks Council's support for the proposed community events to be held in the Town of Cambridge over the 2020/2021 financial year.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes & policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	N/A
Report Date:	9 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Community Services, Priya Narula
Contributing Officer:	Coordinator Community Development, Renee McIntosh Community Development Officer, Rosemarie Arnephie
Reporting Officer Interest	Nil
Attachment(s):	Nil

BACKGROUND:

The Town provides a comprehensive calendar of events over the summer period which is well patronised by the local community. The first half of the 2019/2020 event season was well received by the Town of Cambridge community with the Christmas Festival and Australia Day Festival held with great success. Attendance numbers for the Christmas Festival at Lake Monger was around 4,000 people however, there was a slight drop for the Australia Day celebrations which attracted around 1,500. The public holiday has an impact on attendance with many people away for the

long weekend. Sunset Music in the Park at City Beach was held on Saturday instead of Sunday which saw an increase in participation.

The second half of the season was cut short due to the COVID-19 pandemic with the Cambridge Street Festival, Lake Monger Markets, Anzac Day and Volunteers Function all cancelled.

DETAILS:

1. Continuation of the community events and function.

With COVID-19 restrictions still in place, the impact on events will more than likely continue well into the 2020-2021 season. There is uncertainty around when restrictions will ease, and what restrictions will still remain to enable events to operate again or when funding will become available. Lotterywest, the Town's major event supporter, has withdrawn all event sponsorship and diverted all funds to the COVID-19 Emergency Relief. This will leave a \$29,000 shortfall in the 2020/2021 events budget.

With the uncertainty surrounding the upcoming event season, a fluid and flexible approach is recommended to enable modification of the proposed calendar of events to reflect future COVID-19 directives. At this stage, participant numbers for upcoming events can only be estimated, particularly for the start of the season. It is reasonable to expect a cautious approach to restriction easement around mass gathering; with the likelihood of Category 1 Events (under 500 people) being relaxed in time for the start of the season. However, not known whether restrictions for Category 2 - Extraordinary Events will be lifted prior December 2020.

Category 2 events require a longer lead time of 6-12 months for the planning and execution. With the uncertainty of mass gathering restriction and to minimise possible financial loss it is recommended that all category 2 events be cancelled for 2020/2021 season, which are:

1. The Christmas at Lake Monger Festival including Christmas Tree lights
2. Australia Day Festival; and
3. Cambridge Street Festival.

The Administration recommends that the funds be allocated to support a series of smaller, localised activation events with the purpose of supporting our local businesses and community impacted by the COVID-19 pandemic.

The following Category 1 events are proposed for 2020/2021:

1. Playground Activations (4)
2. Music In the Park Series (4)
3. Australia Day Celebration
4. Christmas Light Trail
5. Festive Street Decorations in major commercial hubs
6. The City Beach Festival of Lights and Sounds
7. ANZAC Day Celebrations; and
8. Community Awards and Volunteer Recognition Function

The planning of the 2020/2021 event calendar is based on the assumption that health restrictions will be relaxed or lifted for category 1 events to allow a crowd capacity of at least of 200-500 people.

1.1. Playground Activations

The Town has a number of playgrounds either recently upgraded or scheduled for completion in the next financial year at Floreat Foreshore, City Beach Oval, Rutter Park and Lake Monger. These activations will target young, local families and themed accordingly to each playground. The first proposed activation is for the recently completed Kraken Play space at Floreat Beach. The activation will have a nautical theme and children will be encouraged to come dressed as pirates, sailors or mermaids. There will be treasure map making activity, treasure hunts, walk the plank and tales of the high seas. Roving pirates and mermaids will provide plenty of photo opportunities for the whole family. A budget of \$5,000 per playground is suggested. (Total of \$20,000).

1.2. Discontinuation of the Christmas Tree Lights

The lighting of the Christmas tree on Lake Monger Drive has been a Town tradition for the past 17 years. The tree is lit from December to January for a period of five weeks. In previous years, \$18,000 has been allocated in the events budget each year for the repair, installation and removal of the lights.

Additional costs associated with the Christmas lights included additional repairs sustained from storm damage (approx. \$5,000) and electricity consumption of approximately \$2,000 for the five-week duration.

The current Christmas lights utilise incandescent bulbs which have been phased out in Australia. An additional \$10,000 is required to upgrade to LED.

Due to the costs it is recommended that the lighting of the Christmas tree be discontinued and replaced with the following options:

Christmas Lights Trail

Allocate funding to a Christmas lights competition which will engage the wider community and open to all residents, local businesses and organisations within the Town of Cambridge.

The proposed competition categories include:

1. Best residential
2. Best business/organisation
3. Best Street

This initiative will require the engagement of a consultant initially to assist the Communications team with the development a digital map for the Christmas lights trail. Winners of each category will be determined by the community. The public will be able to cast their votes via an online polling system on social media and the Town's website. This will provide quantitative data for the approximate visits to the Town generated by this program. A budget of \$10,000 will be required for the initial set up and delivery of the program. The cost will be reduced for consecutive years as it would only require updating of data which can be undertaken in-house.

ITEMS	COST
Best Residential Prize	\$1,000
Best business/organisation Prize	\$1,000
Best Street Signage	\$ 500
Trail Map creation, promotions and Marketing	\$7,500
TOTAL	\$10,000

1.3. Australia Day Celebration

As the Australia Day Council (ADC) is yet to release an update on Australia Day celebrations, there is uncertainty at this stage around what capacity the celebrations can be delivered. Floreat Lions Club has been an integral part of the Town's Australia Day Festival running the traditional Free Community Breakfast each year. The Club has advised that they will not be participating in 2021 to minimise the risk of COVID-19 exposure to their aging members.

A decision will be made closer to the time depending on what capacity the celebration could be delivered, pending the status of COVID-19 restrictions and the directive of the Australia Day Council. If restrictions have not eased sufficiently for a small celebration to go ahead, it is anticipated that the ADC will instigate an online initiative (similar to that of Anzac Day) which the Town could support. In the absence of a specific initiative, the Town will adopt the Australia Day's generic theme "The Story of Australia". A social media campaign will be launched under the tag **#we're all part of the story** to celebrate the diverse cultures of the Town. Cambridge residents will be invited to share their stories which will be featured on the Town's Facebook page and website. An online event will also be created similar to that of Anzac Day.

The Australia Day Citizenship Ceremony has been excluded from this report as citizenship ceremonies are no longer managed by the Community Services Directorate.

1.4. Sunset Music in the Park Series (4)

In lieu of the large events, it is proposed that four small Music in the Park events are run at various locations throughout the Town:

1. City Beach Foreshore
2. Floreat Foreshore
3. Perry Lakes Reserve; and
4. Lake Monger

Each event will be themed to a specific music genre such as Rhythm and Blues, Old School, Jazz, Rock and Pop to satisfy diverse age groups. An overall budget allocation of \$20,000.

1.5. The City Beach Festival of Lights and Sounds

The Festival of Lights and Sounds was originally proposed by the City Beach Activation Group last year, however, as Town's events calendar had already been adopted it was too late to include it for the 2019/2020 season. City Beach is fast becoming a tourism destination and the introduction of a high quality laser light exhibition has the potential to become a signature event for the precinct. The light display involves the use of laser lights and sounds projected on the walls and rooftop of Clancy's, Odyssea, Hamptons, Rise and the City of Perth Surf Lifesaving Club.

The City Beach food businesses have suffered significant downturn in business from the COVID-19 restrictions. Such an event would be a major draw card in attracting a number of visitors to the City Beach precinct. It is proposed that the festival is run in the second half of the season from 31 December 2020 to 10 January 2021 for the New Year week. This would allow for a steady flow of visitors to the area without exhausting parking and restaurant facilities. Initial quotations suggests a \$20,000 budget allocation.

1.6. ANZAC Day Ceremony & Community Breakfast

At this stage it is expected that health restrictions would be eased adequately for the 2021 ANZAC Day Ceremony to go ahead. A determination will be made closer to the time in consultation with RSLWA and guidance by The State Government.

1.7. Community Awards and Volunteer Recognition Function

The Community Awards and Volunteer Recognition Function takes place within the second half of the season and is held at the Boulevard Centre during May. Relaxation of restrictions has already started for community facilities with further easing of up to 100 people announced from 6 June 2020. As the Community Awards and Volunteer Recognition Function attracts less than 150 people, it is reasonable to assume that the event will go ahead in 2021.

2. Showcase of Local Talents

The Administration has considered ways to increase engagement and build social capital of the community by providing opportunities for residents and local community groups to showcase their talents and activate local spaces. It is proposed that the Town make available under-utilised areas to local performers and entertainers to showcase local talent and raise the profile of community groups.

The City Beach Amphitheatre and Rooftop Garden are prime examples of such areas which can be opened to local musicians, dancing groups, community choirs and music schools to perform on weekends during the summer season. This will not only liven up the area and add vibrancy to the precinct but provide opportunities for community groups to increase their enrolments and memberships.

Interested parties can submit an Expression of Interest and allocated a specific timeslot to perform. They would be required to provide information on their activities to ensure the content is appropriate for the general public, and provide their own equipment and insurance. A nominal amount of \$7,000 has been allocated.

3. Discontinuation of Community Event Partnership program

The Town conducted a 12-month trial of the Community Event Partnership program in 2019-2020. The program was to provide funding opportunities for local not-for-profit groups to deliver high quality events within the local area. The Community Event Partnership program was accommodated in the 2019/2020 Events budget. The proposed \$20,000 was reduced to \$10,000 to re-allocate funds to the Music in the Park events series.

The pilot program was not overly successful with only one application received from the City Beach Activation Association for \$5,000 towards the City Beach Christmas Markets. With the current COVID-19 restrictions in place regarding large gatherings, it is highly unlikely that there will be much need for this program in 2020-2021. Community groups are more likely to apply for funding for smaller scale events which is currently delivered through the Town's Community Development Grant.

Initial consultation with the Town's Place Development Officer was undertaken to see if the program could be funded through the Economic Development budget. However, this was not feasible as a budget has not been allocated to this portfolio.

Community Development will be developing an Events Strategy for 2021-2022. The recommendation will be to discontinue the Community Event Partnership for 2020/2021 and relaunch as part of the Events Strategy for 2021/2022 season. This recommendation is supported by the Place Development Officer who will assist with promoting the program to local businesses as part of the Economic Development Strategy.

4. Promotion and Event communications

The Town engages various marketing strategies to reach a wider audience demographic. The following marketing platforms were successfully undertaken in the last season and will be continued for 2020/2021:

1. Facebook
2. Instagram
3. Cambridge News
4. The Post Newspaper
5. Promotion at all local schools
6. Notifications to surrounding residents
7. Promotion at Floreat Forum; and
8. Promotion at the Cambridge Library and Community Centres

It is expected that we would have to modify our operation to minimise the risk of COVID-19 transmission and develop and implement safety measures including a cleaning schedule, social distancing, rolling starts, staggered entry, and limiting participant number. This will be communicated prior to each event via social media and the Town's website.

5. Proposed 2020/2021 Calendar of Events

It is proposed that the Festivals and Events budget be reduced for the 2020-2021 season from \$240,000 to \$170,000. The Administration has considered ways to deliver more events to the local community, without compromising safety and quality whilst ensuring increased engagement by local residents and community groups.

Below is the proposed 2020/2021 calendar of events, outlining dates, expected attendance numbers and the proposed expenditure associated with each event.

Table 1 Proposed 2020/2021 Calendar of Events

Event/Function	2020/2021 Proposed Dates	Expected Attendance	2020/2021 \$
Christmas Light Trail Town wide	1 Dec - 31 Dec 2020	NEW	10,000
Festival of Lights and Sounds City Beach	31 Dec - 10 Jan 2021	NEW	20,000
Australia Day Celebration Perry Lakes Reserve	Tuesday 26 Jan 2021	500	10,000
ANZAC Day Ceremony Breakfast West Leederville Memorial	Sunday 25 April 2021	1,000	15,000
Music in the Park Series (4) City Beach, Floreat, Rutter Park & Lake Monger	February - March 2021	2,000	20,000
Playground Activation (4)	November – March 2021	800	20,000
Local Talents	November - March 2021	NEW	2,000

Volunteer Award & Recognition Function	Friday 21 May 2021	200	10,000
Events Insurance	N/A	NA	3,000
TOTAL			\$110,000

POLICY/STATUTORY IMPLICATIONS:

Policy Number 2.1.15 - Conduct of special events, concerts, parties and large public events

RISK IMPLICATIONS:

Low: The risk associated with not approving the 2020/2021 Community Events Program is low, however is it anticipated that there would be some level of negative feedback and dissatisfaction from residents.

FINANCIAL IMPLICATIONS:

An amount of \$110,000 has been included in the Draft 2020/2021 Recreation Services budget.

STRATEGIC DIRECTION:

The Community Events Plan strongly supports a number of the goals of the Town's 2018-2028 Strategic Plan, namely:-

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 3: An active, safe and inclusive community

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.

Further it supports the following goals of the Town's Economic Development Strategy 2018-2022:

Goal 3: Manage the activation and our centres and shared public spaces

Strategy 3.2: Build on the Town's current community, recreation and cultural events schedule by further integrating local businesses and content.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy No 1.2.11 as not requiring community consultation.

ADMINISTRATION RECOMMENDATION:

That Council:-

1. APPROVES the proposed 2020/2021 Town of Cambridge Festivals and Events program including:
 - (a) Playground Activations;
 - (b) Christmas Light Trail;
 - (c) Festival of Light and Sound;
 - (d) Australia Day Celebration;
 - (e) Music In the Park Series;
 - (f) ANZAC Day Ceremony & Community Breakfast;
 - (g) Community Awards and Volunteer Recognition Function; and
 - (h) Local Talents
2. APPROVES the discontinuation of:
 - (a) Community Event Partnership program;
 - (b) The Christmas at Lake Monger Festival including Christmas Tree Lights;
 - (c) Australia Day Festival; and
 - (d) Cambridge Street Festival
3. LISTS FOR CONSIDERATION an amount of \$110,000 in the 2020/2021 Draft Budget to facilitate 1 above.

Committee Meeting 15 June 2020

During discussion, Cr Barlow suggested that the Christmas Tree Lights at Lake Monger should not be discontinued but upgraded to meet Australian Standards and be turned on from 21/12/2020 until 2/01/2021, and the Draft Budget 2020/2021 be amended accordingly. Cr Barlow proposed that the recommendation be amended as follows:-

That Council:-

1. APPROVES the proposed 2020/2021 Town of Cambridge Festivals and Events program including:
 - (a) Playground Activations;
 - (b) Festival of Light and Sound;
 - (c) Australia Day Celebration;
 - (d) Music In the Park Series;
 - (e) ANZAC Day Ceremony & Community Breakfast;
 - (f) Community Awards and Volunteer Recognition Function;
 - (g) Local Talents; and
 - (h) Lake Monger Christmas Tree lights from 21/12/2020 until 2/01/2021;
2. APPROVES the discontinuation of:
 - (a) Community Event Partnership program;
 - (b) The Christmas at Lake Monger Festival;
 - (c) Australia Day Festival; and
 - (d) Cambridge Street Festival

3. **LISTS FOR CONSIDERATION** an amount of \$135,000 in the 2020/2021 Draft Budget to facilitate 1 above.

In accordance with Clause 9.11 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the mover amended the recommendation accordingly.

COMMITTEE RECOMMENDATION:

Moved by Cr Haddon-Casey, seconded by Cr Bradley

That Council:-

1. **APPROVES** the proposed 2020/2021 Town of Cambridge Festivals and Events program including:
 - (a) **Playground Activations;**
 - (a) **Festival of Light and Sound;**
 - (b) **Australia Day Celebration;**
 - (c) **Music In the Park Series;**
 - (d) **ANZAC Day Ceremony & Community Breakfast;**
 - (e) **Community Awards and Volunteer Recognition Function;**
 - (f) **Local Talents; and**
 - (g) **Lake Monger Christmas Tree lights from 21/12/2020 until 2/01/2021;**
2. **APPROVES** the discontinuation of:
 - (a) **Community Event Partnership program;**
 - (b) **The Christmas at Lake Monger Festival;**
 - (c) **Australia Day Festival; and**
 - (d) **Cambridge Street Festival**
3. **LISTS FOR CONSIDERATION** an amount of \$135,000 in the 2020/2021 Draft Budget to facilitate 1 above.

During discussion, Cr Haddon-Casey proposed that Playground Activations, Festival of Light and Sound and Community Awards and Volunteer Recognition Function and the Music in the Park events be reduced from 4 to 2 as, due to COVID-19, it is uncertain at this stage what the Town will be able to hold.

AMENDMENT:

Moved by Cr Haddon-Casey, seconded by Cr Barlow

That clause 1 of the motion be amended to read as follows:-

1. **APPROVES** the proposed 2020/2021 Town of Cambridge Festivals and Events program including:
 - (a) **Festival of Light and Sound;**
 - (b) **Australia Day Celebration;**
 - (c) **Music In the Park Series (reduce from 4 events to 2);**
 - (d) **Community Awards and Volunteer Recognition Function;**
 - (e) **Local Talents; and**
 - (f) **Lake Monger Christmas Tree lights from 21/12/2020 until 2/01/2021;**

Debate ensued.

PROCEDURAL MOTION:

Moved by Cr Everett, seconded by Cr Bradley

That Council DEFERS the item relating to Community Events Program 2020/2021 to an Elected Member Forum for further consideration.

Procedural motion put and CARRIED (8/0)
(Cr Mack not present at the meeting)

CR20.77 SUNSET WINE AND BREWS EVENT 2021

PURPOSE:

To provide Council with the post-event information as requested at its meeting held on 27 August 2019 (CR19.82), outlining the impact the 2019 Sunset Wine and Brews event had on the local area, businesses and residents.

To request approval from Council for CMS to hold the Sunset Wine and Brews event in February 2021, at Jubilee Park in City Beach in the same format as 2020, however, with reduced event days to Saturday and Sunday only.

SUMMARY:

The Town has received a written application from CMS in relation to hosting their annual Sunset Wine and Brews event at Jubilee Park, City Beach in February 2021.

This report seeks the Council's support for the proposed Extraordinary Event (Category 2), subject to the conditions of Policy 2.1.5 Conduct of Special Events, Concerts, Parties and Large Public Events being met, and the signing of a Memorandum of Understanding (MOU).

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Jubilee Park, Challenger Parade City Beach
Report Date:	9 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Community Services, Priya Narula
Contributing Officer:	External Events and Booking Officer, Samara Flanagan
Reporting Officer Interest	Nil
Attachment:	1. Post event report from CMS Events

BACKGROUND:

Council, at its meeting held on 27 August 2019, approved the proposal by CMS to conduct an annual Sunset Wine and Brews event at Jubilee Park, City Beach over 3 days (Friday, Saturday and Sunday) commencing in February 2020 at a reserve hire cost of \$6,423, subject to the following:

1. Conditions of Policy 2.1.5 - Conduct of Special Events, Concerts, Parties and Large Public Events being met;
2. The signing of a Memorandum of Understanding (MOU); and
3. The first year being on a trial basis to ascertain the impact on the local area;

Council requested a further report be provided post the event outlining the impact on the local area, adherence to the Terms and Conditions as approved by the Town, and a recommendation for future years.

DETAILS:

CMS were able to successfully provide an exclusive event at City Beach with little or no impact to residents, local businesses or the reserve. Due to the professionalism of the event organisers, Town staff were able to work with them to ensure this event was a great success. The event remained boutique in size and nature and provided a great opportunity to promote Western Australian wineries and craft brewers.

CMS aimed to promote a relaxed atmosphere, which showcased the iconic City Beach precinct, with guests being able to watch the sunset from the purpose built Sunset Balcony and enjoy the relaxed vibe that the coastal location provided. 2,380 people attended over the three days, which was slightly lower than at their 2019 event held in Scarborough, however, this was attributed to the change of location and “event fatigue” in the market. Even though there were lower numbers the event organiser, exhibitors and visitors enjoyed the new location.

The impact of hosting this event at Jubilee Park was very minimal, with CMS adhering to all the conditions outlined in the Memorandum of Understanding and the event site being handed back to the Town in its original condition.

CMS provided sufficient notification by letter drop to local residents and businesses and signage was displayed for two weeks prior to the event. The Town received no complaints over the course of the three-day event, nor throughout the bump-in/bump-out periods.

Parking in the area was not an issue as the majority of event participants used Taxis or Uber to and from the event, with only 37% using their cars as transportation. Rangers did not receive any complaints in regards to parking during the event and advised that the area was not impacted at all.

From the perspective of the Town’s Environmental Health Department, there were no issues with the operators of Sunset Wine and Brews in the lead up to the event nor on the day when they attended. They were happy with their timely submission of the required documents and no noise complaints were received.

Due to the success of the event in the new location at City Beach, CMS have submitted an application to host their Sunset Wine and Brews Event at Jubilee Park in February 2021.

In 2021, CMS will be changing the event slightly by reverting to run over two days instead of three and offering three time slots for bookings as outlined below:

Saturday, 20 February 2021 – 11.00am to 4.00pm and 5.00pm to 10.00pm
Sunday, 21 February 2021 – 12.00pm to 5.00pm

Consideration will need to be given by CMS to the current COVID-19 pandemic and its effects on large events in relation to Government restrictions. Currently an event of this nature is not permitted, however with continual easing of restrictions it may be a possibility by February 2021. This will be for CMS to manage and the Town would only provide in principle support until such time as restrictions for large events are lifted.

POLICY/STATUTORY IMPLICATIONS:

This report is guided by Council's Policy 2.1.15 – Conduct of Special Events, Concerts, Parties and large Public Events under Category 2 – Extraordinary Events.

RISK MANAGEMENT IMPLICATIONS:

Low: Due to how well the event was run, the low impact on residents, business owners and the park there does not seem to be a high risk with this event running again. The event organiser is to ensure a full Risk Management Plan is to be submitted as per the Memorandum of Understanding. Consideration however would need to be taken in relation to the COVID-19 pandemic and what restrictions on large gatherings are in place at the time.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report. All associated costs with the proposed event are the responsibility of CMS Events, who are aware that fees and charges are applicable for the hire of Jubilee Park.

The total hire fees associated with the event are based on the 2019/2020 Sportsgrounds and Reserve Fees and charges as there is to be no increase in Fees & Charges for 2020/2021 in line with the COVID-19 Relief and Recovery Plan. The total fee would therefore be \$4,954.20 based on the following charges:

- 3 days x Bump-In and Bump-Out @ \$403.40/day = \$1,210.20
- 2 days x Heavy Commercial Rate @ \$1872/day = \$3,744.00

A reserve bond of \$3000 would also be required.

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 arrange of activities and events at which communities can gather and interact.

Further it supports the following goals of the Town's Economic Development Strategy 2018-2022.

Goal 3: Manage the activation of our centres and shared public spaces

Strategy 3.2: Build on the Town's current community, recreation and cultural events schedule by further integrating local businesses and content.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 as INFORM, with the requirement of CMS Events to provide notification a minimum of four weeks prior to their event to surrounding local residents, businesses at the City Beach precinct and the City of Perth Surf Lifesaving Club.

A comprehensive "Resident Management" plan will need to be submitted as part of the Memorandum of Understanding.

COUNCIL DECISION: (COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council:-

- 1. APPROVES in principle the application by CMS Events (CMS) to conduct their Sunset Wine and Brews event at Jubilee Park, City Beach over 2 days (Saturday and Sunday) 20 and 21 February 2021, at a reserve hire cost \$4,954.20;**
- 2. NOTES such support to CMS Events is subject to:**
 - 2.1 The easement of COVID-19 Government restrictions enabling an event of this size and nature to occur;**
 - 2.2 Conditions of Policy 2.1.5 - Conduct of Special Events, Concerts, Parties and Large Public Events being met;**
 - 2.3 The signing of a Memorandum of Understanding (MOU); and**
- 3. AUTHORISES the Chief Executive Officer to sign A Memorandum of Understanding for the 2021 Sunset Wine and Brew event at Jubilee Park conducted by CMS Events.**

Motion put and CARRIED EN-BLOC (8/0)
(Cr Mack not present at the meeting)

CR20.78 EDGE VISIONARY LIVING – PERMISSION TO TEMPORARILY CLOSE THE PUBLIC ACCESS WAY BETWEEN LOT 232 TOMLINSON BOULEVARD AND LOT 233 STADIUM DRIVE, PERRY LAKES

PURPOSE OF REPORT:

To provide Council with information regarding the ongoing temporary closure of the Public Access Way (PAW) between Lot 232 Tomlinson Boulevard and Lot 233 Stadium Drive, Perry Lakes for a further period of 24 months, commencing on 1 July 2020.

SUMMARY:

Edge Visionary Living (EVL) have requested an extension of the temporary PAW closure between Lot 232 Tomlinson Boulevard and Lot 233 Stadium Drive, Perry Lakes. The extension, for an additional 24 months, will continue to allow the land to be used as the Eden Multi-Unit Development construction materials laydown area.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Public Access Way (Lot 8008) between Lot 232 Tomlinson Boulevard and Lot 233 Stadium Drive, Perry Lakes
Report Date:	9 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Corporate Business, Rob Andrews
Contributing Officer:	Coordinator Property and Procurement, Paul O'Keefe
Reporting Officer Interest	Nil
Attachment(s):	Nil

BACKGROUND:

As the diagram below shows, the PAW, being Lot 8008 on Plan 73850, is located between Lots 232 and 233. . This PAW, which is Crown Reserve vested to the Town, was created as part of the Perry Lakes Redevelopment Plan (PLRP). Its composition is a width of 7.5 metres, length of approximately 58 metres, resulting in a total area of 456 square metres.



On 27 March 2018, Council approved (refer CR 18.40) the temporary closure of the PAW, to enable EVL to use the site as a construction materials laydown area, for a period of 24 months, commencing on 1 July 2018. This temporary closure was subject to a public consultation process with the surrounding residents, through a local Public Notice, which invited submissions. No submissions were received by the Town, nor have any complaints, in relation to the use of the land, been received during this closure period.

DETAILS:

The Town was recently approached by EVL, seeking a further 24 month temporary closure extension to the PAW, in order to maintain it as a laydown area for the construction of the Eden Multi-Unit Development on Lots 232 and 233. During this period, which commences 1 July 2020, construction access will be restricted from Finishline View, in order to preserve the landscaping directly north of Tomlinson Boulevard.

The Town is required to give local Public Notice of the intended temporary closure, providing details of the proposal, including its location, reason for the extension, while inviting submissions from residents.

The sales contract between the Town and EVL, requires the construction and landscaping of the PAW (Lot 8008), to the same standard as the other PAWs within the Estate.

At the conclusion of the construction works, and in consultation with the Town, EVL is required to upgrade this PAW (Lot 8008) to the standard consistent with the other connecting PAW's in the Estate.



POLICY/STATUTORY IMPLICATIONS:

Section 3.50 of the *Local Government Act 1995* applies.

Subsection (1a) states:

"A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks".

Subsection (4) states:

"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, the local government is to:-

- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;
- (b) give written notice to each person who —
 - (i) is prescribed for the purposes of this section; or
 - (ii) owns land that is prescribed for the purposes of this section; and
- (c) allow a reasonable time for submissions to be made and consider any submissions made."

RISK MANAGEMENT IMPLICATIONS:

Medium: Lot 8008 is currently a building site for the Eden Development, the continuation of the closure will prevent access by the general public while the construction works are underway. Once the works are completed, the Lot 8008 will be landscaped and reticulated to a high standard.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC DIRECTION:

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.

COMMUNITY ENGAGEMENT:

As prescribed by Section 3.50 of the *Local Government Act 1995*, it is a requirement to give local Public Notice of the intended temporary closure, providing details of the proposal, including its location, reason for the extension, while inviting submissions from residents.

It is also proposed to seek comment from the residents of the Perry Lakes Estate.

Any comments received will be reported to the Council.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council:-

1. **APPROVES** a local Public Notice, for a 21 day period, be advertised outlining details to extend the temporary closure of the Public Access Way (Lot 8008), located between Lot 232 Tomlinson Boulevard and Lot 233 Stadium Drive, Perry Lakes;
2. **NOTES** the Public Notice details will include the location of the Public Access Way, why the temporary closure will be extended, plus inviting any comments for submission;
3. **NOTES** any submissions received will be brought back to Council for further consideration; and
4. **NOTES** the proposed extension for temporary closure of the Public Access Way (Lot 8008), located between Lot 232 Tomlinson Boulevard and Lot 233 Stadium Drive, will be for a period of 24 months, commencing 1 July 2020.

Motion put and CARRIED EN-BLOC (8/0)
(Cr Mack not present at the meeting)

CR20.79 PAYMENT OF ACCOUNTS - MAY 2020

PURPOSE:

To provide and confirm the schedule of payments for the month of May 2020 in accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

(i) CHEQUE PAYMENTS

	Date From	Date To	Details	Amount
Municipal Fund	08-May-2020	08-May-2020	057794 - 057867	\$26,895.33
Municipal Fund	12-May-2020	12-May-2020	057868 - 057888	\$3,899.75
Municipal Fund	15-May-2020	15-May-2020	057889 - 057922	\$94,039.26
Municipal Fund	21-May-2020	21-May-2020	057923 - 057971	\$71,057.43
Municipal Fund	29-May-2020	29-May-2020	057972 - 058059	\$45,647.11
				<u>\$241,538.88</u>

(ii) ELECTRONIC FUND TRANSFERS (EFT'S)

	Date From	Date To	Details	Amount
Investments	01-May-2020	31-May-2020	INV1173 - INV1178	\$8,559,954.43
Direct Bank Charges	01-May-2020	31-May-2020	Sup554 - Sup556	\$19,789.88
Direct Bank Charges	01-May-2020	31-May-2020	DD563-DD571	\$49,345.05
Accounts Payable	05-May-2020	06-May-2020	E41672 - E41756	\$950,990.46
Accounts Payable	08-May-2020	15-May-2020	E41757 - E41835	\$415,572.59
Accounts Payable	15-May-2020	20-May-2020	E41836 - E41947	\$839,310.94
Accounts Payable	25-May-2020	28-May-2020	E41948 - E42037	\$619,638.12
Payroll	01-May-2020	31-May-2020	Pay1209 - Pay1210	\$807,993.68
				<u>\$12,262,595.15</u>
				<u>\$12,504,134.03</u>

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.
- 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.
- Information For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	5 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Finance, Roy Ruitenga
Contributing Officer:	N/A
Reporting Officer Interest:	Nil
Attachment(s):	1. 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.

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.

POLICY/STATUTORY IMPLICATIONS:

Payments are in accordance with Policy No. 3.2.3 "Council Bank Accounts and Payments".

RISK MANAGEMENT IMPLICATIONS:

Low: The schedule of payments has been produced in accordance with applicable local government legislation.

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 Policy. In accordance with the assessment criteria it was determined that community engagement is not required.

Committee Meeting 15 June 2020

Prior to consideration of the item, Mayor Shannon, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in the matter as she had received a bond interest refund. Mayor Shannon left the meeting at 7.27 pm.

Mayor Shannon returned to the meeting at 7.28 pm.

Council Meeting 23 June 2020

Prior to consideration of the item, Mayor Shannon, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in the matter as she had received a bond interest refund. Mayor Shannon left the meeting at 7.18 pm. Deputy Mayor, Cr McKerracher took the chair during the Mayor's absence from the meeting.

COUNCIL DECISION: (COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Barlow

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.

Motion put and CARRIED (7/0)
(Mayor Shannon and Cr Mack not present at the meeting)

Mayor returned to the meeting at 7.19 pm.

CR20.80 INVESTMENT SCHEDULE – MAY 2020

PURPOSE:

To provide information to Council in relation to its investment portfolio performance during the month of May 2020.

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

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	4 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Finance, Roy Ruitenga
Contributing Officer:	N/A
Reporting Officer Interest	Nil
Attachment(s):	Prudential Consolidated Investment Report – May 2020

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 June 2020 meeting, the Reserve Bank of Australia decided to maintain the official cash rate at 0.25%.

The global economy is experiencing a severe downturn as countries seek to contain the COVID-19. Over the past month, infection rates have declined in many countries and there has been some easing of restriction on activity. Globally, economy recovery will get under way and

conditions in financial markets have continued to improve, supported by both the large fiscal packages and the significant easing in monetary policies.

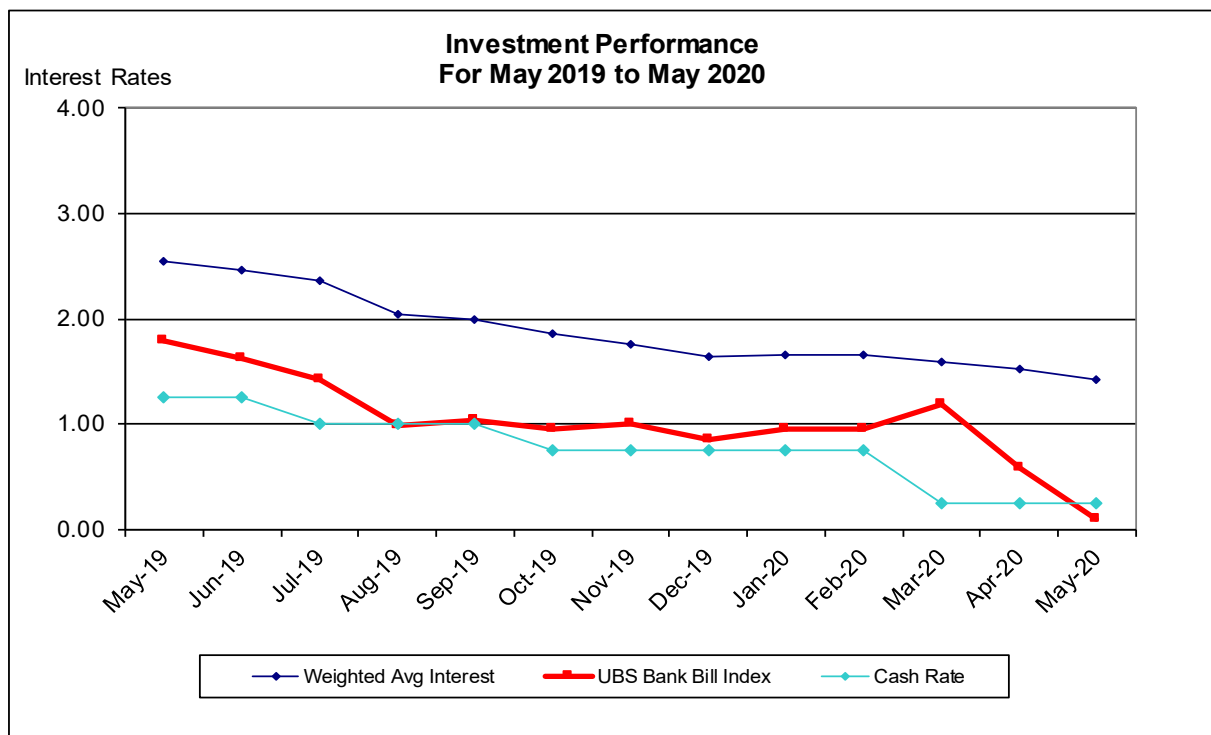
In Australia, the economy is going through a very difficult period and is experiencing the biggest economic contraction since the 1930s. It is possible that the depth of the downturn will be less than expected. The rate of new infections has declined significantly and some restrictions have been eased earlier than was previously thought likely. However, the outlook remains highly uncertain and the pandemic is likely to have long-lasting effects on the economy. It is likely that fiscal and monetary support will be required for some time.

Looking forward, in terms of the Town's investment portfolio, interest rates have declined as a result of the Reserve Bank's low cash rate. The major banks rates for one to three month terms are on average 0.55%, for terms of four to six months on average 0.79% and for terms of seven months to nine months on average 0.82%. The UBS Bank Bill Index rate (an index measuring performance of interest rates over a 90 day period) was 0.10% for May 2020. The 90 days BBSW or Bank Bill Swap rate (a measure of future interest rates) was 0.10% as at 29 May 2020. As Council's investment portfolio is predominantly short term cash products, the cash rate of 0.25% for May 2020 is the more appropriate performance measure.

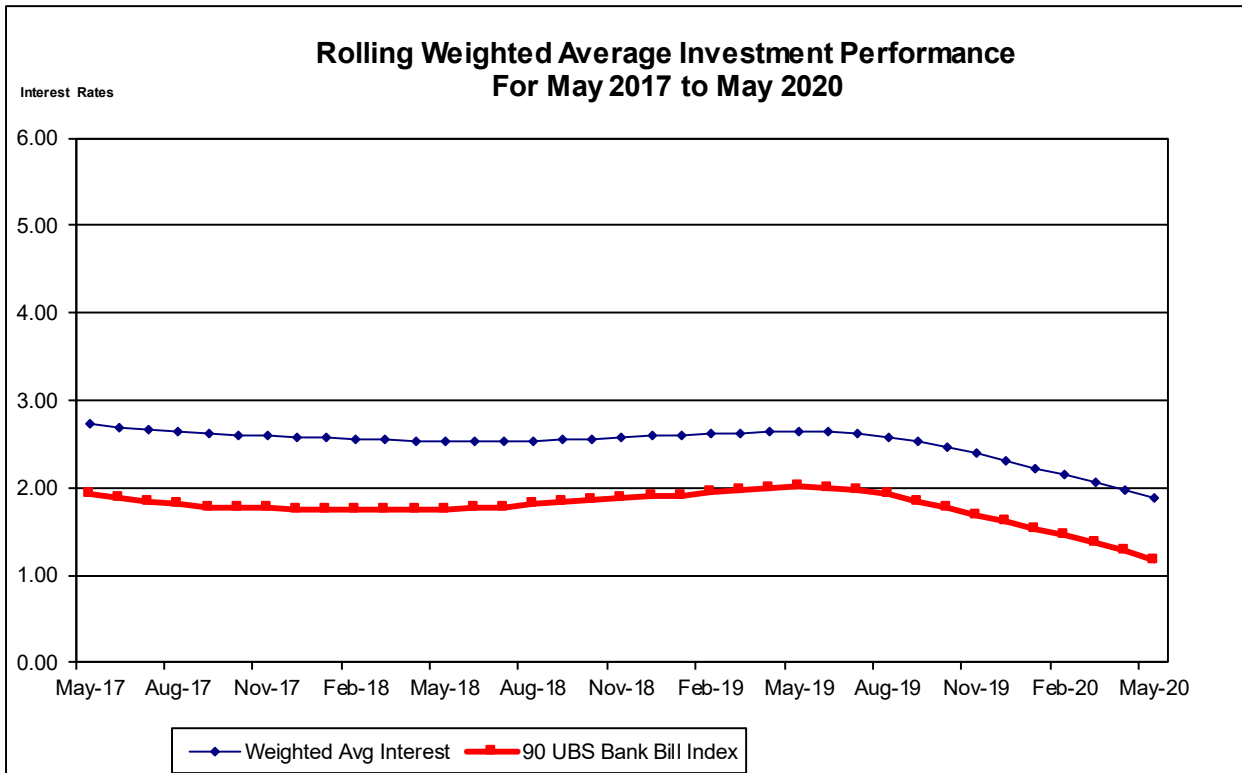
Against these interest rate indicators, the Town's investment portfolio outperformed the cash rate with a weighted average interest rate of 1.42%. The weighted average investment period of 196 days (approximately six months) is consistent with term deposit rates (with the major Australian banks) which for this period were an average of 0.8%.

Investment Portfolio Performance for May 2020

The graphs below show the interest rate performance of the Town's investment portfolio for the 12 month period, specifically May 2019 to May 2020.

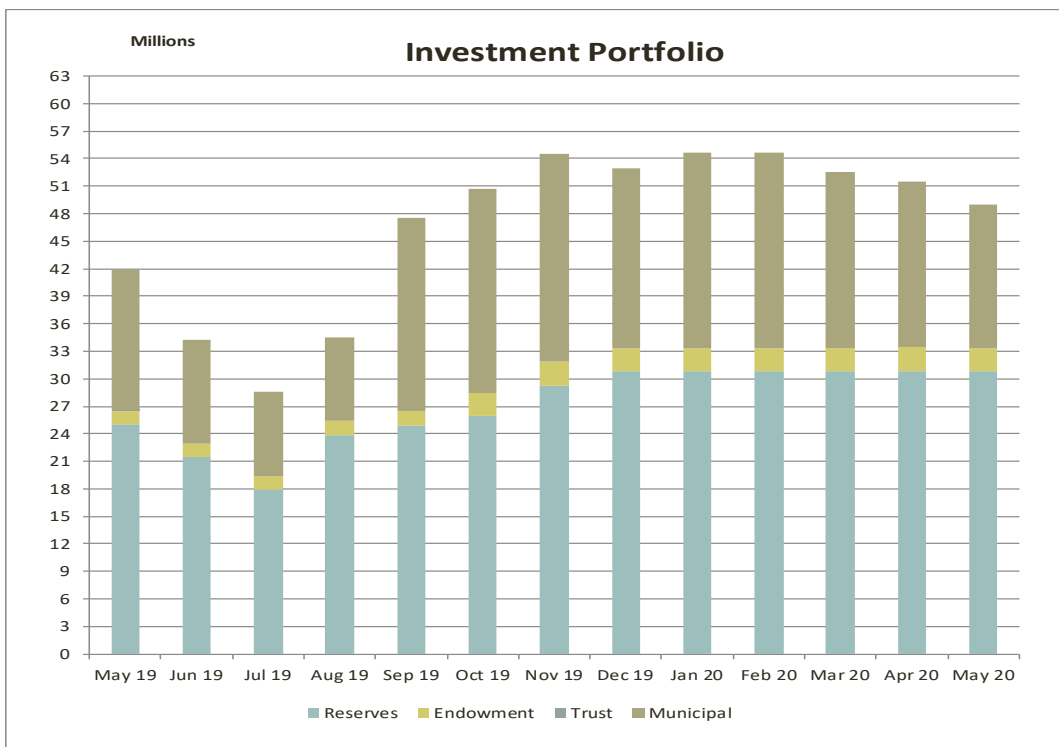


The graph below shows the rolling 12 month weighted average investment performance of the Town's investment portfolio, since May 2017.



The total investment at the end of May 2020 is \$48.9 million which consists of Municipal Funds of \$15.6 million, Reserve Funds of \$30.8 million and Endowment Lands Funds of \$2.5 million.

The graph below represents the total investment portfolio of the Town from May 2019 to May 2020.



The Managed Cash Funds performance as at the end of May 2020 is as follows:

	Term (Days)	Rating	Current Interest Rate	Maturity Date	May 2020 Income	Total Amount Invested	% of Funds Invested	Weighted Average Interest
Floating Rate Notes								
Emerald Reverse Mortgage		"AA"	0.54%		\$492	\$526,313	1.08%	0.01%
Sub-total					\$492	\$526,313	1.08%	0.01%
Term Deposits and Bank Bills								
ANZ - Term Deposit	210	"A1+"	1.55%	09 Jun 2020	\$2,633	\$2,017,156	4.12%	0.06%
ANZ - Term Deposit	224	"A1+"	1.55%	23 Jun 2020	\$1,316	\$1,008,578	2.06%	0.03%
ANZ - Term Deposit	273	"A1+"	1.49%	10 Nov 2020	\$1,265	\$1,004,531	2.05%	0.03%
ANZ - Term Deposit	202	"A1+"	0.81%	14 Dec 2020	\$133	\$1,000,133	2.04%	0.02%
ANZ - Term Deposit	223	"A1+"	0.82%	04 Jan 2021	\$137	\$1,016,784	2.08%	0.02%
NAB - Term Deposit	112	"A1+"	1.15%	04 Aug 2020	\$991	\$1,015,814	2.08%	0.02%
NAB - Term Deposit	154	"A1+"	1.58%	09 Jun 2020	\$2,029	\$1,521,589	3.11%	0.05%
NAB - Term Deposit	154	"A1+"	1.57%	23 Jun 2020	\$1,342	\$1,012,120	2.07%	0.03%
NAB - Term Deposit	118	"A1+"	1.40%	29 Jun 2020	\$1,784	\$1,505,178	3.07%	0.04%
NAB - Term Deposit	112	"A1+"	1.00%	01 Sep 2020	\$1,109	\$2,025,909	4.14%	0.04%
NAB - Term Deposit	237	"A1+"	0.98%	18 Jan 2021	\$162	\$1,006,872	2.06%	0.02%
NAB - Term Deposit	160	"A1+"	1.57%	29 Jun 2020	\$2,667	\$2,011,356	4.11%	0.06%
NAB - Term Deposit	243	"A1+"	1.53%	06 Oct 2020	\$2,599	\$2,009,725	4.11%	0.06%
NAB - Term Deposit	126	"A1+"	1.40%	07 Jul 2020	\$1,189	\$1,003,452	2.05%	0.03%
NAB - Term Deposit	153	"A1+"	0.95%	26 Oct 2020	\$312	\$2,000,312	4.09%	0.04%
Macquarie - Term Deposit	196	"A1"	1.70%	27 Oct 2020	\$1,459	\$1,012,516	2.07%	0.04%
Macquarie - Term Deposit	154	"A1"	1.60%	21 Jul 2020	\$1,369	\$1,012,039	2.07%	0.03%
Macquarie - Term Deposit	97	"A1"	1.30%	03 Aug 2020	\$2,789	\$2,528,709	5.17%	0.07%
Macquarie - Term Deposit	98	"A1"	1.00%	25 Aug 2020	\$538	\$1,512,337	3.09%	0.03%
Macquarie - Term Deposit	180	"A1"	1.65%	02 Jun 2020	\$4,204	\$3,024,275	6.18%	0.10%
Macquarie - Term Deposit	180	"A1"	1.65%	02 Jun 2020	\$2,803	\$2,016,184	4.12%	0.07%
Macquarie - Term Deposit	272	"A1"	1.60%	24 Nov 2020	\$2,718	\$2,008,416	4.10%	0.07%
Macquarie - Term Deposit	275	"A1"	1.65%	04 Dec 2020	\$2,803	\$2,008,047	4.10%	0.07%
Macquarie - Term Deposit	244	"A1"	1.70%	21 Dec 2020	\$2,189	\$1,518,725	3.10%	0.05%
Macquarie - Term Deposit	230	"A1"	1.70%	07 Dec 2020	\$2,174	\$1,508,843	3.08%	0.05%
Suncorp - Term Deposit	182	"A1"	1.60%	06 Oct 2020	\$2,073	\$1,529,099	3.12%	0.05%
Suncorp - Term Deposit	273	"A1"	1.55%	18 Aug 2020	\$2,707	\$2,073,703	4.24%	0.07%
Suncorp - Term Deposit	273	"A1"	1.70%	15 Dec 2020	\$1,444	\$1,003,540	2.05%	0.03%
Suncorp - Term Deposit	363	"A1"	1.60%	16 Mar 2021	\$1,359	\$1,003,288	2.05%	0.03%
Suncorp - Term Deposit	188	"A1"	1.70%	29 Sep 2020	\$1,444	\$1,003,167	2.05%	0.03%
Suncorp - Term Deposit	202	"A1"	1.68%	13 Oct 2020	\$1,427	\$1,003,130	2.05%	0.03%
Suncorp - Term Deposit	153	"A1"	1.35%	15 Sep 2020	\$1,720	\$1,502,608	3.07%	0.04%
TD Matured in May					\$8,346			
Sub-total					\$63,234	\$48,428,134	98.92%	1.41%
Total Investments					\$63,725	\$48,954,446	100.00%	1.42%
Weighted Average			196	1.42%				

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.

RISK MANAGEMENT IMPLICATIONS:

Low: The investments are in accordance with Council's adopted Investment Policy 3.2.5 and applicable local government legislation.

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:

	Actual as at June 2019	Budget 2019/2020	YTD Budget May 2020	Actual as at May 2020	%
General *	672,617	400,000	356,200	305,292	76.3%
Reserves	710,931	497,600	456,800	457,198	91.9%
Endowment Lands	125,727	50,000	44,200	34,714	69.4%
External Investments	1,509,275	947,600	857,200	797,204	84.1%
Reserve (Internal Loan)	327,232	257,300	236,300	236,258	91.8%
Endowment Lands (Internal Loan)	767,541	707,200	649,500	649,488	91.8%
Internal Loans	1,094,773	964,500	885,800	885,746	91.8%
Total Investments	2,604,048	1,912,100	1,743,000	1,682,950	88.0%

* Includes Bank Account Interest of \$13,102.

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.

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council RECEIVES the Investment Schedule for 31 May 2020, as attached.

Motion put and CARRIED EN-BLOC (8/0)

(Cr Mack not present at the meeting)

8. CONFIDENTIAL REPORTS

Committee Meeting 15 June 2020

PROCEDURAL MOTION:

Meeting Behind Closed Doors

Moved by Cr Barlow, seconded by

That the following matters be regarded as confidential in accordance with Section 5.23 of the Local Government Act 1995.

Motion lapsed for the want of a seconder.

The meeting continued as an open meeting.

CR20.81 COMMUNITY ORGANISATION SUPPORT GRANT – SUBMISSION BY PERTH INNER CITY YOUTH SERVICES

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:

- (b) 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
- (e) *a matter that if disclosed, would reveal -*
 - (i) *information that has a commercial value to a person; or*
 - (ii) *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*.

PURPOSE:

To seek Council direction on an application for the Community Support Grant submitted by the Perth Inner City Youth Services (PICYS).

SUMMARY:

The purpose of this report is to seek Council direction on an application for the Community Organisation Support Grant submitted by the Perth Inner City Youth Services (PICYS). As PICYS premises at 22 Blencowe Street, West Leederville is subject to SAT, the Town does not support the funding application at this point in time.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Perth Inner City Youth Services, 22 Blencowe Street, West Leederville
Report Date:	1 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Community Services, Priya Narula
Contributing Officers:	Community Development Officer, Courtney Aylett
Reporting Officer Interest:	Nil
Attachments: (Confidential)	<ol style="list-style-type: none"> 1. Community Organisation Support Grant Information 2. PICYS Funding Application 3. Project Assessment

BACKGROUND

The Community Organisation Support Grant is one of the Town's funding programs for either one-off establishment grants, or to assist with service provision and/or purchase of fixed or non-fixed equipment. Applicants must be local community organisations located within the Town, which provide support and services to residents of the Town. **Attachment 1** provides further detail of the eligibility and selection criteria for this funding program.

Two rounds of this funding program were offered over this financial year, with a maximum funding allocation of \$2000 per organisation. In round 2 of this funding program Perth Inner City Youth Services (PICYS) submitted an application (**attachment 2**) for \$2000 towards an upbeat musical therapy program.

DETAILS:

Funding Application Assessment

Attachment 2 recognises that PICYS meet the eligibility criteria of this funding program and details the aims and objectives of the musical therapy program.

The project will provide young people within the Town and surrounding suburbs the opportunity to attend weekly three-hour workshops over a 6-month term. External provider, Brady Street Music, will be engaged and have provided a quote of \$2,000 to deliver the musical therapy sessions. The application advises the program will target 35 participants, 20 of which are expected to be Town of Cambridge residents (57%).

The project has been assessed against assessment criteria and a low level of need has been identified (**attachment 3**) recommending a Council contribution of 50% (\$1000.00) toward the project cost.

Project Cost	Project Rating	Funds Requested	Funds Recommended
\$2,500.00	58.5% (Low)	\$2,000.00	\$1,000.00 (50%)

Land Tenure

PICYS premises at 22 Blencowe Street, West Leederville is currently under investigation by the planning department as the land use does not support the type of business being run out of it.

The approval request for the land use is with the State Administrative Tribunal (SAT) and the decision will likely be quite some months away. It is recommended until this determination made, Town funding is not approved.

POLICY/STATUTORY IMPLICATIONS:

Policy Number 2.1.15 - Community Funding Programs

RISK MANAGEMENT IMPLICATIONS:

Low: The risk associated with not approving the funding application is low. It is anticipated the Town may receive an objection from PICYS.

FINANCIAL IMPLICATIONS:

Based on a 50% council contribution toward the funding request, the \$1,000.00 financial implication can be accommodated in the 2019/20 Community Funding Budget.

STRATEGIC DIRECTION:

The revised Youth Services Strategy/Action Plan (Draft) supports a number of goals and strategies in the Town's 2018-2028 Strategic Plan:

Priority Area: Our Community

Goal 1 A sense of community, pride and belonging

Strategy 1.1 Encourage and support a range of public activities and events where residents can gather and interact.

Goal 3 An active, safe and inclusive community

Strategy 3.3 Encourage a range of activities that better align with the diverse needs of ratepayers of all ages, cultures and abilities.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy No 1.2.11 as not requiring community consultation.

ADMINISTRATION RECOMMENDATION:

That Council:-

1. NOTES the Community Organisation Support Grant submitted to the Town by Perth Inner City Youth Services;
2. NOTES the pending approval for the land use of the Perth Inner City Youth Services (PICYS) at 22 Blencowe Street, West Leederville; and
3. DOES NOT APPROVE the funding application until the land use at PICYS premises at 22 Blencowe Street, West Leederville has been determined by the State Administrative Tribunal (SAT).

Committee Meeting 15 June 2020

Debate ensued. The Mayor did not consider that the Town should be providing assistance to PICYS.

AMENDMENT:

Moved by Mayor, seconded by Cr Barlow

That Clause 2 of the motion be deleted and Clause 3 of the motion be amended to read as follows:-

3. DOES NOT APPROVE the funding application.

Amendment put and CARRIED (4/1)

For: Mayor Shannon, Crs Barlow, Bradley and Timmermanis
Against: Cr Mack

**COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)**

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council:-

1. **NOTES the Community Organisation Support Grant submitted to the Town by Perth Inner City Youth Services; and**
2. **DOES NOT APPROVE the funding application.**

Motion put and CARRIED EN-BLOC (8/0)
(Cr Mack not present at the meeting)

CR20.82 LOT 231, (2) FINISHLINE VIEW, PERRY LAKES

Refer Item 13.3

10. COUNCIL REPORTS

10.1 MONTHLY FINANCIAL STATEMENTS, REVIEW AND VARIANCES – MAY 2020

PURPOSE OF REPORT:

To receive the Financial Statements for period 31 May 2020.

SUMMARY:

The May 2020 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 31 May 2020.

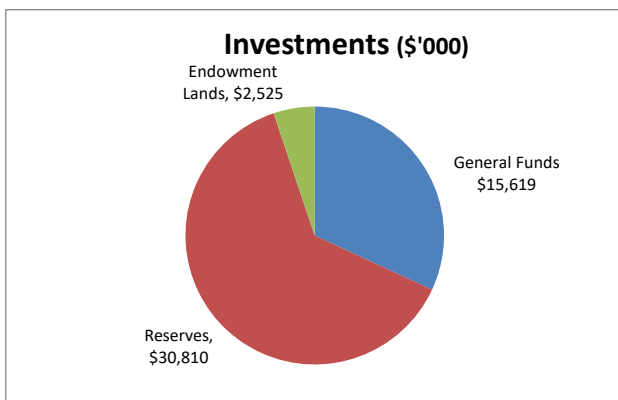
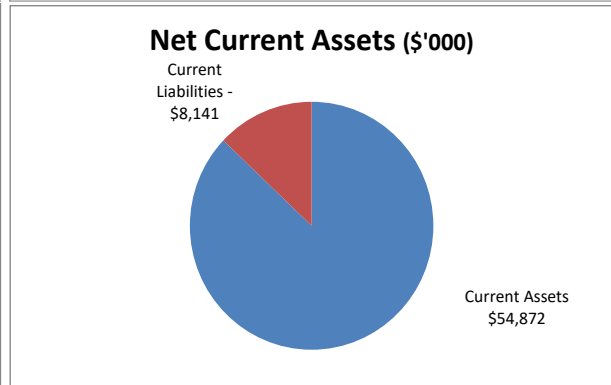
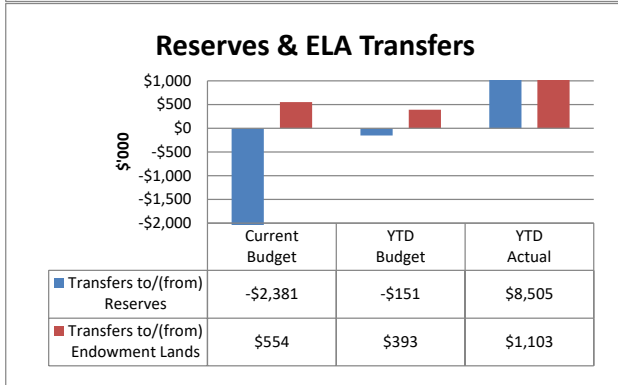
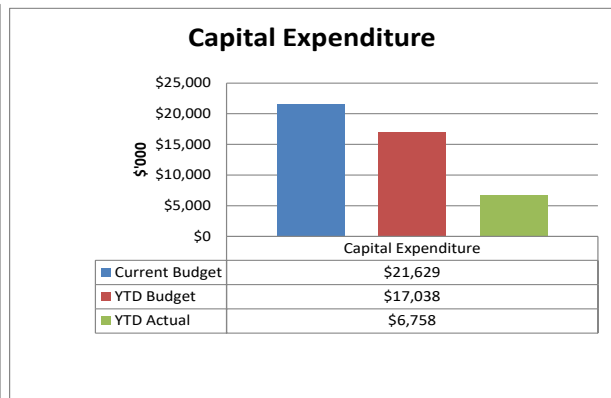
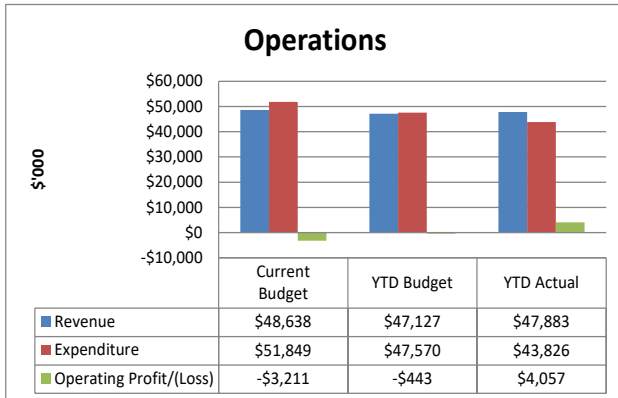
AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | Executive | The substantial direction setting and oversight role of the Council, eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	N/A
Report Date:	18 June 2020
Responsible Officer:	Director Corporate and Community Services, Mr Cam Robbins
Reporting Officer:	Manager Finance, Mr Roy Ruitenga
Contributing Officer:	N/A
Reporting Officer Interest	Nil
Attachments:	Financial Statements May 2020

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 May 2020 (Rate Setting Statement) in Attachment 1.

1. Operating Revenue

Operating revenue year to date is \$47.8 million compared to May 2020 YTD budget of \$47.1 million, giving a favourable variance of \$757k. Significant variances are as follows:

a. Fees and Charges

Actual fees and charges year to date is \$16.3 million compared to budget of \$17.7 million, giving an unfavourable of \$1.4 million of 8.2%. The COVID-19 has had an impact on the Town's revenue with the golf course partially closed (reopened 11 May 2020 and Driving Range reopened 22 May 2020) and the Aquatic Centre completely closed during April 2020. It should be noted that all centres have reopened for business in May 2020 with strict adherence to COVID-19 social distancing rules. The Wembley golf course in particular has performed very well during May 2020 and should meet revenue targets for the month.

The major unfavourable variances for May 2020 include:

Fees & Charges	YTD Budget	31 May	Variance	Variance
	\$'000	Actual \$'000		
BPAC	2,101	1,730	(370)	-18%
Commercial Lease	1,148	877	(270)	-24%
Parking Control	1,764	1,527	(238)	-13%
Other Property	1,445	1,279	(165)	-11%
Wembley Golf Course	8,202	8,052	(150)	-2%
Planning Fees	431	290	(140)	-33%
Building Fees	387	283	(104)	-27%

b. Operating Grants, Subsidies and Contributions

Actual Operating Grants, Subsidies and Contributions for May 2020 YTD is \$1.9 million compared to YTD 2020 May budget of \$1.3 million, giving a favourable variance of \$590k or 42.5%. An advance payment of \$524,789 has been received in May for 2020/21, being the Financial Assistance Grant from the WA Local Government Grant Commission.

c. Gain on Disposal of Assets

An unbudgeted amount of \$1.59 million has been received from Development WA for the sale of Parkside Walk Land in Jolimont.

2. Operating Expenses

Operating expenses year to date is \$43.8 million compared to budget of \$46.3 million, giving a favourable variance of \$2.5 million or 5.4%. Significant variances are as follows:

a. Materials and Contracts

Actual expenditure for May 2020 YTD is \$14.3 million against YTD May budget of \$15.6 million, giving a favourable variance of \$1.3 million or 8.2%.

The following timing variances exist:

Materials & Contract	YTD Budget	31 May	Variance	Variance
	\$'000	Actual \$'000	\$'000	%
Planning - Leederville Hub Planning	229	0	(229)	-100%
Sports ground maintenance	794	626	(168)	-21%
Road Infrastructure non capital works	195	38	(157)	-81%
Club Leased Premises non capital works	289	142	(147)	-51%
Parks building non capital works	160	17	(143)	-90%
Parks ground maintenance	690	565	(126)	-18%
Ocean Beaches ground maintenance	609	498	(111)	-18%
BPAC non capital works	117	59	(58)	-49%

b. Employee Costs

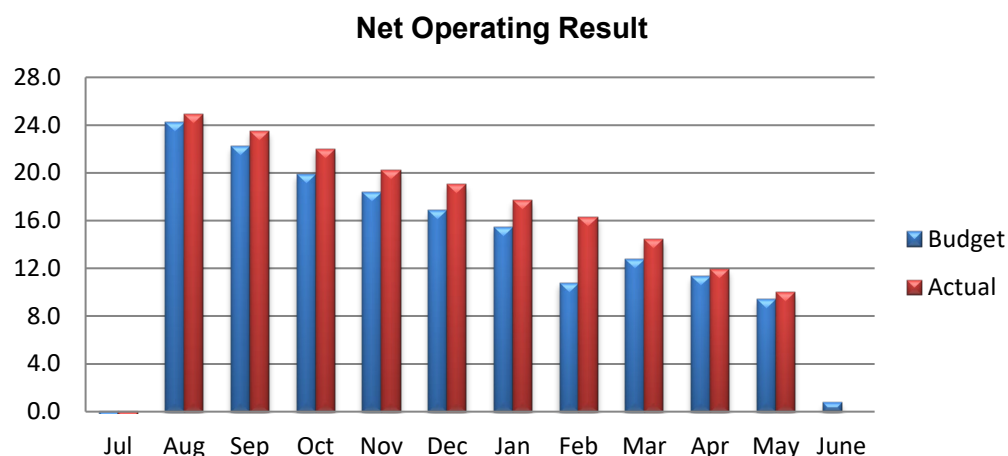
Actual expenditure for May 2020 YTD is \$17.3 million against YTD May budget of \$18.3 million, giving a favourable variance of \$1 million, or 5.5%. This is largely due to vacancies across the organisation with some positions remaining vacant and savings in casual labour as operations are impacted by COVID-19.

c. Legal Expenses

The Town's legal expenses for the period 1 July 2019 until 22 May 2020 are \$388,878.

3. Net Operating Result

The net operating surplus from operations is \$11 million compared to May YTD budget of \$9.4 million, giving a favourable variance of \$1.6 million.



4. Capital Grants, Subsidies and Contributions

The total amount of funds received for the Town's capital works program for the period ended 31 May 2020 is currently under budget by \$1.1 million. This is predominantly due to a timing variance with respect to grant funded capital road infrastructure projects (\$881k) and Perth Netball Association – Court lighting (\$288k) which are currently in progress are expected to be claimed for those works commenced or in progress.

5. Capital Works Programs

The total amount of funds spent on the Town's capital works program for the period ended 31 May 2020 is \$6.8 million against budget of \$17 million, giving a favourable variance of \$10.2 million. It should be noted that of the \$21.6 million annual capital budget, some \$8.4 million has been identified to be carried forward, including major works Perry Lakes Water Replenishment project, Lake Monger Community Shed, Wembley Driving Range conveyor belt replacement, Dodd Street precinct bike plan project, Dodd Street and Fred Burton car park upgrades.

A brief overview of the capital works programs to date shows the following timing variances:

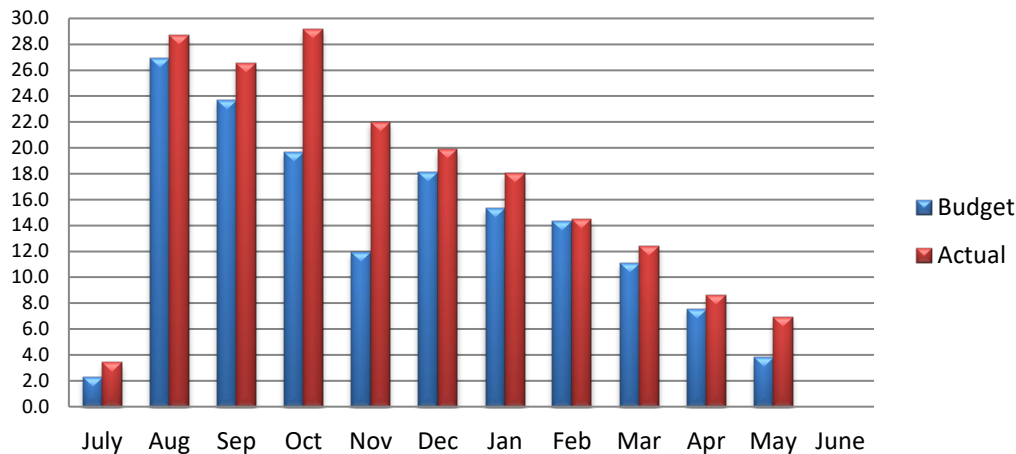
- Buildings - \$966k spent against year to date budget of \$3.9 million;
- Parks and Reserves - \$2 million spent against year to date budget of \$4.4 million;
- Roads and Lanes - \$2.8 million spent against year to date budget of \$5.1 million;
- Carparks - \$13k spent against year to date budget of \$45k;
- Footpaths - \$198k spent against year to date budget of \$1.3million.

6. Cash Surplus (Closing Funds)

The cash surplus as at 31 May 2020 is \$6.9 million which is above the year to date May 2020 budget of \$3.8 million, giving a favourable variance of \$3 million. The surplus is predominantly due to the under expenditure with respect to materials and contracts and capital works.

This surplus will decline as the year progresses with day to day operational expenditure and the carrying out of budgeted capital works. Given the impact of COVID-19 on Council operations, it is expected that the year end result will be a deficit.

Cash Surplus (\$ millions)



7. Material Variances

Permanent variances above \$30k and timing variances above \$100k for specific line items are normally reported upon. As at 31 May 2020, there are a few material timing variances to report upon as follows:

- Building capital works (\$3 million) under YTD budget predominantly due to Lake Monger Community shed (\$1.2 million), Golf Course Machinery Shed (\$751k), Cambridge Library – Air Conditioning Replacement (\$495k) and Floreat Beach Café and Toilets Refurbishment (\$502k);
- Parks and reserves capital works (\$2.4 million) under YTD budget predominantly due to the Perth Netball Association – conversion of court install light (\$598k) under budget, and Perry Lakes Water Replenishment project (\$1m) under budget.
- Roads and lanes capital works (\$2.4 million) under YTD budget predominantly due to road surfacing projects Harborne St (Rees – Grantham) (\$149k), Windarra Drive (\$102k), Rochdale Rd (McClemans - Boundary) (\$115k), and Ruislip St (Gregory - Kimberley) (\$128k) under budget.
- Planning - Leederville Hub Planning and Strategic Projects are currently \$228k and \$133K under YTD budget.

The variances noted are generally attributable to works identified as carry forward works for next financial year, timing differences or the profile of the monthly distribution of the budget, over the year.

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.

RISK MANAGEMENT IMPLICATIONS:

Low: The financial statements have been produced in accordance with the adopted budget for the 2019/2020 financial year and in accordance with applicable local government legislation.

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.

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Barlow

That Council RECEIVES the report on the Financial Statements for period ended 31 May 2020.

Motion put and CARRIED (8/0)
(Cr Mack not present at the meeting)

10.2 PROPOSED GENERAL FEES AND CHARGES (RATES AND UNDERGROUND POWER CHARGES) FOR THE FINANCIAL YEAR 2020-2021

PURPOSE OF REPORT:

To consider the fees and charges in respect of rates for the 2020/2021 financial year.

SUMMARY:

The Council reviews its fees and charges each year to determine if the amounts charged are reflective of resources employed in delivering Council services and are in accordance with current legislation.

For the 2020/2021 financial year it is proposed to keep the majority of fees and charges the same with respect to rates, given the Town has a Financial Hardship Policy. It is recommended that the instalment interest rate, currently 5.5% remain and the late payment interest rate, currently 11%, be reduced to 8%. This is in line with a proposed Ministerial Order released in May 2020.

Fees and charges with respect to rates for the forthcoming financial year are detailed further in this report.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	N/A
Report Date:	16 June 2020
Responsible Officer:	Director Corporate and Community Services, Cam Robbins
Reporting Officer:	Manager Finance, Roy Ruitenga
Contributing Officer	Nil
Reporting Officer Interest	Nil
Attachments:	Nil

BACKGROUND:

Fees and Charges are reviewed annually in accordance with the Local Government Act sections 6.16 and 6.17 of the Local Government Act 1995.

DETAILS:

1. Rates Charges

The fees and charges pertaining to miscellaneous services for the 2020/2021 financial year have been assessed with the following changes proposed, taking into consideration the financial impact from COVID-19 on property owners within the Town. The changes below are in line with a proposed Ministerial Order which was mooted last month.

- Rates Instalment Interest – maintain at 5.5% (Council has a financial hardship policy in place)
- Rates Instalment Fee – maintain at \$10 per instalment.
- Late Payment Interest – reduced from 11% to 8%.

Other Councils have also reassessed their fees and charges for the 2020/2021 financial year in light of the current economic climate. Accordingly a number of Councils were contacted and table of their revised fees and charges, for comparison are detailed in Table 1 below.

Table 1: Comparative Table

2020-21	Cambridge	Perth	Cottesloe	Subiaco	Claremont	Vincent	Nedlands	Mosman Park	Average
Instalment Administration Fee (per instalment)	\$10	\$12	\$4	\$0	\$17	\$8	\$16	\$12	\$9.87
Rates Instalment Interest	5.5%	5.5%	3%	0%	5.5%	5.5%	5.5%	5.5%	4.5%
Late Payment Interest Charge	8%	5.5%	8%	0%	8%	8%	8%	8%	6.68%

2. Underground Power Charges

The underground power instalment is currently an annual instalment, due in February each year. The instalment amount can be quite significant depending on which instalment option has been selected, with the three, five and ten year instalment programs still applicable. Given the financial impact of COVID-19, it is proposed to introduce a “bill smoothing” payment option, which would replace the current February payment option. The annual underground power instalment would be included on the annual rate notice (issued in August) with two and four instalment options being offered for payment. This would make the payment of underground charges more financially manageable.

Furthermore, it would streamline the process of issuing and managing underground power charges and payments more efficient and cost effective.

POLICY/STATUTORY IMPLICATIONS:

Fees must be set in accordance with sections 6.16 and 6.17 of the *Local Government Act 1995*, and associated regulations. Any waive or concessions must be in accordance with S6.12(1)(b).

RISK MANAGEMENT IMPLICATIONS:

Low: The Town levies fees and charges in accordance with relevant legislation, being the *Local Government Act 1995* and applicable policies.

FINANCIAL IMPLICATIONS:

The adoption of the fees and charges will have a direct impact on the revenue received in the next financial year. This will impact on the 2020/2021 budget which is currently in draft form and will be incorporating the proposed fees as mentioned in the report.

STRATEGIC DIRECTION:

The adoption of the proposed fees and charges are consistent with the Town's Strategic Community Plan's goals namely:

Goal 9: Transparent, accountable governance

Goal 11: A strong performing local government

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is purely administrative in nature with no external impacts envisaged.

ADMINISTRATION RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr Nelson

That Council APPROVES BY AN ABSOLUTE MAJORITY:

1. to ADOPT the General Fees and Charges for the financial year 2020/2021 as detailed below:

Details of Fees and Charges	2020/2021 Charges
Payment of Rates and Requests	
Instalment Option - Administration Fee (per instalment)	*\$10
Rates Instalment Interest	*5.5%
Late Payment Interest Rate	* 8%

*GST Not Applicable for the above charges

2. to AUTHORISE:

- 2.1 the Chief Executive Officer to waive fees and charges in accordance with the provisions of Section 6.12 (1) (b) of the *Local Government Act 1995* should special circumstances or the Council's Policy No. 3.2.8 Hardship Policy apply; and
- 2.2 an underground power "bill smoothing" payment option for the remaining underground power charges effective from 2020/2021 and to be shown on the annual rates notice offering the Two and Four Instalment Options, as offered in respect of rates.

During discussion, Cr Timmermanis suggested that the Rates Instalment interest charge should be set at 2% and the late payment Interest rate be set at 5.5%.

AMENDMENT:

Moved by Cr Timmermanis, seconded by Mayor Shannon

That clause 1 of the motion be amended to read as follows:-

1. **to ADOPT the General Fees and Charges for the financial year 2020/2021 as detailed below:**

Details of Fees and Charges		2020/2021 Charges
Payment of Rates and Requests		
	Instalment Option - Administration Fee (per instalment)	*\$10
	Rates Instalment Interest	*2.0%
	Late Payment Interest Rate	*5.5%

*GST Not Applicable for the above charges

Amendment put and CARRIED (6/2)

For: Mayor Shannon, Crs Barlow, Bradley, Haddon-Casey, McKerracher and Timmermanis

Against: Crs Everett and Nelson
(Cr Mack not present at the meeting)

COUNCIL DECISION:

That Council APPROVES BY AN ABSOLUTE MAJORITY:-

1. **to ADOPT the General Fees and Charges for the financial year 2020/2021 as detailed below:**

Details of Fees and Charges		2020/2021 Charges
Payment of Rates and Requests		
	Instalment Option - Administration Fee (per instalment)	*\$10
	Rates Instalment Interest	*2.0%
	Late Payment Interest Rate	*5.5%

*GST Not Applicable for the above charges

2. to AUTHORISE:

- 2.1 the Chief Executive Officer to waive fees and charges in accordance with the provisions of Section 6.12 (1) (b) of the *Local Government Act 1995* should special circumstances or the Council's Policy No. 3.2.8 Hardship Policy apply; and**
- 2.2 an underground power "bill smoothing" payment option for the remaining underground power charges effective from 2020/2021 and to be shown on the annual rates notice offering the Two and Four Instalment Options, as offered in respect of rates.**

Motion, as AMENDED, put and CARRIED BY AN ABSOLUTE MAJORITY (8/0)
(Cr Mack not present at the meeting)

10.3 ANNUAL INSURANCE RENEWAL 2020/2021

PURPOSE OF REPORT:

To present the insurance renewal premiums for 2020/2021 as received from Local Government Insurance Services.

SUMMARY:

The Town's insurance policies are now due for renewal to ensure ongoing cover for the 2020/2021 financial year. Insurance premiums from Local Government Insurance Services (LGIS) have been received.

The overall insurance premium for 2020/2021 is \$590,000 a decrease of 4%. If the scheme contribution was excluded, there would be an overall increase of 2%.

It is recommended that Council renews its insurance policies for the 2020/2021 financial year and accept the insurance premiums as received from LGIS.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | Executive | The substantial direction setting and oversight role of the Council, eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	Town of Cambridge, 1 Bold Park Drive, Floreat
Date	17 June 2020
Responsible Officer:	Chief Executive Officer, John Giorgi, JP
Reporting Officer:	Manager Finance, Roy Ruitenga
Contributing Officers:	Director Corporate and Community Services, Cam Robbins
Reporting Officer Interest	Nil
Attachment(s):	Nil

BACKGROUND:

The Town issued a request for tender for insurance services, to ensure it obtained best value for money. A report was subsequently presented to the April 2020 Council meeting, recommending Local Government Insurance Scheme (LGIS) as the preferred supplier. (Confidential Report 13.7 “CR20.59 Request for Tender RFT 2020-13 – Provision of Insurance Services”, refers). LGIS’s insurance premiums, including property, liability and workcare, for the 2020/2021 financial year have now been received. The total premium applicable is \$590,916 (ex GST) as compared to \$615,978 for the 2019/2020 financial year, an overall decrease of 4% or \$25,062. If the scheme contributions were to be excluded, the overall premiums for 2020/2021 would have increased 2.2%.

There have been a number of key events both globally and nationally which have seen insurance markets hardening with a corresponding increase in insurance premiums. The most significant events include the extensive bushfires and hail storms experienced last summer. There has also been a decrease in capacity by insurers’ with increasing loss ratios, the impact of natural disaster risk, exposure to economic impacts including equity markets in various regions, changes in risk appetite and global political instability caused by US elections, trade wars and geopolitical unrest. These changes to the market were prior to the COVID-19 global pandemic which will lead to further significant pricing increases, and tightening of terms and conditions which are likely to continue throughout 2020 and well into 2023.

Given this, LGIS has continued to use the self-insurance schemes, size and scale to de-risk against the volatility of the commercial insurance market given the above, resulting in the premiums on offer to the Town.

DETAILS:

1. Self Insurance Schemes

The insurance premiums for LGIS total \$587,000, after applying a scheme contribution of \$84,000.

Insurance Premiums Comparisons Scheme Membership Funds

Insurance Cover	Contributions 2019/2020	Contributions 2020/2021	Movement	
			\$	%
LGIS Liability	201,386	206,250	4,864	2.4%
Casual Hirers (Scheme funded)	-	-	-	
LGIS Commercial Crime and Cyber Liability	8,922	8,422	(500)	(5.6%)
LGIS Property	182,284	193,286	11,002	6.0%
LGIS Workcare	184,800	191,400	6,600	3.6%
LGIS Motor Fleet	54,365	44,513	(9,852)	(18.1%)
LGIS Management Liability	24,173	26,600	2,427	10.0%
LGIS Corporate Travel	750	750	-	0.0%
LGIS Personal Accident - Volunteers, Council	425	425	-	0.0%
LGIS Pollution Legal Liability (scheme funded)	-	-	-	
Less Scheme Contribution	(44,559)	(84,097)	(39,538)	89%
Total	612,546	587,549	(24,997)	(4.1%)

Liability Scheme - the scheme continues to see an increase in claims frequency and pricing which has increased for the past three years despite increased competition. Recent class actions claims and settlements arising from bushfires across Australia, losses outside Australia such as Californian/U.S. wildfires where the same reinsurers will be exposed.

Many insurers are becoming more selective of the risks that they choose to write, preferring to decline if it falls outside of their underwriting appetite as opposed to chasing market share.

The building surveyor and certification area of risk continues to deteriorate with private certifiers struggling to obtain cover as insurers withdraw from the market. If there is pressure on local governments to carry more of this burden, there will inevitably impact coverage and pricing.

Areas of focus within the local government sector are as follows:

- Bushfire and climate change impact and the sector's approach to planning and mitigation.
- Potential fallout from non-compliant building material and professional indemnity coverage for certifiers and local governments' role in the planning and approval process.
- A greater than normal claims volume relating to minors across reserves, playgrounds and aquatic centres.
- Medical centres, aged care and child care practices and involvement of local government.

The Town's public liability scheme insurance premium has experienced an increase of 2.4% or \$5,000 to \$206,000 (ex GST) for the 2020/2021 year.

Property Scheme – The amount of extreme weather events have tripled globally since the 1980's. Catastrophic events like cyclones, floods, storms, bushfires and earthquakes are placing additional pressure on insurers resulting in commercial property insurance increasing 23% in the past quarter, the tenth consecutive quarter of year on year double digit increases. Property insurance increases driven by bushfires, hailstorm damage, and flooding with clients located within cyclone, storm and earthquake exposed locations experiencing premium increases of 30% plus. Worldwide there is a growing acknowledgement of "secondary perils" (storm, hail and bushfire) that are increasing in frequency and severity. This is increasing the cost of re-insurance capital. LGIS leverages its size and scale to contain premium increases, and although moderate, these increased re-insurance costs are reflected in the premium for the 2020/2021 year.

In 2020, the key focus has been:

- 1) On asset accumulation for certain types of loss events, for example cyclones, bushfire, storm and earthquake.
- 2) The quality of construction and specific location.
- 3) Asset profile which drives level of exposure to malicious activity and weather related events.

The Town's property insurance has subsequently increased 6% in premiums, increasing by \$11k to \$193,000 (ex GST).

Workcare Scheme – the scheme has experienced a reduction in the total cost of incurred claims, a reduction in claim numbers and a positive return to pre-injury duties for injured employees.

The Town's insurance premium has increased marginally by \$6,000 or 3.6% up slightly from a 2.9% increase the previous year, taking the overall premium cost to \$191,000 (ex GST).

LGIS Motor Fleet - the Town's motor vehicle insurance premium decreasing by \$9,852 to \$44,513 has been driven by a decrease in the overall fleet asset value with the Town having reduced its number of fleet vehicles. This is offset by an increase in claims experience with the loss ratio at 108% of the insurance premium, resulting in a loss to be borne by the insurer.

The Town's intention is to continue to divest itself from investing capital in its fleet assets and consider leasing alternatives which should see this premium significant reduce in future years.

Scheme Contribution of \$84k

Given the tough times being experienced by Members and their communities, a \$7 million Contributions Assistance Package, which is in addition to the 2019 Scheme \$6 million surplus distribution rolled out to Members, has been approved by the LGIS Board of Directors and endorsed by WALGA State Council. This is in recognition of the significant financial pressures Members are experiencing due to COVID-19. The Town's share is \$84k.

2. Non Scheme Insurance Covers

An overall minimal decrease in non-scheme insurance covers premiums taking the overall premium from \$3,432 to \$3,367 for the 2020/2021 financial year.

Insurance Premiums Comparisons Non Scheme Policies

Insurance Cover	Contributions 2019/2020	Contributions 2020/2021	Movement	
			\$	%
Contingency Event Cancellation*	2,132	2,132	-	0%
Contract Works	1,100	1,035	(65)	(5.9%)
Marine Cargo	200	200	-	0%
Total	3,432	3,367	(65)	(2%)

*Note – World Health Organisation classified pandemics, i.e. COVID-19 are not covered.

Conclusion

It is recommended that Council renews its insurance policies for the 2020/2021 financial year and accepts the insurance premiums as received from LGIS.

POLICY/STATUTORY IMPLICATIONS:

Nil

RISK MANAGEMENT IMPLICATIONS:

High: The Town needs to ensure it has adequate Insurance coverage across all Policy Classifications and the premiums it pays for such coverage does not compromise the Town's ability to maintain and/or replace its major assets in the event of any claims made.

FINANCIAL IMPLICATIONS:

The draft 2020/2021 budget accommodates a provision for insurance premiums for the 2020/2021 financial year.

STRATEGIC DIRECTION:

The management of budgeted funds is consistent with the Town's Strategic Community Plan 2018-2028:

Goal 9 Transparent, accountable governance.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is purely administrative in nature with no external impacts envisaged.

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Haddon-Casey, seconded by Cr Everett

That Council APPROVES the renewal of its insurance policies for the 2020/2021 financial year and accepts the insurance premiums for 2020/2021, as received from Local Government Insurance Services (LGIS) on 16 June 2020.

Debate ensued.

Cr Everett departed from the meeting at 7.34 pm and returned at 7.36 pm.

Motion put and CARRIED (8/0)
(Cr Mack not present at the meeting)

10.4 TOWN OF CAMBRIDGE WORFORCE PLAN 2020 -2024 - ADOPTION

PURPOSE:

To seek Council's adoption of the Workforce Plan 2020 - 2024.

SUMMARY:

This report outlines the key elements of the Workforce Plan 2020 -2024. The Workforce Plan is one of the CEO's Key Performance Indicators (KPI's) (5.1.5) and due for delivery by June 2020 and is one of the Town's strategic documents linking to both the Corporate Business Plan 2018-2022 and the Strategy Community Plan 2018-2028.

AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council, eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Town of Cambridge Administration, 1 Bold Park Drive, Floreat
Report Date:	18 June 2020
Responsible Officer:	Chief Executive Officer - John Giorgi, JP
Reporting Officer:	CEO John Giorgi, JP and Manager People and Culture – Natasha King
Contributing Officers:	Manager Assets – P Maloney.
Reporting Officer Interest	Nil
Attachment(s):	1. Draft Town of Cambridge Workforce Plan 2020 - 2024

BACKGROUND:

The Department of Local Government, Sports and Cultural Industries (DLGSCI) Integrated Planning and Reporting Framework and Guidelines state that every two years, local governments are required to undertake a review of the Strategic Community Plan, alternating between a minor and major review. A minor review, according to the Departmental guidelines, is "primarily a desktop exercise and usually focuses on resetting the Workforce Plan."

The Integrated Planning and Reporting Framework (IPRF), the overarching umbrella which encompasses the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and the Workforce Plan, is a set of strategic and operational documents that Local Governments in Western Australia are required to follow. The Workforce Plan (WFP) is a core informing strategy under IPRF. These documents include:

Strategic Community Plan 2018-2028:

The Strategic Community Plan is a strategic document that provides direction for the Town (and the community) over a 10 to 15 year period. The Town's Strategic Community Plan was last endorsed on 26 June 2018, whereby the Council endorsed a minor revision of the Strategic Community Plan 2018-2028 (refer Item 10.5). In line with the Departments Guidelines, the Town has reviewed the Workforce Plan to align with the reviewed Strategic Community Plan.

Corporate Business Plan 2018-2022

The Corporate Business Plan is an operational document that activates the Strategic Community Plan over a four-year period. The Corporate Business Plan was last endorsed in November 2019. (refer Item CR19.118).

Long Term Financial Plan (LTFP):

The Long Term Financial Plan is a document that shows how the Town will be able to pay for managing its assets, carrying out capital works, and providing services over a 10 year period.

At the Elected member Forum held on 10 March 2020, Mr Russell Barnes of Moore Stevens made a presentation to the Elected Members.

The Administration has been working on the 2020/2021 Draft Budget which will form part of the Long Term Financial Plan (LTFP). The LTFP is also contingent upon completion of the Asset Management Plans for Infrastructure Assets, the Wembley Golf Course and the Bold Park Aquatic Centre (due for completion by end of June 2020). Once these documents have been finalised an external consultant will then be appointed to update the current draft LTFP.

Therefore is expected that the time line for completion of the LTFP will be September – October 2020 and thereafter will be reported to Council for adoption.

Asset Management Plan:

Asset planning is intended to integrate the expected cost of looking after assets with long term financial planning. The Town's Asset Management Plan was last reviewed in June 2018. In accordance with DLGSCI Guidelines, the plan should be reviewed regularly and endorsed by the Council. It is also to be incorporated into the Corporate Business Plan. The following is an update on the Asset Management program:

1. Asset Management Plan for Infrastructure – Status: scheduled to be completed 30 June 2020 (on target);
2. Asset Management Plan for Wembley Golf Course - Status: scheduled to be completed 30 June 2020 (on target);
3. Asset Management Plan for Bold Park Aquatic Centre - Status: scheduled to be completed 30 June 2020 (on target);
4. Asset Management Plan for Buildings – Status: was completed in 2018 and will be reviewed and updated in 2020/2021;
5. Asset Management Strategy Completed – Status: last reviewed in 2018 – the Asset Management Strategy was adopted by Council in 2013 and subsequently contained within the Corporate Business Plan and summarised as an Informing Strategy; and
6. Asset Management Policy No 5.4.9 – Status: completed and adopted by Council on 24 July 2012 and reviewed on 23 June 2015, 24 May 2016 and 26 June 2018. The Policy has been reviewed, amended and presented to the Community and Resources Committee on 15 June 2020.

Workforce Plan:

The Workforce Plan is an internal business planning tool that identifies the capacity and capability needs of the Town to deliver the projects mapped out in the Corporate Business Plan. The plan highlights workforce strategies that identify HR related risks, develop strategies to reduce risks and help shape the workforce to deliver services, operations, projects and initiatives for a local government within a defined period.

Workforce planning is intended to ensure that the Town employs the right people to deliver the right asset management, service provision and capital works. The Town's Workforce Plan was last endorsed in June 2017. In accordance with DLGSCI guidelines the plan is required to be reviewed every four (4) years. It is a 'live' document and the process of shaping the workforce conditions is continuous and on-going.

DETAILS:

The Town of Cambridge total workforce involved in the delivery of services includes direct employees, consultants, sub-contractors, partnerships and volunteers.

The WFP follows a process of understanding the strategic direction and workforce profile, analysing the labour market, identifying the skills and capacities needed, and developing goals, priority areas, medium term strategies and actions. Performance and talent is considered along with an assessment of risk including mitigation strategies.

While the Town of Cambridge is a small to medium size local government, it provides a range of assets and services that would typically be associated with a much larger local government. It's 'catchment' of people who use and enjoy services and facilities of the Town, extends well beyond its own boundaries.

The Town is structured to deliver high quality services in the most efficient manner. A number of services are outsourced to the private sector due to favourable competitive market conditions and non-core services. In other instances, the Town assumes full control of service delivery where it believes in-house delivery is the most effective and efficient option. The best balance of in-house delivery and outsourcing is regularly reviewed.

Town of Cambridge Organisational Structure and Change Management Consultancy

The Town of Cambridge was created on 1 July 1994, following the split of the former City of Perth into the Towns of Cambridge, Vincent and Victoria Park. Over the years the organisation has grown and the number of services and facilities provided has grown. During this period, the organisational structure has remained basically the same and has not undergone a significant review since its creation. The Town's organisational structure was last reviewed in 2006.

In late 2014, as part of the now abandoned amalgamation process, The Town of Cambridge was proposed to be amalgamated with the City of Subiaco. Consultants were engaged to carry out a review of the organisation and prepare a new structure for the proposed new local government. However, about mid-way through the process, the state government discontinued the forced amalgamation process and the consultancy was never completed.

In July 2018, the Council requested that an Organisational Review be carried out. Price Consulting were engaged to assist the Town with the review and this was carried out from September 2018 to February 2019.

On the 12 February 2019, the Council unanimously approved of a new Organisational Structure, reducing the number of Directorates from six (6) to four (4). The new structure became effective on 1 July 2019 and now comprises of the following four (4) functional areas.

Office of the Chief Executive Officer

This directorate includes:

1. Governance and Office of CEO
2. Legal and Risk
3. People and Culture

Corporate and Community Services

This directorate includes:-

1. Finance
2. Corporate Business
3. Community Services
4. Wembley Golf Course
5. Bold Park Aquatic Centre

Planning and Development

This directorate includes:-

1. Statutory Planning
2. Strategic Planning
3. Regulatory Services

Infrastructure and Works

This directorate includes:-

1. Asset Management
2. Technical Services and Works
3. Parks and Natural Environment

Full Time Equivalent Employees

The number of full time equivalent employees was reduced from 213.7 FTE to **198.3** FTE.

POLICY/STATUTORY IMPLICATIONS:

Local Government Act 1995 s5.56

“s5.56 Planning for the Future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

In accordance with regulation 19DA (3C) of the *Local Government (Administration) Regulations 1996*, “develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning”

RISK MANAGEMENT IMPLICATIONS:

Medium Risk: This matter has been assessed as having a Medium risk. Failure to adopt a Workforce plan would be a breach of statutory requirements.

This is based on the negative impacts to the Town if the strategies of the WFP are not implemented. Particularly in relation to job satisfaction, difficulty in replacing critical positions and succession planning key management roles.

FINANCIAL IMPLICATIONS:

This report was prepared in-house. There are no financial implications related to this report.

STRATEGIC DIRECTION:

The recommendation detailed in this report embraces the following goals of the Town's Strategic Community Plan 2018-2028:-

Our Council

Goal 9: Transparent, accountable governance.

Goal 11: A strong performing local government.

COMMUNITY ENGAGEMENT:

This matter has been assessed under Policy 12.11 – Community Engagement, and does not require community consultation, as this matter is administrative in nature

ADMINISTRATION RECOMMENDATION:

Moved by Cr Nelson, seconded by Cr Bradley

That Council ADOPTS the Workforce Plan 2020 - 2024, as shown in Attachment 1.

During discussion, Cr McKerracher suggested that the Workforce Plan could include additional information about the workforce.

PROCEDURAL MOTION:

Moved by Cr McKerracher, seconded by Cr Barlow

That Council DEFERS the item relating to the Town of Cambridge Workforce Plan 2020 – 2024 to a future Council meeting to enable further information to be included.

Motion put and CARRIED (7/1)

For: Mayor Shannon, Crs Barlow, Bradley, Everett, Haddon-Casey, McKerracher and Timmermanis

Against: Cr Nelson
(Cr Mack not present at the meeting)

10.5 TOWN OF CAMBRIDGE COVID-19 – RECOVERY AND RELIEF PLAN – PROGRESS REPORT NO: 5 AND ESTABLISHMENT OF A COVID-19 COMMITTEE

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | Executive | The substantial direction setting and oversight role of the Council, eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
| <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | Information | For the Council/Committee to note. |

Address/Property Location:	Town of Cambridge
Report Date:	18 June 2020
Responsible Officer:	Chief Executive Officer – John Giorgi, JP
Reporting Officer:	Chief Executive Officer – John Giorgi, JP
Contributing Officers:	Nil
Reporting Officer Interest:	Nil
Attachments:	<ol style="list-style-type: none"> 1. Committee Terms of Reference - Draft. 2. Town of Cambridge COVID-19 'Workplace Safety Plan (and Risk Minimisation Schedule). 3. COVID-19 Roadmap and Guidelines.

PURPOSE OF REPORT:

To provide a progress report (No: 5) to Council on the adopted '*Town of Cambridge Recovery and Relief Plan*' (RRP), and 'Workplace Safety Plan' to minimise the effects of COVID-19 pandemic on the community, and seek Council approval to create a COVID-19 Committee. The Committee will provide advice, guidance, and recommendations in the short, medium and long term of the COVID-19 pandemic.

SUMMARY:

This report provides updated information concerning the impact of COVID-19 on the Town of Cambridge COVID-19 RRP, as at 18 June 2020. This report recommends revoking clause 11 and 12 of Item 5.1 of the Council decision of 9 April 2020 and the establishment of a COVID-19 Committee to provide advice the Council in the future.

BACKGROUND:

Previous Reports to Council:

Reports have been submitted to Council in relation to COVID-19 as follows:

(a) Ordinary Council Meeting of 24 March 2020 (Adjourned to 26 and 31 March 2020):

Report CR20.45 – Coronavirus (COVID-19) – Town Position Statement
Report 11.2 – Town of Cambridge COVID-19 – Recovery Plan
Report 11.4 – Town of Cambridge COVID-19 – Recovery Relief Plan – Express Determination Service for Change of Use Development Applications
Report 11.6 – Town of Cambridge COVID-19 – Recovery and Relief Plan – Impact on the Town’s Tenancies (Confidential)
Report 11.7 – COVID-19 – Impact on the Town’s Community Facilities (Confidential)
Report CR 13.11 - Town of Cambridge COVID-19 –Progress report No: 3

(b) Special Council Meeting of 9 April 2020:

Report 5.1 – Town of Cambridge COVID-19 Recovery and Relief Plan Progress Report No 2.

(c) Council Meeting of 28 April 2020:

Report 3.11 – Town of Cambridge COVID-19 Recovery and Relief Plan Progress Report No 3.

(d) Special Council Meeting of 12 June 2020:

Report 13.6 - Town of Cambridge COVID-19 Recovery and Relief Plan Progress Report No 4.

DETAILS:

Western Australia’s Roadmap for the easing of COV-19 related restrictions:

The WA Government has released a COVID-19 roadmap, which has been developed in conjunction with the National Cabinet principles and is based on the best health advice for WA for the easing of COVID-19 related restrictions.

The Plan specifies 4 phases in the recovery of COVID-19.

In addition, Guidelines about the restrictions have been issued and these are shown at **Attachment 3**.

At the Special Meeting of Council held on 9 April 2020, the Council considered the COVID-19 pandemic matter and resolved as follows:

“That Council:-

- 1. RECEIVES the Progress Report No: 2, as at 9 April 2020, concerning the Town of Cambridge COVID-19 Recovery and Relief Plan, as shown in Attachment 1;*
- 2. APPROVES the Town of Cambridge COVID-19 Recovery and Relief Plan – Projects Implementation Plan, and ENDORSEs proceeding with the Town’s original project timelines for Civil Projects where practical;*

3. *RECEIVES the Town of Cambridge COVID-19 Recovery and Relief Plan –Functions and Services Implementation Plan, as shown in Confidential Attachment 2;*
4. *DOES NOT ENDORSE any proposals contained within the Town of Cambridge COVID-19 Recovery and Relief Plan – Functions and Services Implementation Plan, as shown in Confidential Attachment 2 associated with re-deployment of staff for digitization of records or other unbudgeted activities;*
5. *DIRECTS THE CEO to immediately commence employee cost reductions of 20% of the Town’s budgeted employee costs, or an amount equivalent to the total budgeted employee costs attributed to facilities and services not currently operating, whichever is the greater;*
6. *APPROVES the re-opening of the Wembley Golf Course on a temporary basis, subject to advice confirming this is allowed by the Health Department or relevant authorities, subject to strict compliance regarding social distancing and isolation requirements, as detailed in this report, with a report to be provided to the April ordinary council meeting to confirm that there has been strict compliance with social distancing and virus control measures implemented by the Town;*
7. *NOTES that:*
 - 7.1 *the Town’s Bold Park Aquatic Centre and Town of Cambridge Library and Local History Centre are closed to the public, as required by a Closure and Restriction (Limit The Spread) Directions issued under the Emergency Management Act 2005, dated 7 April 2020 and which remains in force until 7 May 2020;*
 - 7.2 *a ‘Financial Hardship Policy’ is currently being prepared and will be submitted to the April 2020 Council meeting;*
8. *NOTES that progress reports will be submitted to the Council on a monthly basis or sooner if required;*
9. *AUTHORISES the appointment of Lawyer Daniel White of Mills Oakley to act on behalf of the Council and to provide advice to the Council in relation to issues relating to the major change to the Town’s operations and business resulting from the Covid 19 pandemic;*
10. *APPROVES BY AN ABSOLUTE MAJORITY the payment of the legal expenses associated with the engagement of Mills Oakley as unbudgeted expenditure;*
11. *AUTHORISES the Mayor, on behalf of the Council, pursuant to Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007, to provide instructions to Daniel White of Mills Oakley, in relation to issues concerning the major change to the Town’s operations and business resulting from the COVID 19 pandemic;*
12. *AUTHORISES Cr Timmermanis, on behalf of the Council, pursuant to Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007, to assist the CEO in relation to the Employee Arrangements in response to COVID 19 including, but not limited to:*
 - (a) *attending all meetings with the unions regarding the major change to the Town’s operations and the impact on the Town’s personnel,*
 - (b) *attending all meetings with staff unable to be redeployed as a result of the major change to the Town’s operations and business resulting from the COVID 19 pandemic and the Town’s need to reduce expenditure on wages for staff through the alteration of hours including reduced hours or access to their annual leave on a half time basis; and*
 - (c) *attending the meetings of the COVID Taskforce.”*

Why the Need for a Committee?

When COVID-19 became an issue in Western Australia, the Town, like almost all other organisations and businesses responded to the pandemic threat. Initially a COVID-19 Working Group was formed and later renamed a Taskforce.

The COVID-19 pandemic phase has now moved beyond the initial health threat and it is envisaged that the recovery phase will last for several years.

In addition, the impact on the Cambridge Community will also last for a considerable period of time and the current Taskforce is focused on the Town's workforce. This leaves a void to be filled, to address the longer term effects on the Town. Accordingly, a COVID-19 Committee with appropriate Terms of Reference is recommended to be established.

It is noted that the Council decision of 9 April 2020 has caused some consternation and concern in various quarters and the formation of a formal committee, comprising Council members and Employees (in lieu of the previous council decision) will go a long way to relieve this.

The initial aim of the Taskforce was to:

COVID-19 Taskforce Terms of Reference.

"To consider and make recommendations concerning the Town to protect its employees and maintain functions and services."

COVID-19 Working Group:

- (a) CEO and Directors;
- (b) Manager People and Culture, Regulatory Services, Community Services, Finance;
- (c) Coordinator Governance and Office of CEO.
- (d) Others as required (IT, Finance, WGC, BPAC etc.)

Emergency Management Act 2005- Local Recovery Coordinator:

It is advised that the Town's Manager Regulatory Services is the Town of Cambridge Local Recovery Coordinator. In addition, he is also the Town's prime contact and liaison officer with the Department of Health and other government agencies.

In view of his role and functions, it is recommended this position be appointed to the Committee.

1. TOWN OF CAMBRIDGE COVID-19 RECOVERY AND RELIEF PLAN AND IMPLEMENTATION

1. Purpose:

The purpose of this Plan is to support recovery initiatives in relation to COVID-19 by establishing a framework for the Town to:

- 1.1. Identify, monitor and document the impact of COVID-19 specific to the Town of Cambridge;
- 1.2. Ensure adaptable, flexible and efficient decision making and communication during the Recovery Phase;
- 1.3. Provide a 'way forward' to the Town's short, medium and long term actions to provide recovery and relief as a result of COVID-19;

- 1.4. Guide the Town's future decision making in relation to the Town's COVID-19 recovery and relief; and
- 1.5. Provide support and civic leadership to our community during the recovery phase.

RECOVERY AND RELIEF PLAN IMPLEMENTATION PLAN – GOVERNANCE AND PRINCIPLES:

2. Principles:

Based on the information provided it is anticipated that there will be four key phases to the COVID-19 pandemic over the short, medium and long term. Some principles apply to all three phases of recovery, with further specific principles applying to each specific phase.

The following principles apply through all phases of recovery:

- 2.1 Act in a highly adaptable, flexible, comprehensive, coordinated and safe manner to ensure health and emergency management directives are implemented as a high priority.
- 2.2 Recognise, understand and action the support needed for the ratepayers, residents, local businesses, seniors, vulnerable persons, groups, community organisations, sporting clubs and associations.
- 2.3 Ensure consistent and regular communication with the community and Town employees.
- 2.4 Recognise, understand and action the support needed for the Town's workforce.
- 2.5 Partner and collaborate with our key stakeholders, including the State and Federal governments to support the Recovery and Relief Plan.

Phase 1 – Short Term – Initial Response and Relief - (Period from 15 March – 31 May 2020)

Phase 1 of the recovery focused on understanding and responding in an adaptable and flexible way to the immediate changing impacts of COVID-19. The following principles applied to Phase 1:

- (a) Realign and reprioritise the Town's existing projects, programs, functions and services.
- (b) Understand the impact on the Town's current Budget 2019/20 and cash flow.
- (c) Understand the impact on the Town's current investments.
- (d) Assess all available resources for recovery and relief efforts.
- (e) Establish a framework for recovery and relief.

The initial threat from the Phase 1 COVID-19 pandemic, which was anticipated period from 15 March – 31 May 2020 has been weathered reasonably well. From a health aspect, very few infections have been detected, however, the financial and economic effects have been particularly hard. Notwithstanding, the role of the Taskforce has diminished and the focus is now on the Recovery Phase and the second phase, which could be expected later in 2020.

As such, the need for the Town to formally establish a COVID-19 Committee, with more extensive Terms of Reference, which will also encompass the Community and concentrate on the Medium Term (Phase 2) and Long Term (Phase 3), is recommended.

Phase 2 – Medium Term – Adapt - (Anticipated period from June - December 2020)

Again, this is an unknown quantity, however, the Medium Term phase is expected to last between June to end of December 2020. This phase of recovery will focus on adapting to the impacts of COVID-19. The following principles will apply to Phase 2:

- (a) Consider and implement medium term actions identified in the Recovery and Relief Implementation Plan through continuous review by the Town of Cambridge projects, functions and service delivery.

- (b) Prepare the Budget 2020/21, based on 0% increase and no increase in fees, charges and tariffs.
- (c) Refocus and redirect all available resources toward the Recovery and Relief Plan.
- (d) Re-open facilities closed as a result of Government Directives and re-store a full range of services, wherever possible.
- (d) Maintain positive communication and a strong connection with our community.
- (e) Remain responsive, adaptable and flexible to the ever changing needs of seniors, vulnerable person/groups, community organisations, sporting clubs, local businesses and visitors to the Town.
- (f) Remain responsive and adaptable to the changing needs of our workforce and realign the Town's existing workforce to recovery and relief efforts.

Phase 3 – Long Term – Recover - (Anticipated period from January 2021 and beyond)

The Long Term Recovery phase is expected to last from January 2021 and beyond. The focus of this phase is integrating the impacts of COVID-19 into a new way of operating and conducting business. The following principles will apply to Phase 3:

- (a) Consider and implement long term actions identified in the Recovery and Relief Implementation Plan through continuous review.
- (b) Review the way the Town delivers services during and after the COVID-19 pandemic.
- (c) Support business, financial and economic development and social reconnection.
- (d) Build on the resilience and innovation of our organisation and community developed during COVID-19.
- (e) Consider and respond to the ongoing impacts and needs of seniors, vulnerable person/groups, community organisations, sporting clubs, local businesses and visitors to the Town.
- (f) Consider the ongoing impacts and needs of the Town's workforce.

WORKFORCE ARRANGEMENTS:

The Chief Executive Officer (CEO) and Directors have been endeavouring to provide and maintain the Town's functions and services wherever possible. Arrangements to minimise the spread of COVID-19 have been implemented and will remain in place until the social distancing requirements are removed or amended.

Action taken since the commencement of COVID-19 Directions and Orders, and following Council's decision of 9 April 2020.

Continuation on the Freeze on recruitment and filling of vacant positions:

It should be noted that effective from 10 March 2020, all recruitment has been deferred, until further notice. No vacancies are being filled, unless the position has been identified as essential.

The recruitment of the following positions has been placed 'on hold', until further notice:

1. Coordinator Business Improvement.
2. Community Development Officer (0.4FTE).
3. Coordinator Community Development (0.4FTE) – maternity leave coverage.
4. BPAC Senior Operations Officer.
5. BPAC Senior Programs Officer.
6. Ranger (0.45 FTE).
7. Leading Hand – Irrigation.

In addition to the above, several vacant position caused by recent resignations are also not being filled. This matter will be further reviewed once a clearer picture is evident and the Budget 2020-21 has been adopted.

POLICY/STATUTORY IMPLICATIONS:

1. *Emergency Management Act 2005 and the Public Health Act 2016.*
2. *The State Government has issued Directives and Orders under the Emergency Management Act 2005 and the Public Health Act 2016.*
3. *Local Government Act 1995 and Regulations.*
4. *Fair work Act 2009 (Cth).*

The *Local Government Act 1995* at section 5.8 and 5.9 allows for the establishment of a Committee.

“Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

- (1) *In this section —*
other person means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
 - (a) *council members only; or*
 - (b) *council members and employees; or*
 - (c) *council members, employees and other persons; or*
 - (d) *council members and other persons; or*
 - (e) *employees and other persons; or*
 - (f) *other persons only”.*

RISK MANAGEMENT IMPLICATIONS:

High: The actions will significantly affect the adopted budget for the 2019-2020 financial year. COVID-19 has changed everything, and there are associated risks with this Recovery and Relief Plan.

FINANCIAL IMPLICATIONS:

The financial year end position is forecast to be a deficit, given the impact of COVID-19.

The full details of the impact are still being assessed. However, with the re-opening of Wembley Golf course and subsequently the driving range on 22 April 2020, the BPAC on 19 May 2020, the end of year deficit has been substantially reduced downwards.

Impact on Year End

The following is a preliminary estimate of the Towns financial situation, as at 18 June 2020. It does not take into account any proposed changes detailed in this report concerning employee costs or the Recovery and Relief Plan costs, due to the loss of building and planning fees etc.

Legal Costs:

As at 18 June 2020, the legal Costs for Mills Oakley Lawyers for COVID-19 employment advice is \$16,464.80.

STRATEGIC DIRECTION:

The management of budgeted funds is consistent with the Town's Strategic Community Plan 2018-2028:

Our Neighbourhoods:

Goal 5: Successful commercial, retail and residential hubs

Strategy 5.2 Foster and encourage local business development in the local and district centres which support our residents and the local and broader community.

Our Council

Goal 9: Transparent, accountable governance

Strategy 9.1 Implement initiatives that strengthens governance skills, transparency and knowledge.

Goal 10: The Town is a proactive local government that provides financially sustainable public assets, services and facilities

Strategy 10.1 Ensure appropriate resources are allocated to the preparation and implementation of day to day decision making, broader strategic planning and major projects.

Strategy 10.3 Ensure sound and sustainable financial planning, management and reporting.

Goal 11 An efficient local government

COMMUNITY CONSULTATION:

Given the urgent nature of the COVID-19 pandemic, the usual community consultation will not be undertaken, unless time permits. The Town will respond to directions from both Federal and State Government, and liaise with key stakeholders as required.

COMMENT:

COVID-19 has created a huge workload and significantly impacted on the Town's operations due to a number of Orders and Directions. Following the lifting of restrictions, a degree of normality has returned.

If the Council approves of the COVID-19 Committee, the current COVID-19 Task Force (comprising of employees only) will be continue to meet, albeit with a revised focus to act as a conduit to the Town's workforce.

ADMINISTRATION RECOMMENDATION:

Moved by Cr Everett, seconded by Cr Bradley

That Council:-

1. **RECEIVES** the Progress Report No: 5, as at 18 June 2020, concerning the Town of Cambridge COVID-19 Recovery and Relief Plan, and COVID-19 Workplace Safety Plan (and Risk Minimisation Schedule), as detailed in this report;
2. **NOTES** that pursuant to s 5.25(1)(e) of the *Local Government Act 1995*, Regulation 10 of the *Local Government (Administration) Regulations 1996* and Clause 12.5 of the *Town of Cambridge Meeting Procedures Local Law 2020*, Mayor Shannon and Councillors Everett and McKerracher support a Motion to **CHANGE** a COUNCIL decision, as detailed in clause 3 below;
3. **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to s 5.25(1)(e) of the *Local Government Act 1995*, regulation 10 of the *Local Government (Administration) Regulations 1996* and Clause 12.5 of the *Town of Cambridge Meeting Procedures Local Law 2020* to **CHANGE** Clauses 11 and 12 of Item 5.1 of the Special Meeting of Council held on 9 April 2020, as follows:-

“That Council:-

11. **REVOKES**, effective from 23 June 2020, the **AUTHORITY** of the Mayor, on behalf of the Council, pursuant to Regulation 9 of the *Local Government (Rules of Conduct) Regulations 2007*, to provide instructions to Daniel White of Mills Oakley, in relation to issues concerning the major change to the Town’s operations and business resulting from the COVID 19 pandemic;
12. **REVOKES**, effective from 23 June 2020, the **AUTHORITY** of Cr Timmermanis, on behalf of the Council, pursuant to Regulation 9 of the *Local Government (Rules of Conduct) Regulations 2007*, to assist the CEO in relation to the Employee Arrangements in response to COVID 19 including, but not limited to:
 - (a) **attending all meetings with the unions regarding the major change to the Town’s operations and the impact on the Town’s personnel;**
 - (b) **attending all meetings with staff unable to be redeployed as a result of the major change to the Town’s operations and business resulting from the COVID 19 pandemic and the Town’s need to reduce expenditure on wages for staff through the alteration of hours including reduced hours or access to their annual leave on a half time basis; and**
 - (c) **attending the meetings of the COVID Taskforce;”**
4. **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to section 5.8 and 5.9(2)(b) of the *Local Government Act 1995* to establish a ‘Town of Cambridge COVID-19 Committee’;

5. **APPROVES BY AN ABSOLUTE MAJORITY** the Terms of Reference for the COVID-19 Committee, as detailed in Attachment 1;
6. **APPROVES BY AN ABSOLUTE MAJORITY** to appoint the following persons to the 'Town of Cambridge COVID-19 Committee':
 - (a) Cr
 - (b) Cr
 - (c) Cr
 - (d) Chief Executive Officer
 - (e) Director Infrastructure and Works
 - (f) Manager Regulatory Services (Town of Cambridge Local Recovery Coordinator);
 - (g) Coordinator Governance and Office of the CEO (Admin support); and
 - (h) Other Town of Cambridge Officers, as nominated by the Chief Executive Officer; and
7. **Advises the Minister for Local government and the Director General of the Department of Local Government, Sports and Cultural Industries of the Council's decision.**

During discussion, Crs Barlow, Haddon-Casey and Cr McKerracher were nominated for the Town of Cambridge COVID-19 Committee. In accordance with Clause 9.11 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the mover of the motion, with the consent of the seconder amended the motion accordingly.

Debate ensued.

Cr Mack entered the meeting at 7.47 pm and nominated for the Town of Cambridge COVID-19 Committee. In accordance with Clause 9.11 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the mover of the motion, with the consent of the seconder amended the motion accordingly.

COUNCIL DECISION:

That Council:-

1. **RECEIVES** the Progress Report No: 5, as at 18 June 2020, concerning the Town of Cambridge COVID-19 Recovery and Relief Plan, and COVID-19 Workplace Safety Plan (and Risk Minimisation Schedule), as detailed in this report;
2. **NOTES** that pursuant to s 5.25(1)(e) of the *Local Government Act 1995*, Regulation 10 of the *Local Government (Administration) Regulations 1996* and Clause 12.5 of the *Town of Cambridge Meeting Procedures Local Law 2020*, Mayor Shannon and Councillors Everett and McKerracher support a Motion to CHANGE a COUNCIL decision, as detailed in clause 3 below;
3. **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to s 5.25(1)(e) of the *Local Government Act 1995*, regulation 10 of the *Local Government (Administration) Regulations 1996* and Clause 12.5 of the *Town of Cambridge Meeting Procedures Local Law 2020* to CHANGE Clauses 11 and 12 of Item 5.1 of the Special Meeting of Council held on 9 April 2020, as follows:-

"That Council:-

11. **REVOKES**, effective from 23 June 2020, the **AUTHORITY** of the Mayor, on behalf of the Council, pursuant to Regulation 9 of the *Local Government*

- (Rules of Conduct) Regulations 2007, to provide instructions to Daniel White of Mills Oakley, in relation to issues concerning the major change to the Town's operations and business resulting from the COVID 19 pandemic;*
12. **REVOKES**, effective from 23 June 2020, the **AUTHORITY** of Cr Timmermanis, on behalf of the Council, pursuant to Regulation 9 of the Local Government *(Rules of Conduct) Regulations 2007, to assist the CEO in relation to the Employee Arrangements in response to COVID 19 including, but not limited to:*
- (a) *attending all meetings with the unions regarding the major change to the Town's operations and the impact on the Town's personnel;*
 - (b) *attending all meetings with staff unable to be redeployed as a result of the major change to the Town's operations and business resulting from the COVID 19 pandemic and the Town's need to reduce expenditure on wages for staff through the alteration of hours including reduced hours or access to their annual leave on a half time basis; and*
 - (c) *attending the meetings of the COVID Taskforce;”*
4. **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to section 5.8 and 5.9(2)(b) of the Local Government Act 1995 to establish a 'Town of Cambridge COVID-19 Committee';
5. **APPROVES BY AN ABSOLUTE MAJORITY** the Terms of Reference for the COVID-19 Committee, as detailed in Attachment 1;
6. **APPROVES BY AN ABSOLUTE MAJORITY** to appoint the following persons to the 'Town of Cambridge COVID-19 Committee':
- (a) Cr Barlow
 - (b) Cr Haddon-Casey
 - (c) Cr McKerracher
 - (d) Cr Mack
 - (e) Chief Executive Officer
 - (f) Director Infrastructure and Works
 - (g) Manager Regulatory Services (Town of Cambridge Local Recovery Coordinator);
 - (h) Coordinator Governance and Office of the CEO (Admin support); and
 - (i) Other Town of Cambridge Officers, as nominated by the Chief Executive Officer; and
7. **Advises the Minister for Local government and the Director General of the Department of Local Government, Sports and Cultural Industries of the Council's decision.**

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

11. URGENT BUSINESS

Nil

12. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 COVID -19 PANADEMIC RESPONSE- SECOND WAVE

Submission by Mayor Shannon

That Council:-

1. ENGAGES a suitably qualified IT consultancy to provide Council directly with an independent report to improve the Town's IT system functionality to consider improvements including:
 - (a) replacement of servers with virtual servers and the upgrade of SQL databases;
 - (b) consider use of platforms with cloud connectivity;
 - (c) with the implementation of improvements by no later than 30 August 2020;

in order to provide staff have significantly improved data access from home including the migration of the Town's data to the cloud to allow for remote access.

Procurement quotations be obtained from IT consultancies including AWS, and Azure or Google with the brief to be finalised by a panel consisting of a representatives from Corporate Services, IT and Cr _____ and Cr _____ ;

2. ENGAGES* a suitably qualified accounting consultancy to undertake financial modelling for the Town of various potential Covid 19 scenarios especially Stage 3 restrictions of 100 people at hospitality facilities and other Town owned facilities, and the impact on the Town's cashflow and income (* absolute majority decision required);

Procurement quotations be obtained from:

1. Jeff Robson at Access Analytics;
2. Russell Brown at Moore Stephens and
3. RSM and
4. Synergies.

The Mayor, Cr Timmermanis and the CEO are appointed to a panel to select a suitable candidate as soon as possible to undertake the financial modelling work urgently for the Town; and

3. The CEO provide the draft report prepared by Natalie Lincoln of Price Consulting which reviewed the Bold Park Pool and other Town-owned facilities as part of the organisational review to all elected members within 48 hours of the May meeting.

BACKGROUND INFORMATION PROVIDED BY MAYOR SHANNON:

The importance of the ability to work remotely has been highlighted by this pandemic. The Town's IT system has limited capacity to support the remote work of its employees. The Town had already identified this operational weakness however the prioritisation of this work has become more urgent in the current circumstances. The Council needs an urgent report on the failings of the current IT system, and a strategy to remediate the IT system.

The Town's finance staff do not currently have capacity to perform the financial modelling required in order to provide the council with the financial information required in order to make informed decisions on the budget and in the medium term.

The Town's elected members need to have access to all available relevant information and while the CEO has indicated that the report on the facilities remains in draft, it was prepared a number of months ago and is highly relevant to the budget and the considerations of elected members going forward, and therefore should be circulated to all elected members immediately.

ADDITIONAL INFORMATION PROVIDED BY MAYOR SHANNON:

The Council of the Town has sought a strategic plan for IT for a number of years and included this as one of your Key Reporting Areas in your current KPIs because of its importance in terms of risk.

IT has been one of our greatest operational risks and Covid unfortunately has shown the weaknesses at the Town. While I do not believe anyone could anticipate the Covid pandemic needing a majority of staff to work from home, the Council now needs to get independent advice on this issue.

On about 8 May 2018 the Town received an ICT presentation from Steve Platts (former IT Manager) that indicated there was no need to move data to the cloud. We have also been presented with capital requests for budget funds for physical servers when virtual servers are now the norm. I believe it is appropriate for Council to get an independent assessment of the Strategic IT plan.

While eventually Mr Andrews presented to the EM Forum in February 2020, I have been pressing for the presentation since October or November 2019 as I was concerned we would not have a plan in time for the budget.

In my opinion the IT has not been given the priority it deserves and I believe the best way forward is for the Council to engage the consultant directly as I believe the staff have an inherent conflict of interest and potential biases – it's also a highly specialised area of consultancy – I wouldn't expect IT staff in a local government to know what is the latest technology available and that may result in a continued lack of progress.

As for clause 3 the report relates to the organisational review and was a discrete part of the review relating to the external facilities that was part of the organisational review. The review was undertaken by you at the request of Council as it involves the resources of the Town and the cost of staffing it is an area that is within the responsibility of the council.

I am sure the Price Consultancy report does not contain personal details of employees. If it does contain personal details – those can be redacted.

ADMINISTRATION COMMENT:

Clause 3.13(2)(c) of the Standing Orders provides that the Chief Executive Officer may, if time permits, not less than 24 hours prior to the meeting, send to each Member a report providing relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law, or for more complex issues, recommending that the matter be deferred to a later meeting to enable a report to be prepared.

Clause 1 – Engagement of IT Consultancy: -

The engagement of an IT Consultant is already included in the Administration IT report being submitted to Council (Refer Item 10.9). **(This was approved at the Ordinary Council Meeting of 26 May 2020.)**

It is of concern that the motion is requesting a report to be submitted direct to Council and by-passing the Administration.

s 5.14 (a) of the *Local Government Act 1995* prescribes the functions and duties of the CEO. These are as follows:

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Clause 2 – Engagement of Accounting Consultancy

The engagement of an Accounting Consultancy is unbudgeted funds and therefore would require an Absolute Majority decision of the Council to re-allocate the necessary funds for this consultancy.

If the Council desires to support this motion, it is recommended that the following additional clause be included:-

“APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$..... for the unbudgeted consultancy, specified in Clause 2 above.”

The implementation date of IT enhancements is questionable by 30 August 2020 is very tight.

Clause 3 – Draft Report relating to Organisational Review

As previously advised to the Mayor, these reports relating to these facilities and employees are draft and have not been finalised or even discussed with Price Consulting.

There does not appear to be a valid reason for the Elected Members to be provided with the reports, at this point in time.

The CEO is of the view that these reports should remain with the CEO until they have been finalised by Price Consulting and reviewed by the CEO.

The Council approved of the new Organisational Structure in February 2019 and this was at the Directorate and Section level.

The CEO is of the view that he is responsible for employee matters below the Section level - refer s5.14 (g) of the *Local Government Act 1995*, as this is operational and day to day management.

Once formally received and considered by the CEO, the reports can be provided to the Council.

Council Meeting 26 May 2020

Item was deferred to next meeting of Council.

Council Meeting 23 June 2020

Mayor Shannon withdrew her motion.

12.2 WESTERN SUBURBS CYCLING INFRASTRUCTURE

Submission by Cr Nelson

That Council:

1. RE-AFFIRMS its commitment to the implementation of the Town of Cambridge Bike Plan; and
2. REQUESTS the CEO to:
 - 2.1 report back to Council on a quarterly basis on progress against implementation of Town of Cambridge Bicycle Plan;
 - 2.2 arrange an Elected Member Forum to be undertaken with representatives from 'Port to Perth', WestCycle, DoT, and adjacent Local Government to identify key shared networks and initiate a common western suburbs approach to prioritising pedestrian and cycling network improvements;
 - 2.3 prepare estimates for implementation and monitoring costs for strategic pedestrian and cycling counter locations in Town of Cambridge for consideration in the 20/21 Budget;
 - 2.4 to commence liaison with adjacent Local Governments to Town of Cambridge to develop alignment and agreed designs for cycle network where the network passes between Local Governments or runs along a boundary with an adjacent Local Government. Priority should be east west connections to improve connectivity of City Beach and Floreat resident to main Perth Principle Shared Paths.

BACKGROUND INFORMATION PROVIDED BY CR NELSON:

Perth cycling numbers continue to increase as demonstrated in recent data collections. Demonstrating the connection between improved infrastructure and the number of active users is critical to supporting ongoing infrastructure improvement.

One of the challenges to successful implementation of improved pedestrian and cycling networks is that the networks are implemented at a Local Government level. The highest ranked project in the Town of Cambridge Bike Plan is identified as the Perth to City Beach Corridor. A key section of this project along Salvado Road was awarded significant funding by the State Government to the City of Subiaco. The route is situated wholly within the City of Subiaco. The Town of Cambridge Council voted against supporting this Principle Shared Path development. The City of Subiaco is unable to progress with the project and has lost its funding. It is important to avoid a potential repeat of this contradiction between our pedestrian and cycling network improvement strategies in the future.

https://metrocount.com/data-reveals-perth-cycling-boom/?fbclid=IwAR1OAoUD92IEeVqxMEHdRGgpH211_iWmXg2m0zEOXeUE4lQk6XuK83Jsd&utm_source=Master+Universe+List&utm_campaign=f53f34092d-EMAIL_CAMPAIGN_2019_12_05_08_08_COPY_02&utm_medium=email&utm_term=0_8daec55069-f53f34092d-234890646

Moved by Cr Nelson, seconded by Cr Barlow

That Council:

- 1. RE-AFFIRMS its commitment to the implementation of the Town of Cambridge Bike Plan; and**
- 2. REQUESTS the CEO to:**
 - 2.1 report back to Council on a quarterly basis on progress against implementation of Town of Cambridge Bicycle Plan;**
 - 2.2 arrange an Elected Member Forum to be undertaken with representatives from 'Port to Perth', WestCycle, DoT, and adjacent Local Government to identify key shared networks and initiate a common western suburbs approach to prioritising pedestrian and cycling network improvements;**
 - 2.3 prepare estimates for implementation and monitoring costs for strategic pedestrian and cycling counter locations in Town of Cambridge for consideration in the 20/21 Budget;**
 - 2.4 to commence liaison with adjacent Local Governments to Town of Cambridge to develop alignment and agreed designs for cycle network where the network passes between Local Governments or runs along a boundary with an adjacent Local Government. Priority should be east west connections to improve connectivity of City Beach and Floreat resident to main Perth Principle Shared Paths.**

Debate ensued.

The Mayor advised that, in accordance with Clause 9.8 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the motion be divided into separate motions and voted upon separately.

Cr Haddon-Casey departed electronically from the meeting at 8.10 pm and returned at 8.13 pm.

That Council:

- 1. RE-AFFIRMS its commitment to the implementation of the Town of Cambridge Bike Plan; and**

Motion put and LOST (3/6)

For: Crs Barlow, Mack and Nelson
Against: Mayor Shannon, Crs Bradley, Everett, Haddon-Casey, McKerracher and Timmermanis

- 2. REQUESTS the CEO to:**

- 2.1 report back to Council on a quarterly basis on progress against implementation of Town of Cambridge Bicycle Plan;**

Motion put and CARRIED (8/1)

For: Mayor Shannon, Crs Barlow, Everett, Haddon-Casey, Mack, McKerracher, Nelson and Timmermanis
Against: Cr Bradley

- 2.2 arrange an Elected Member Forum to be undertaken with representatives from ‘Port to Perth’, WestCycle, DoT, and adjacent Local Government to identify key shared networks and initiate a common western suburbs approach to prioritising pedestrian and cycling network improvements;**

Motion put and LOST (4/5)

For: Crs Barlow, Everett, Mack and Nelson
Against: Mayor Shannon, Cr Bradley, Haddon-Casey, McKerracher and Timmermanis

- 2.3 prepare estimates for implementation and monitoring costs for strategic pedestrian and cycling counter locations in Town of Cambridge for consideration in the 20/21 Budget;**

Motion put and CARRIED (8/1)

For: Mayor Shannon, Crs Barlow, Everett, Haddon-Casey, Mack, McKerracher, Nelson and Timmermanis
Against: Cr Bradley

- 2.4 to commence liaison with adjacent Local Governments to Town of Cambridge to develop alignment and agreed designs for cycle network where the network passes between Local Governments or runs along a boundary with an adjacent Local Government. Priority should be east west connections to improve connectivity of City Beach and Floreat resident to main Perth Principle Shared Paths.**

Motion put and LOST (3/6)

For: Crs Barlow, Mack and Nelson
Against: Mayor Shannon, Crs Bradley, Everett, Haddon-Casey, McKerracher and Timmermanis

COUNCIL DECISION:

That Council REQUESTS the CEO to:

- 1. report back to Council on a quarterly basis on progress against implementation of Town of Cambridge Bicycle Plan; and**
- 2. prepare estimates for implementation and monitoring costs for strategic pedestrian and cycling counter locations in Town of Cambridge for consideration in the 20/21 Budget;**

13. CONFIDENTIAL REPORTS

PROCEDURAL MOTION:

Meeting Behind Closed Doors

Moved by Cr Everett, seconded by Cr Bradley

That the following matters be regarded as confidential in accordance with Section 5.23 of the Local Government Act 1995.

Motion put and **CARRIED** (8/1)

For: Mayor Shannon, Crs Barlow, Bradley, Everett, Haddon-Casey, McKerracher, Mack and Nelson
Against: Cr Timmermanis

At 8.17 pm, the Mayor requested all persons other than Elected Members and Council Officers to leave the Council Chamber.

13.1 TOWN OF CAMBRIDGE INFRASTRUCTURE - WEMBLEY SPORTS PARK LATENT CONSTRUCTION DEFECTS: - PROGRESS REPORT NO: 6

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 reasons:

- (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*.

Council Meeting 26 May 2020

Item was deferred to next meeting of Council.

Council Meeting 23 June 2020

Impartiality Interest Declaration – Cr McKerracher

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows:- “with regard to confidential item 13.1 I disclose that I have an association in that my daughter plays netball at the venue occupied by Perth Netball Association which utilises some areas of Wembley Sports Park for parking. 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.”

**COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)**

Moved by Cr Timmermanis, seconded by Cr Mack

That Council:-

- 1. RECEIVES the Confidential Report as at 26 May 2020 on the Latent Construction Defects for the Wembley Sports Grass Park Car Park; and**
- 2. NOTES that a further report will be submitted to Council to provide an update on the progress of legal actions taken and to approve final settlement of these matters.**

Motion put and CARRIED (9/0)

13.2 TOWN OF CAMBRIDGE BUILDING AND INFRASTRUCTURE – CITY BEACH SURF CLUB LATENT CONSTRUCTION DEFECTS - PROGRESS REPORT NO: 6
--

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 reasons:

- (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*.

Council Meeting 26 May 2020

Item was deferred at the May 2020 meeting.

Council Meeting 23 June 2020

Impartiality Interest Declaration – Cr Mack

Prior to consideration of the item, Cr Mack disclosed an interest affecting impartiality and declared as follows:- “with regard to confidential item 13.2, I declare that I am a member of the City of Perth Surf Life Saving Club and as 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.”

COUNCIL DECISION:
(ADMINISTRATION PUBLIC RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Barlow

That Council:-

1. **RECEIVES** the Confidential Report as at 26 May 2020 on the City Beach Surf Club Latent Construction Defects; and
3. **NOTES** that a further report will be submitted to Council to provide an update on the progress of legal actions taken and to approve final settlement of these matters.

Motion put and CARRIED (9/0)

13.3 CR20.82 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*

and Section 5.23 (2) (h).

Regulation 4A – *Local Government (Administration) Regulations 1996*

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

Elected Members are reminded 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:

Moved by Cr McKerracher, seconded by Cr Bradley

That Council APPROVES the Confidential Recommendation as amended and detailed in the Confidential Report.

Motion put and CARRIED (8/1)

For: Mayor Shannon, Crs Barlow, Everett, Haddon-Casey, McKerracher, Mack, Nelson and Timmermanis
Against: Crs Bradley

13.4 REQUEST FOR REIMBURSEMENT OF LEGAL EXPENSES

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) *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*.

All staff, except the CEO, were requested to leave the meeting at 8.36 pm.
Crs Bradley and Mack departed the meeting at 8.36 pm.

COUNCIL DECISION:

PROCEDURAL MOTION:

Moved Cr Timmermanis, seconded Cr Barlow

That in accordance with Clause 11.1 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the Council proceed to the next business.

Procedural Motion and CARRIED (7/0)
(Crs Bradley and Mack not present at the meeting)

Due to a Procedural Motion being carried, that “Council proceed to the next business”, not Council decision was made.

Accordingly, there is no requirement for the matter to be raised again for consideration.

Cr Bradley returned to the meeting at 8.40 pm.

**13.5 AUTHORISED LOCAL GOVERNMENT INQUIRY INTO THE TOWN OF CAMBRIDGE
– PROGRESS REPORT NO.5 AND ‘SHOW CAUSE’ NOTICE**

REASON FOR CONFIDENTIALITY

In accordance with Section 5.23 of the *Local Government Act 1995*, a consideration of these matters can be held behind closed doors as the matter relates to:

- (a) *a matter affecting an employee or employees;*
- (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; and*
- (e) *a matter that if disclosed would reveal –
(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 Mack returned to the meeting at 9.30 pm.

**COUNCIL DECISION:
(ADMINISTRATION PUBLIC RECOMMENDATION)**

Moved by Cr Timmermanis, seconded by Cr Haddon-Casey

That Council APPROVES of the Recommendation as amended and shown in the Confidential report.

Motion put and CARRIED (9/0)

PROCEDURAL MOTION:

Moved by Cr Bradley, seconded by Cr Everett

That the meeting be re-opened to the public.

Procedural motion put and CARRIED (9/0)

The meeting was re-opened to the public at 10.05 pm

14. CLOSURE

There being no further business, the Mayor thanked those present for their attendance and declared the meeting closed at 10.06 pm, with the following persons in attendance:

PRESENT:	Mayor Keri Shannon	Presiding Member
	Cr Kate Barlow	Wembley Ward
	Cr Rod Bradley	Coast Ward
	Cr Ian Everett	Coast Ward
	Cr Alaine Haddon-Casey	Wembley Ward
	Cr Kate McKerracher (Deputy Mayor)	Coast Ward
	Cr Gary Mack	Wembley Ward
	Cr James Nelson (electronic attendance)	Wembley Ward
	Cr Andres Timmermanis	Coast Ward

Officers: John Giorgi, JP, Chief Executive Officer

Media: Nil

Public: Nil