



Town of
Cambridge

Council Minutes

24 April 2018



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24 APRIL 2018
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MINUTES OF THE ORDINARY MEETING OF THE TOWN OF CAMBRIDGE HELD AT THE COUNCIL'S ADMINISTRATION/CIVIC CENTRE, 1 BOLD PARK DRIVE, FLOREAT ON TUESDAY 24 APRIL 2018.

1. OPENING

The meeting was declared open by the Mayor at 6.02 pm. The Mayor advised that the meeting is being recorded and the recording will be on the Town's website.

2. ATTENDANCE

Present:

Mayor: Keri Shannon

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

Officers: Jason Lyon, Acting Chief Executive Officer
Brett Jackson, Director Projects
Chris Colyer, Director Infrastructure
Cam Robbins, Director Community Development
Marlaine Lavery, Planning & Director Development
Petar Mrdja, Manager Development Assessment
Stuart Hoble, Manager Governance & Contracts
Denise Ribbands, Executive Assistant (Corporate Support)
Karen Exley-Mead, PA to Chief Executive Officer

Apologies:

Cr Ian Everett

Leave of Absence:

Nil

Adjournments:

Nil

3. PUBLIC QUESTION TIME

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

Written Questions

Jennifer Petelczyc, 33 Berkeley Crescent, Floreat

Responses are provided by the Mayor

Question 1

It is considered likely that protracted settlement action may be required should the CEO permanently lose his position.

What legal costs have been incurred by the Town in relation to this matter to date?

Question 2

Has the Town made or does the Town intend to make a financial provision for any legal costs and possible termination pay-out to the CEO and, if so, to what value?

Question 3

Failing a provision being made, what is the likely cost to the Town should the CEO be permanently removed from his position?

Response to all Questions.

The CEO remains employed by the Town at this time. Given that there has been no decision on the CEO's continued employment, the matter remains confidential.

This question is hypothetical as the CEO remains employed by the Town, the Town has made no provision for any costs.

Any Town employee will receive all due entitlements on termination of employment, the amount due can vary depending on the circumstance of the termination of the employment relationship. Matters regarding individual staff employment matters remain confidential.

A Special Meeting of Council was held on Monday, 9 April 2018 to consider a confidential report on matters relating to the Chief Executive Officer. As the matter is confidential, I am unable to provide any further information at this point.

Jon Petelczyc, 33 Berkeley Crescent, Floreat

Responses are provided by the Acting Chief Executive Officer

Question 1

What connection do each of the appointed community representatives have to the Town of Cambridge community, either by residence or business interests?

Response

Ms Anklesaria is a resident of the Town.

Mr Cottrill is not a resident, however, he has substantial experience in audit practices with both State and Local Government and he has sat on a number of audit committees.

Question 2

Were either of the Community Representatives personally known to any members of the Town's audit committee prior to their appointment and if so, to what extent?

Response

The Acting Chief Executive Officer advised that no such declarations were made at the Audit Committee.

Question 3

What professional qualifications do each of the Community Representatives possess relevant to their role on the Town's audit committee?

Response

Ms Anklesaria

Memberships

- Australian Institute of Company Directors - graduate; member since 2009
- Financial Services Institute of Australasia - Fellow; member since 2005

Education

- Graduate Diploma of Applied Finance & Investment
- Curtin University - Graduate Diploma Business (Systems analysis & design)

Experience

- Director - Perth Natural Resource Management, Nov 2016 to date
- Trustee Director - Water Corporation Superannuation Plan (2003-2016)
- Community representative - Town of Claremont Audit & Risk committee, 2015-2017

Mr Cottrill

Memberships

- Chartered Accountant,
- Fellow CPA Australia,
- Senior Member Australian Computer Society,

Education

- Master of Business Administration (Technology Management),
- Post Graduate Diploma of Management,
- Graduate Diploma of Business (Computing Studies)
- Bachelor of Business (Accounting).

Experience

- 30 years' professional experience with the last twenty years in the area of internal and IT audit.

Henry Stawarz, 9 Coldstream Street, West Leederville

Responses are provided by the Director Planning and Development

Question

What is the current status of the development of the LPS?

Response

The LPS is currently being drafted for presentation to Council in July 2018. Refer also to item 10.8 on this Council agenda.

Question 2

Following public consultation on the LPS over March/April 2017 a preferred scenario based on community consultation undertaken ("Community Preferred Plan") prepared by consultants was presented to Council and made public on 26 June 2017.

2.1 What is the status of this plan?

Response

The draft 'community preferred plan' has no formal status. The plan was prepared for working purposes however was not adopted by the Council in any manner.

2.2 What was the outcome of the 2 elected member briefings and workshops on the plan held in November, 2017 and February 2018?

Response

Elected Members discussed a wide range of matters at the forums, including the distribution of dwelling targets, community facilities, public open space and infrastructure, as well as the community input provided earlier in 2017. The discussion has provided guidance to the project team in preparing the draft LPS.

2.3 Has the plan being developed changed from the Community Preferred Plan that was made public?

- (a) What has changed? and
- (b) What is the basis of these changes?

Response

The distribution of dwelling targets has been discussed with some changes to the previous draft Community Preferred Plan now guiding the preparation of the rest of the LPS. All of these matters are still subject to formal Council adoption so it is inappropriate to provide specific detail at this stage.

Question 3

Infill Housing Targets

3.1 What is the final outcome of ToC enquiries to the Department of Planning regarding:

- (a) ToC infill housing target of 6900 imposed under [PerthandPeel@3.5million?](#)

Response

The Department of Planning provided a response to the Town's enquiries on 26 July 2017. The letter was attached to Council report DV17.96 from the meeting 15 August 2017 and is publically available.

- (b) The future of City Beach High School (in the light of the government proceeding with a new secondary college in Subiaco to meet the needs of the western suburbs)? Will this contribute to housing infill targets?

Response

The Town has met with the Department of Education and has recently written to the Department seeking clarification as to whether the City Beach High School can be considered for residential development by the Local Planning Strategy.

3.2 Has this target number been revised by the application of "discounting factors" to the assessment of developments? i.e.

- (a) Is 6900 still the State Government target for housing infill for the ToC?

Response

The recently finalised *Perth and Peel @ 3.5 Million* documents state that the urban infill housing target for the Town is 6,830 additional dwellings. It does not appear that the state target has been revised by the application of discounting factors.

- (b) How are discounting factors applied to developments used in forecasting?

Response

Discounting factors that have been used by the Town for housing forecasting include the size of available land, amount of vacant land, age of existing development, any constraints on the land, ratio of residential to commercial in mixed use areas, commercial viability and market demand.

3.3 Where in the ToC area are these target dwellings likely to be distributed?
(75%(5175) in existing urban consolidation areas of activity centres and 25%(1725) within existing suburban streets).

In the Community Preferred Plan issued in June 2017, consultants proposed target yields for various centres that achieved the state government target (See table attached under).

- (a) Have these target yields changed?
(b) What is the basis of such changes?

Draft Indicative Target Yields		
Development Precinct	LPS Dwelling Target	
	Community Pref Plan 2017 Jun	Current 2018 April
Existing Development Sites		
Perry Lakes	592	?
Ocean Mia	108	?
Parkside Walk	350	?
St John's Wood	59	?
Latent Subdivision Potential(exist. RCodes)	330	?
Sub Total	1439	?
District Centres		
West Leederville Activity Centre Plan	1200	?
Wembley Activity Centre Plan	800	?
Floreat Forum	1200	?
Sub Total	3200	?
Urban Corridor		
Eastern Corridor (incl Harborne St Centre)	325	?
Western Corridor (incl Birkdale St Centre)	375	?
Sub Total	700	?
Neighbourhood/Local Centres		
Empire Village Centre	250	?
Ocean Village Centre	300	?
Grantham Street Centres	50	?
Sub Total	600	?
Other Opportunities		
Ancilliary Accommodation (no subdivision)	500	?
Sub Total		
Potential Future Development Sites		
Quarry Site		
Templetonia Crescent Site		
Administration/DriveIn Site		
City Beach High School Site		
Water Corp Surplus Land		
Wembley Golf Course Surplus Land		
Sub Total	500	?
Summary Total	6939	?

Response

This information will be contained in the draft LPS scheduled to be presented to Council in July 2018.

Question 4

Activity Centre Plans have been prepared for West Leederville and Wembley and are in various stages of formalisation and approvals.

4.1 Will similar activity centre plans be prepared for the following activity centres in the ToC to inform the LPS/TPS planning process?:

(a) Floreat Forum? *(planning apparently commenced some years ago but not completed)*

Response

An activity centre plan is required to be prepared for the Floreat Forum prior to any major redevelopment and as required by State Planning Policy 4.2. It is likely that the landowner will prepare this Plan in the near future, however the Town could undertake this project following approval of the Local Planning Strategy subject to resourcing and budgeting considerations.

(b) Empire Village – The Boulevard?

Response

There are no current plans to prepare an activity centre plan for this centre.

(c) Ocean Village – Hale Road?

Response

A local development plan is required to be prepared and approved by the Town for this centre to coordinate and guide development. The landowners are in the early stages of preparing this plan.

Question 5

What is the current timeline for the completion of the LPS and its endorsement by Council and the WAPC?

(The Dec 2017 Council meeting (DV17.139 stated that:

- *Community engagement over the content of the draft LPS would be conducted in June 2018 – just over 1 month from now;*
- *A draft LPS would go to the September 2018 Council meeting for endorsement to submit to WAPC for approval – only 5 months from now).*

Response

Refer to item 10.8 on this Council agenda, specifically the proposed project schedule.

Question 6

Bearing in mind the apparent stalling of progress on the LPS since June 2017 and Council secrecy over further progress in the now 10 months since:

- What opportunity will the community have for further review and input into the LPS (and particularly any changes to the Community Preferred Plan referred to above) before the final draft plan is proposed by Council to go forward to the WAPC?
i.e. Is the consultation plan proposed in DV17.139 still the plan?

Response

Refer to item 10.8 on this Council agenda, specifically the proposed project schedule.

Question 7

How and when will the completed and signed off LPS be reflected in the Town Planning Scheme?

Response

Preparation of a new local planning scheme can commence prior to the approval of the Local Planning Strategy, however the Strategy will need to be approved before the new Scheme can be gazetted. The new Scheme will reflect the Strategy.

David Staniforth-Smith, 67 McKenzie Street, Wembley

Responses provided by the Acting Chief Executive Officer

Question 1

Since the 2017 Council Elections and to date what dollar value of unbudgeted expenditure has been approved by Council?

Question 2

Since the 2017 Council Elections and to date how many projects requiring unbudgeted expenditure has been approved by Council?

Question 3

Since the 2017 Council Elections and to date what dollar value of unbudgeted expenditure has been approved by Council as a result of Elected Members' Notices of Motion?

Question 4

Since the 2017 Council Elections and to date how many projects requiring unbudgeted expenditure has been approved by Council as a result of Elected Members' Notices of Motion?

Question 5

Since the 2017 Council Elections and to date what dollar value of unbudgeted expenditure has been approved by Council as a result of Notices of Motion proposed by the Mayor?

Question 6

Since the 2017 Council Elections and to date how many projects requiring Motion were proposed by the Mayor?

Response

The Acting Chief Executive Officer advised that responses to the questions above (1 - 6) are provided in the table below.

Projects Requiring Unbudgeted Expenditure	Unbudgeted Expenditure approved by Council \$	Unbudgeted Expenditure - Notice of Motion \$	Unbudgeted Expenditure - Mayor Notice of Motion \$
1. North Lake Monger temporary toilet	\$16,000		
2. Summer Clipper	\$50,000	\$50,000	\$50,000
3. Empire Village Shopping Centre additional parking	\$120,000	\$120,000	
4. Planning Staff - Salaries & Wages	\$87,000	\$87,000	
5. Alderbury Reserve - Drinking Fountain with Dog Bowl	\$14,000	\$14,000	
Total	\$287,000	\$271,000	\$50,000

Footnote

- 3. Funded from Endowment Lands Area Reserve.
- 4. Funded (in part) from reallocation of budgets.
- 5. Funded from reallocation of budgets.

Question 7

Since the 2017 Council Elections and to date what dollar value of unbudgeted expenditure has been approved by Council in relation to items or projects in the Coastal Ward?

Question 8

Since the 2017 Council Elections and to date how many projects requiring unbudgeted expenditure have been approved by Council in relation to items or projects in the Coastal Ward?

Question 9

Since the 2017 Council Elections and to date what dollar value of unbudgeted expenditure has been approved by Council in relation to items or projects in the Wembley Ward?

Question 10

Since the 2017 Council Elections and to date how many projects requiring unbudgeted expenditure have been approved by Council in relation to items or projects in the Wembley Ward?

Response

Response to the questions above (7 - 10) is provided below.

In accordance with Regulation 7 of the Local Government (Financial Management) Regulations 1996 the Town does not provide information on expenditure by Wards.

Question 11

Since the 2017 Council Elections and to date how much money has been spent by the Town of Cambridge on Legal Advice?

Response

Since the 2017 Council Elections the Town has paid on invoice \$99,751 (ex GST) on legal advice.

Question 12

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

Response

This question has been taken on notice.

Question 13

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

Response

This question has been taken on notice. Whilst legal services have been engaged, invoices from the legal firms are yet to be received or processed.

Alan Wilson, 26 Berkeley Crescent, Floreat

Responses are provided by the Mayor

Question 1

Why did you give your casting vote against the recommendation of the Chief Executive Officer to enter into a new contract of employment with Brett Jackson, Director Projects for a term expiring on 30 June 2019?

Mr Jackson is, in my view, highly regarded in the Town and has overseen major projects such as the new surf club and restaurants at City Beach, the Wembley Golf Course project, Bold Park Swimming Pool, new Sports Pavilion at Pat Goodridge Reserve and other projects in the Town. Mr Jackson is currently working on the complex and important Floreat Underground Power Project, which will be left without a project manager, when he has to leave the Town in June. Floreat has waited for a long time for underground power, unlike City Beach.

Response

The Mayor advised that she shares the view expressed by many other Elected Members that the position of the Director of Projects, previously the Director of Major Projects was no longer required by the Town. The decision did not reflect any view regarding the performance or contributions to date of Mr Jackson, I will note that the work he has done on the underground power projects has been a great service to the Town, however, now that the contracts have been signed and once construction has commenced the project itself comes under the management of Western Power and it's Contractors.

Question 2

Will Floreat continue to wait for underground power?

Response

The Mayor advised that the Underground Power Project for all 3 sup areas will proceed as outlined previously, any delays will be related to the activities of Western Power and its Contractors, indeed a recommendation from the Community & Resources Committee tonight regarding one element of the project is indicative of the Town's determination to see the project proceed without avoidable delays, in fact, much of the delay of recent times has actually been caused by the Treasurer leaving the signed contracts on his desk and we were waiting for him to sign them, they have now been signed and we will be proceeding hence forth.

Luke Parker, OP Properties, Unit 25, Level 1, 3 Wexford St, Subiaco.

Responses are provided by the Mayor

Question 1

Can the Council confirm that it is aware that the Town recommended approval of the Ruislip Road loading bay to the Metro West JDAP, through three Responsible Authority Reports dated 25 September 2015, 31 March 2016 and 28 April 2016 and as part of their review and approval of the Waste and Traffic Management plan and Building Permit?

Response

The Council acknowledges that the Town's Officers prepared the Responsible Authority Reports as listed in your question. The Council was not previously made aware that the JDAP conditions of approval was invalid.

Question 2

Given that no consultation has occurred with the property owner with regards to the removal of this integral loading bay, can the Council confirm that it is aware that if this loading bay is removed, it puts the whole of the development approved by the JDAP into non-compliance with its approval and will have significant wide reaching impacts on functionality, local traffic, noise impacts and pedestrian safety associated with increased truck use of the laneway?

Response

The condition to install the loading bay attached to the approval is the only matter of non-compliance identified with respect to the JDAP approval.

Question 3

Can the Council confirm that it is aware of the liability to which the Town will be exposed if the loading bay is removed as proposed by the motion in front of you tonight?

Response

The Mayor advised that no potential liability other than the modest rectification costs has been identified. The report for the item has not identified any liability.

Jim Ashenden, 47 Orrel Avenue, Floreat

Responses are provided by the Director Projects

Question 1

Having regard to the recent identification of the possible use of water from the Subiaco drain for supplying water to Perry Lakes, and the circulation of information by Mr McFarlane to all elected members and administration officers, is it the intention of the council to have consultants consider this option in addition to the Herdsman Drain option and any other options still being considered.

If so thank you.
If not, why not?

Response

The Council, at a Special Council Meeting of 7 March 2018, decided that the scope of the study to be undertaken by Consultants was to examine the technical feasibility of diverting some or all of the water from Herdsman Main Drain to Perry Lakes, noting that previous information showed significant volume of water available in Summer. There was no decision to undertake other studies.

The alternate suggestion to put forward by Mr McFarlane of using the Subiaco storm water drain as a water source could be included in the scope of the study as variation to the contract. However it is noted, and confirmed in initial discussions with Water Corporation, that this drain is likely to be predominantly winter flow of water with little summer contribution and as such, to maintain water levels in Perry Lakes during summer, some form of storage system such as a Managed Aquifer Recharge scheme is likely to be required with ensuing technical investigations into the suitability of such a scheme.

The award of a contract to undertake the technical study into Herdsman Main Drain is to be discussed at tonight's meeting. Council can decide whether or not to vary the contract to include other works.

Verbal Questions

David McLeary, 279 Salvado Road, Floreat

Question 1

Can you confirm Mr Buckley is on leave? If so, what sort of leave? Is it annual/long service leave, sick leave, voluntary leave, forced leave? I'm sure we wish him well.

Response

The Mayor advised that Mr Buckley is not on leave, he is absent from the Council and the rest of the answer is confidential.

Question 2

Can the Mayor please confirm that the Cambridge Council work environment is a safe place to work as per the legal definitions from Occupational Safety and Health Act 1984 (the Act), and the Occupational Safety and Health Regulations 1996? Further can the Mayor please confirm that all possible steps have been taken to ensure that Mr Buckley has access to all well being

services expected of a progressive workplace? "We value our work colleagues and will assist them in the best way we can."

Response

The Mayor advised that in terms of the workplace, I don't work here, I am an Elected Member. My understanding is that the Town of Cambridge is fully compliant with its Occupational Health & Safety requirements.

The Acting Chief Executive Officer advised that the obligations for a safe and healthy workplace are incumbent on all in the workplace, the systems are in place and we do get audited from time to time on those systems.

Question 3

Given we are informed that at least four councillors are happy to release the complete document, will the Mayor publish the full DLGC report and provide ratepayers access to accurate information?

Response

The Mayor advised the AICD Governance report was undertaken on the basis that it would be kept confidential and that was the requirement that the participants participated with the report, and that's the spirit in which it should be kept, so frankly no. None of the report has been sent to the Department.

Hilary Pinerua, 131 Drabble Road, City Beach

Question 1

When were we going to be told, as the ratepayers who pay his salary, why Mr Buckley has been suspended?

Response

The Mayor advised that Mr Buckley has not been officially suspended, that was something you wrote in the post and I do not know where you got it from. The Town has been very clear in it's communication with the Post. We have said that Mr Buckley is not currently in the role of CEO and that we have a new Acting CEO.

Question 2

Has the person who leaked the anonymous and incorrect information to The Post been reported to the Local Government and the Standards Board and if not, why not?

Response

The Mayor advised no and that is because we do not know who that person is.

Celia Duffall, 13 Alexander Street, Wembley

Question

On the 12 April, I received a letter from Marlaine Lavery relating to the approval of the Town Planning Scheme Amendment No. 33. In that letter it informed me that the Amendment rezoning the land had been approved and introduced development standards in the scheme to provide control over future redevelopment of the Cambridge Forum and Wembley Hotel site. Given the Ministers decision to strip all modifications out of the amendment and furthermore, to take out of many of those controls on this site in the Wembley Activity Centre Plan, I think this letter was misleading. To support the transparency and good governance, can the administration confirm that it will undertake to correct this matter by writing a correction outlining the real impact on the stripping out of those modifications and controls on the site.

Response

The Director Planning and Development advised that she was not aware of the contents of the letter but she was happy to rectify the situation by sending out a letter outlining the requirements that had been taken out of the scheme amendment.

Peter Garrety, 202 Harborne Street, Wembley

Question

I refer to Item DV18.36 - 204 Harborne Street, Wembley. I am the owner of adjoining home at 202 Harborne Street. The plans show that there were portions of the extension that do not comply with Deem to Comply Regulations in the R-Codes and also the Towns own Policy, particularly in the southern side boundary setback. How does the Town justify departure from the R-Codes and it's own Planning Policy on the basis that there will be no detrimental impact to the amenity opposed by a 2.8 metre high wall at 204 Harborne Street setback only 300 mm from the boundary when such a variation eliminates all visual relief from the bulk and scale of the proposal.

Response

The Director Planning and Development advised that when an application or proposal does not meet the Deemed to Comply Provisions of the R-Codes you the have to assess the proposal against the Design principles. This has been noted in the report on page 78. The proposal was assessed against the design principles and it was considered to meet the design principles primarily because it was two laundries abutting each other.

Sabrina Klinger, 137 Tower Street, West Leederville

Question

Regarding the proposed loan facilities for Wembley Golf Course, the Town wants to establish a loan facility of about \$9,000,000 for Wembley Golf Course and you have in mind a 5 year loan term of 3.66%. The investment portfolio of the Town of Cambridge is about \$76,000,000 and you are generating about 2.5% interest rate out of this investment portfolio. Has the Administration and council considered improving the revenue raising ability of Wembley Golf Course as I understand Wembley Golf Course is paying the Town of Cambridge a dividend to the benefit of ratepayers as a whole and also reduce the amount of expenditure Wembley Golf Course is paying for their loans. What I am considering here is if the Town is carrying such a high investment portfolio to further the Wembley Golf Course this loan facility for a better

interest rate therefore having Wembley Golf Course being in the position to actually generate higher dividend for the Town of Cambridge but also improve the ability to generate higher interest for the investment portfolio. I don't know whether that is possible under the current legislation but I would like to propose that for consideration.

Response

The Acting Chief Executive Officer advised that this option is open to the Council and the Council has previously established a number of internal loans, typically using endowment lands account to fund projects associated with the works down at City Beach including the restaurants and the Wembley Golf Course.

The Wembley Golf Course does have some internal loans, it is open for the Council to consider this. This loan was established some time ago when the Town of Cambridge did not have the funds available to it that it has now, and the Western Australian Treasury Corporation interest rates are generally very competitive, and indeed lower than what you can get in the commercial sector. The second point in terms of borrowing capacity of the Wembley Golf Course, is that borrowing capacity is not just for the Wembley Golf Course, it is for the whole Town of Cambridge and is a prescribed amount. The Town of Cambridge has capacity to undertake further borrowings if it so chooses, so it is not necessarily limited in that regard.

4. PETITIONS

Nil

5. DEPUTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

Moved by Cr Timmermanis, seconded by Cr Bradley

That the Minutes of the Ordinary Meeting of the Council held on 27 March 2018 and the Special Meetings of Council held on 7 March 2018 and 9 and 10 April 2018 be confirmed.

Carried 8/0

The Mayor advised that she still had a number of amendments to be made to the Minutes of the Special Council Meetings held on 7, 20 and 23 February 2018.

8. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

The Mayor advised that when organisations are dealing with difficult confidential issues it is unhelpful for certain elected members, such as Cr Carr, to make perjorative comments in The Post regarding his opinion regarding the decision of this Council.

Such comments are likely to be a breach of the Rules of Conduct for elected members and they do themselves a great disservice. Such undisciplined behaviour suggests transparency and process are not held in high regard.

Nothing could be further from the truth. The Town is now ensuring the proper process and good governance be followed going forward. A failure to properly audit and undertake the oversight role of council will not be repeated by the current council.

9. COMMITTEE REPORTS

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

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

Development:	Items DV18.27, 28, 30, 32, 33, 36, 37, 41, 42 and 46
Community and Resources:	Items CR18.48, 49, 50, 52, 53 and 58
Declaration of Interest:	Item DV18.27 - Cr McKerracher - Impartiality Interest and Cr Carr - Financial Interest Item DV18.46 - Mayor Shannon, Crs McKerracher and Timmermanis - Impartiality Interest Item CR18.50 - Cr Nelson - Impartiality Interest Item CR18.58 - Crs Carr and McAllister - Financial Interest Item 12.2 - Mr Jason Lyon, Acting Chief Executive Officer - Financial Interest

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

DEVELOPMENT COMMITTEE

The report of the Development Committee meeting held on Tuesday 17 April 2018 was submitted as under:

1. DECLARATION OF OPENING

The Presiding Member declared the meeting of the Development Committee open at 6.00 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present :

**Time of
Entering**

**Time of
Leaving**

Members:

Mayor Keri Shannon (Presiding Member)	6.00 pm	8.44 pm
Cr Kate McKerracher	6.00 pm	8.44 pm
Cr James Nelson	6.00 pm	8.44 pm
Cr Jane Powell	6.00 pm	8.44 pm
Cr Andres Timmermanis (Deputy)	6.00 pm	8.44 pm

Observers:

Cr Rod Bradley

Officers:

Marlaine Lavery, Director Planning and Development
Petar Mrdja, Manager Development Assessment
Brett Cammell, Manager Planning Strategies & Economic Development
John Giorgi, Manager Health & Compliance Services
Chris Della Bonna, Planning Officer
Denise Ribbands, Executive Assistant (Corporate Support)

Adjournments:

Nil

Time meeting closed:

8.44pm

APOLOGIES/LEAVE OF ABSENCE

Apology - Cr Ian Everett

3. PUBLIC QUESTION TIME

Nil

4. DEPUTATIONS AND PETITIONS

- Item DV18.27 Paul Kotsoglo, applicant
- Item DV18.28 Lise Semeriuk, applicant
- Item DV18.29 Mark Pavisich, applicant
- Item DV18.30 Rosemary Edwards, applicant
- Item DV18.31 Nathan Ellery, applicant
- Item DV18.32 Alex Hemsley, on behalf of the owner
- Item DV18.33 Alex Hemsley, on behalf of the owner
- Item DV18.34 Mark de Rozario, applicant
- Item DV18.36 Peter Garrety, neighbour
James Taylor, applicant
- Item DV18.37 Brian Carr, owner
- Item DV18.39 Helen Marchesani, applicant
- Item DV18.42 Paul Fox, on behalf of neighbour
George Walker, owner

5. CONFIRMATION OF MINUTES

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

6. DECLARATION OF MEMBERS' INTERESTS

- Item DV18.27 - Cr McKerracher - Impartiality Interest
- Item DV18.46 Mayor Shannon, Crs McKerracher and Timmermanis

7. REPORTS

DV18.27 LOTS 147-149 (NO. 177) CAMBRIDGE STREET, WEST LEEDERVILLE AND LOT 800 (NO. 12) SALVADO ROAD, SUBIACO - CONSTRUCTION OF TEMPORARY CARPARK - FURTHER REPORT

SUMMARY:

The purpose of this report is for Council to consider a development application for the construction of a temporary carpark at Lots 147-149 (No. 177) Cambridge Street, Wembley and Lot 800 (No. 12) Salvado Road, Subiaco.

This application is being presented to Council following the Metro-West Joint Development Assessment Panels (JDAP) decision to approve the construction of a six-storey carpark at No. 12 Salvado Road, Subiaco. This application included reference to the construction of a temporary car park.

The Administration recommends that the application should be conditionally 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. 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. |

BACKGROUND:

Application: 0003DA-2018
Owner: St John of God Health Inc.
Applicant: Planning Solutions Pty Ltd
Zoning: Medical
Precinct: West Leederville
Use class: Hospital 'P' – permitted
Land area: 3059m²

On 24 March 2017, a demolition permit was issued for the demolition of St. John of God House which was located on lots 147-149 (No. 177) Cambridge Street, Wembley. The demolition was completed by 29 June 2017 and the site has remained vacant since this time.

On 21 June 2017, a Development Assessment Panel application was submitted for No. 12 Salvado Road, Subiaco which proposed to construct a six storey multi-level car park. The application was initially considered by the JDAP on 30 September 2017, however, the application was deferred for a period of 3 months.

On 8 January 2018, the proposal was further considered by the JDAP. The Responsible Authority Report (RAR) recommended that the application be refused (refer to Attachment 3 for further information), however, the application was conditionally approved. At the time of writing the RAR, the application for a temporary car park had not been submitted by the applicant and was not considered as part of the application, however, was indicated on the plans.

DETAILS:

Site Context

The proposed development is located on Lots 147-149 (No. 177) Cambridge Street, Wembley and Lot 800 (No. 12) Salvado Road, Subiaco (the subject site), and within a street block bound by Cambridge Street to the north, Station Street to the west, McCourt Street to the east and Salvado Road to the south. The subject site is zoned Medical and is located within the West Leederville Precinct.

The site is currently vacant with portions of vegetation on the northern and western boundaries and some portions of bituminised car parking spaces, orientated east-west, comprising of 55 bays. There are two existing crossovers, a 3 metre wide crossover on Lot 147 ('crossover 1') and a 9 metre wide crossover on Lot 12 ('crossover 2'), both accessible from Cambridge Street and vehicle access from D'Arcy Lane, which is accessible from Station Street. D'Arcy Lane is a public thoroughfare servicing No. 12 Salvado Road and 181 and 187 Cambridge Street respectively, however, it only extends for a length of 130 metres and then falls within the private property of the subject site.

The subject site is surrounded to the east and south by the St John of God Hospital, and multiple dwellings to the west (181 Cambridge Street). Properties on the opposite side of Cambridge Street are predominantly commercial ranging in height from one to four storeys.

Development description

This application was submitted on 5 January 2018 and proposes to use the subject site as a temporary carpark by:

- Adding 103 car bays to the existing 55 car bays on site, resulting in 158 car parking bays. These bays will be used solely for staff and contractors car parking to compensate for the loss of Kitchener Park;
- Consolidating Vehicle access from Cambridge Street (Two crossovers exist, only one will be used during the lifetime of the car park) and D'Arcy Lane; and
- Using of an entry boom gate and card reader (located at the end of D'Arcy Lane) and an exit boom gate (using the Cambridge Street crossover).

The applicant has advised that the car park is required for 4-5 years before it is ultimately redeveloped for medical purposes.

In support of the application, the applicant has submitted a Transport Impact Statement (refer to attachment 2) which addresses:

- Car parking provision, access and layout; and
- Daily traffic volumes and vehicle types.

On 24 January 2018, the applicant was requested to provide additional information regarding:

- The provision of landscaping;
- Drainage;
- The provision of motorcycle bays; and
- The width of the existing crossover located on the Cambridge Street frontage of Lot 800 (No. 12) Salvado Road.

On 30 January 2018, the applicant provided additional information outlining responses to these matters (refer to attachment 2). Where relevant, these matters and the information provided in support of the application, have been incorporated into the assessment.

An assessment of the application has been conducted against the provisions of Town Planning Scheme No. 1 (the Scheme), Clause 67 of the Deemed Provisions of Schedule 2, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the following Local Planning Policies:

- 4.1 (Design of Non-Residential Development);
- 5.1 (Parking);
- 5.3 (Landscaping and Water Sensitive Urban Design); and
- 6.5 (West Leederville Precinct).

The proposal complies with all the requirements of the Scheme, and provisions of the aforementioned policies with the exception of the following key issues outlined below.

Assessment against Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015

Local Development Plan

On 11 October 2017, the Town requested that the Western Australian Planning Commission (WAPC) agree to require that a Local Development Plan (LDP) be prepared for the site. A LDP is a plan that sets out specific and detailed guidance for future development including one or more of the following:

- a) site and development standards that are to apply to the development;
- b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

Part 6 of the deemed provisions sets out the requirements for a LDP, including when a LDP can be prepared, how this should occur (advertising, approval and review of decisions) as well as the effect of a LDP. Clause 56(1) of the deemed provisions states that the local government must give due regard to, but is not bound by, a LDP when determining an application.

On 20 December 2017, the WAPC agreed that a LDP should be prepared for any future redevelopment of the site. At the time of writing this report, a LDP or a masterplan that is not subject to change, has not been submitted to the Town for assessment.

In consideration of this application, Clause 56(2) of the deemed provisions is important as it states that a decision maker for an application for development approval in an area referred to in Clause 47 as being an area for which a LDP may be prepared, but for which no LDP has been approved by the local government, may approve the application if the decision-maker is satisfied that: -

- a) *The proposed development does not conflict with the principles of orderly and proper planning; and*
- b) *The proposed development would not prejudice the overall development potential of the area.*

As no LDP presently exists for the site, the matters identified above should be considered in the determination of this application. It is considered that the proposal is appropriate for the following reasons:

- The proposed development does not conflict with the principles of orderly and proper planning as the temporary car park provides satisfactory means of access (from D'Arcy Lane) and egress (to Cambridge Street). Further, the proposal assists with the provision of car parking at the site; and
- The proposed development is temporary in nature and will not prejudice the overall development potential of the area, particularly as a LDP is required for the overall development of the area. A condition of approval is recommended to ensure that the use of the site reverts back to its current use in 5 years.

Assessment against Schedule 2, Part 9, Clause 67 (g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Local Planning Policy 4.1 'Design of Non-Residential Development'

The proposed development requires consideration against the development criteria 1.1 (Safety) of Local Planning Policy 4.1 'Design of Non-Residential Development' which states:

The need for safe movement of vehicular traffic and minimisation of conflicts between vehicles, pedestrians and cyclists, with reference to factors such as the volume of traffic (both pedestrian and vehicle) likely to be generated by the proposed development, location of vehicular access points, the design and location of crossovers, public transport stops and the provision and location of segregated pedestrian walkways and sightlines.

The proposal is not considered to satisfy this requirement as the subject site is located within a high pedestrian area and 'Crossover 2', situated on the Cambridge Street frontage of Lot 800 (No. 12) Salvado Road, is 9m wide which exceeds the Town's crossover standards by 3 metres. Due to the width of this crossover and the proposed consolidated arrangement of the proposed temporary car park, there is potential for conflict between pedestrians utilising the footpath of Cambridge Street and more than one vehicle exiting the site onto Cambridge Street. Further, the size of the crossover may encourage conflict between vehicles travelling west on Cambridge Street and vehicles exiting the site onto Cambridge Street.

With this in mind, condition 7 is recommended to ensure that the width of the crossover is reduced to 6 metres and diagonal hatching be marked within the 2.5 metres setback area to improve pedestrian safety.

Local Planning Policy 5.1 'Parking'

Table 1 of Local Planning Policy 5.1 'Parking' (LPP5.1) outlines the car parking requirements by land use categories as well as motorcycle parking requirements, the assessment as it relates to a hospital is shown below:

Requirement	Existing	Proposed	Difference
Hospital: 1 space per 30m ² administration area and 1 space per 3 licensed beds (Existing Requirement: 1377)	1377	1480	+103
<i>Motorcycle: 2% of overall parking proposed</i> (2% * 103 bays = 2 bay requirement)	-	-	2

The proposed development will result in an oversupply of car parking for the subject site. Clause 1.7 of LPP5.1 provides the following guidance for this situation:

Car Parking provision exceeding the requirements specified in Table 1 will generally not be supported, in order to limit traffic congestion and encourage more sustainable modes of transport. The Responsible Authority may determine that the provision of bays exceeding the required number under the Policy provisions is not justified or required and will impose an adverse impact on amenity, safety and traffic management in the surrounding locality. In some circumstances, the Responsible Authority may require there to be fewer parking bays than required under the Policy if the number of bays proposed is likely to present an adverse impact on amenity, safety and/or traffic management.

The proposed oversupply is considered to be appropriate for the following reasons:

- The proposed car park does not adversely impact the amenity of the area;
- As discussed in the discussion of LPP4.1, condition 7 is recommended to mitigate safety concerns associated with potential conflicts between pedestrians utilising the Cambridge Street footpath and vehicles existing onto Cambridge Street;
- The traffic impact statement submitted indicates that the trips generated from the development will not adversely impact the road network; and
- The proposed development is temporary and condition 1 is recommended to ensure that, should the application be approved, the site reverts back to its previous use at the expiry of the approval period or the applicant will need to submit another development application to extend the use of the site.

In relation to the motorcycle bays, the proposed temporary car park does not satisfy the requirements of the Parking Policy for the provision of motorcycle parking. The shortfall of motorcycle bays is considered to be appropriate for the following reasons:

- The applicant contends that the proposed development will be used by contractors working on the redevelopment of the St John of God Hospital, and staff of the hospital. Contractors by nature do not require motorcycle bays. Staff provided with access to the car park will be allocated a car parking bay, and would not require an additional dedicated motorcycle bay. Motorcycle bays would therefore be underutilised. This is noted; and

- The interim car parks function will ultimately be replaced by the multi-storey car park, which was approved by the JDAP in January 2018. The multi-storey car park was approved with no provision of motorcycle parking bays. As the interim car park serves a similar purpose to the multi-storey car park, there is no logical or proper planning purpose to require motor cycle bays under the current application. Condition 1 is recommended to ensure that after 5 years, the use of the car park will cease.

Local Planning Policy 5.3 'Landscaping and Water Sensitive Urban Design'

The proposed development does not satisfy Clause 3 of Local Planning Policy 5.3 'Landscaping and Water Sensitive Urban Design' as outlined in the table below:

Requirement	Proposal
All open air car parking areas shall be landscaped by the planting of shade trees along car parking rows, with a minimum spacing of 10 metres unless otherwise approved by the Council where such spacing can be demonstrated to be impractical in the circumstances of the particular development.	Existing landscaping along the western and eastern boundaries of the existing car park will be retained. No shade trees proposed

The proposed variations are considered to be acceptable given that the proposed carpark is temporary in nature. Any additional significant landscaping (shade trees) is unlikely to have the opportunity to reach mature height and produce shade prior to the redevelopment of the car park area.

Notwithstanding this, given the prominence of the site, it is recommended that a landscaping plan (condition 8) be submitted and implemented to populate the 2.5 metre setback area with water-wise native species, particularly as it relates to the existing shrub on the site.

Commencement of Planning Approval

The applicant has stated that the proposed car park is temporary in nature and would assist with facilitating the development of the recently approved multi-level car park on 12 Salvado Road. It would also assist in relieving car parking pressure associated with the expiration of a lease on Kitchener Park. The applicant contends that the application should not be time limited as:

- It is the owners current intention that the proposed interim car park be utilised for 4-5 years before it is ultimately redeveloped for medical purposes; and
- As the length of time that this interim car park is required will be subject to other conditions, the timeframe cannot be known with certainty.

Should the owners' intention change, the site will be utilised for an extended period of time and the Town will not have the ability to re-assess its impact on the streetscape and the road network. Further, it is clear that this application would not have been submitted if the (recently approved) multi-storey car park had not been approved by the JDAP in January 2018. There is a clear connection between the two, particularly as the temporary car park will be used by contractors, during the construction period, and staff.

Condition 1 is recommended to ensure that the car park use remains temporary in nature and provides adequate time for the applicant to commence, and subsequently complete, the construction of the multi-level car park. This would also ensure that there is certainty for the timeframe. Should the 5 year timeframe expire, the applicant can reapply to continue to use the site as a car park.

Local Government and Public Property Local Law 2017

Division 4 of the Town of Cambridge Local Government and Public Property Local Law addresses vehicle crossings. In particular, Clause 9.12 'Removal of redundant vehicle crossings' states that:

"Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government."

With this in mind, the plans submitted as part of this application demonstrate that Crossover 1, situated on Lot 147 (No. 177) Cambridge Street, will not be used for access to the lot and it is recommended that condition 6 be imposed to ensure that the redundant crossover is removed and the kerbing, verge and footpath be reinstated. This is not unreasonable given that:

- The site currently utilises two crossovers on Cambridge and the application is proposing to only use one consolidated crossover;
- The condition is consistent with the Local Government and Public Property Local Law 2017;
- Prior to the commencement of the development is adequately final and certain as it clearly sets out when the redundant crossover needs to be removed and the kerbing, verge and footpath being reinstated. There are standards available on the Town's website regarding crossovers; and
- The applicant has stated that the site will ultimately be redeveloped for medical purposes and the crossover will be used as part of any future large-scale redevelopment. However, the Town has not been given any indication as to when a LDP will be submitted or when this overall development is likely to occur. It should also be noted that reference to the 'commercially confidential' preliminary masterplan submitted through the JDAP application process for the multi-storey car park at No. 12 Salvado Road cannot be relied upon as the masterplan was not sufficiently finalised and is subject to change.

Community Consultation

The application was not advertised as there is no requirement to do so, in accordance with Local Planning Policy 2.3 'Public Notification of Planning Proposals' and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY/STATUTORY IMPLICATIONS:

The proposal was assessed against the provisions of Town Planning Scheme No.1, and the Town Planning Scheme Policy Manual.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Consideration of this application is consistent with the Town's Interim Strategic Community Plan 2017-2027 for the priority area 'Our Planned Neighbourhoods'.

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Simon Shub, Senior Strategic Planning Officer

ATTACHMENTS:

1. Development Application Plans;
2. Applicant's justification dated 5 January 2018 & 30 January 2018; and.
3. Responsible Authority Report dated 8 January 2018.

Committee Meeting 20 February 2018

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.2, I declare that I have a personal association with a director of the Applicant company 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 27 February 2018

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.2, I declare that I have a personal association with a director of the Applicant company 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:

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES the application for a temporary car park submitted by Planning Solutions Pty Ltd at Lots 147-149 (No. 177) Cambridge Street, Wembley and Lot 800 (No. 12) Salvado Road, Subiaco as shown on the plans dated 4 January 2018 (S04017 C00 Rev B, C01 Rev E and C02 RevA), subject to the following conditions:-

- (i) this approval is valid for five (5) years, upon which the approval ceases and has no further effect;
- (ii) all car parking dimensions, manoeuvring areas, circulation areas, crossovers and driveways shall be constructed in accordance with Australian Standard AS2890.1 (as amended);
- (iii) all existing street trees shall be protected and maintained with no pruning permitted without prior approval of the Town of Cambridge;
- (iv) the lighting to public areas, pathways and car parking areas within the development shall comply with the Australian Standard 1158.3.1 2005 'Lighting for Roads and Public Spaces Part 3.1 - (Category P) — Performance and design requirements'. Plans and details shall be provided to the Town for approval, prior to the commencement of the development;
- (v) the redundant vehicle crossover outside Lot 147 (No. 177) Cambridge Street, to be removed and the kerbing, verge and footpath shall be reinstated to the specifications and satisfaction of the Town prior to the commencement of the development;
- (vi) the vehicle crossover providing access to the subject site from Cambridge Street, on Lot 800 (No. 12) Salvado Road as depicted on Plan S04017, shall be reduced in width from 9 metres to 6 metres. The kerbing, verge and footpath shall be reinstated to the specifications and satisfaction of the Town prior to the commencement of the development;
- (vii) prior to the commencement of the development, a landscaping plan, showing the location and type of vegetation for the 77m² front setback area of the subject site, shall be submitted and approved by the Town of Cambridge, subsequently installed to the satisfaction of the Town.

Advice Notes

The applicant be advised that:-

1. Obtrusive or spill lighting from the development must not cause a 'nuisance' and shall comply with the Town of Cambridge Private Property Local Law 2016 and AS 4282.1997 - 'Control of obtrusive effects of outdoor lighting'.
2. Waste Collection service along D'Arcy Lane should be reviewed.
3. In relation to condition (iii), the applicant is encouraged to incorporate water wise and/or local native plants within the landscaping plan.

During discussion, Members noted that the applicant has requested that the item be deferred for one month of enable issues raised at the Development Committee to be addressed.

COUNCIL DECISION:

That the item relating to Lots 147-149 (No. 177) Cambridge Street, Wembley and Lot 800 (No. 12) Salvado Road, Subiaco be deferred for one month

FURTHER REPORT: (Post Council Meeting - 27 February 2018)

The application was presented to Council at the Ordinary Council meeting held on 27 February 2018 and was deferred, at the request of the applicant, for one month.

The applicant has now requested the proposal be deferred until the April 2018 round of meetings.

Committee Meeting 20 March 2018

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows:- "with regard to Item DV18.17, I disclose that I have an association with a director of the Applicant company. This association is a personal one involving occasional social interaction. 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 27 March 2018

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows:- "with regard to Item DV18.17, I disclose that I have an association with a director of the Applicant company. This association is a personal one involving occasional social interaction. 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)**

That the item related to Lots 147-149 (No. 177) Cambridge Street, Wembley and Lot 800 (No. 12) Salvado Road, Subiaco be deferred until April 2018.

FURTHER REPORT (Post Council Meeting 27 March 2018)

The application was presented to Council at the Ordinary Council Meeting held on 27 March 2018 and was deferred, at the request of the applicant, until April 2018.

On 19 March 2018, the Town contacted the landowner requesting an update on the additional information/justification for the crossovers and a likely submission time. The Towns' internal deadline (26 March 2018) was also clearly identified.

On 27 March 2018, the Town received an amended plan and additional information regarding the crossovers and pedestrian safety. On 9 April 2018, the applicant amended the application form and the plans to remove Lot 147 (which is already used for car parking) from the proposal. This has resulted in the proposal only adding 91 bays to the existing 10 bays on Lots 148-149 and Lot 800, resulting in a total of 1468 bays (a difference of +91 bays) for the entirety of the St John of God Subiaco site.

The applicant contends that the car park will be used in two phases:

(a) Outside of Construction Phases

Outside of the construction phase, the whole of the carpark will be used for staff car parking. The internal fencing of the contractors' compound will be removed when not in use, and all staff parking bays will be line-marked. Fencing along the Cambridge Street frontage of the carpark will be retained to ensure the parking lot is secure and not illegally used for public vehicle parking.

The gate to the western most crossover will be locked and not used during this phase.

b) During Construction Phases

During periods of major construction phases, the western portion of the carpark will be used as a contractors' compound. The intent of the contractors' compound is to provide a secure area for the temporary storage of contractors' equipment and building materials, when required. This secure compound is essential for contractors, as theft of materials and tools is common for building sites.

The southern portion of the carpark will be dedicated area for large vehicles and cranes. A dedicated large vehicle exit gate is also provided.

To ensure the construction site can be managed in a safe manner, a one-way movement system will be implemented and enforced by the site manager. Contractors' vehicles will be required to enter the compound via D'Arcy Lane and to exit the compound via Cambridge Street. Large vehicles will also enter the site from D'Arcy Lane and exit the site via Cambridge Street. Egress onto Cambridge Street will be controlled by gates to ensure all vehicles exiting the site do so in a manner that does not compromise the safety of pedestrians. Traffic management measures will be implemented as part of construction activities as required

The additional information addresses matters during the construction phase of the car park, however, it is apparent that once construction is completed the size of the eastern crossover will no longer be necessary. No additional information has been provided regarding the future redevelopment of the site and until such time as a Local Development Plan has been submitted and approved the Town, there is no demonstrated need for a crossover of this size once the construction has been completed.

With this in mind, condition (v) has been removed as Lot 147 and the associated crossover no longer forms part of the application and the wording of condition (vi) (now condition (v)) be amended to reflect the redundant nature of the crossover following the completion of construction.

Committee Meeting 17 April 2018

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows:- "with regard to Item DV18.27, I disclose that I have an association with a director of the Applicant company. This association is a personal one involving occasional social interaction. As a consequence, there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly.

ADMINISTRATION RECOMMENDATION

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES the application for a temporary car park submitted by Planning Solutions Pty Ltd at Lots 148-149 (No. 177) Cambridge Street, Wembley and Lot 800 (No. 12) Salvado Road, Subiaco as shown on the plans dated 4 January 2018 (S04017 C02 RevA) and 10 April 2018 (S04017 C01 Rev H), subject to the following conditions:

- (i) this approval is valid for five (5) years, upon which the approval ceases and has no further effect;
- (ii) all car parking dimensions, manoeuvring areas, circulation areas, crossovers and driveways shall be constructed in accordance with Australian Standard AS2890.1 (as amended);
- (iii) all existing street trees shall be protected and maintained with no pruning permitted without prior approval of the Town of Cambridge;
- (iv) the lighting to public areas, pathways and car parking areas within the development shall comply with the Australian Standard 1158.3.1 2005 'Lighting for Roads and Public Spaces Part 3.1 - (Category P) — Performance and design requirements'. Plans and details shall be provided to the Town for approval, prior to the commencement of the development;
- (v) the vehicle crossover providing access to the subject site from Cambridge Street, on Lot 800 (No. 12) Salvado Road as depicted on Plan S04017 C01 Rev H, shall be reduced in width from 9 metres to 6 metres. The kerbing, verge and footpath shall be reinstated to the specifications and satisfaction of the Town following completion of the development;
- (vi) prior to the commencement of the development, a landscaping plan, showing the location and type of vegetation for the 77m² front setback area of the subject site, shall be submitted and approved by the Town of Cambridge, subsequently installed to the satisfaction of the Town.

Advice Notes

The applicant be advised that:-

1. Obtrusive or spill lighting from the development must not cause a 'nuisance' and shall comply with the Town of Cambridge Private Property Local Law 2016 and AS 4282.1997 - 'Control of obtrusive effects of outdoor lighting'.
2. Waste Collection service along D'Arcy Lane should be reviewed.
3. In relation to condition (iii), the applicant is encouraged to incorporate water wise and/or local native plants within the landscaping plan.

During discussion, Members expressed concern regarding the removal of Lot 147 (No.177) Cambridge Street from the proposal.

The Administration recommendation was then voted upon and lost 2/3

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

Discussion ensued and it was agreed that the item should be submitted to Council for determination.

Moved by Cr Powell, seconded by Cr Timmermanis

That the item be submitted to Council for determination.

Carried 5/0

Council Meeting 24 April 2018

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows:- "with regard to Item DV18.27, I disclose that I have an association with a director of the Applicant company. This association is a personal one involving occasional social interaction. As a consequence, there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly.

Cr Carr, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter as he had sold one property to and 5 properties for the Sisters of St John of God in the last 4 to 5 years and left the meeting at 6.56 pm.

Cr McAllister declared that she had a professional relationship with the Sisters of St John of God and was unsure whether she had a financial interest, but in the interests of caution, she left the meeting at 6.57 pm.

COUNCIL DECISION:

Moved by Cr Nelson, seconded by Cr Bradley

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES the application for a temporary car park submitted by Planning Solutions Pty Ltd at Lots 148-149 (No. 177) Cambridge Street, Wembley and Lot 800 (No. 12) Salvado Road, Subiaco as shown on the plans dated 4 January 2018 (S04017 C02 RevA) and 10 April 2018 (S04017 C01 Rev H), subject to the following conditions:

- (i) this approval is valid for five (5) years, upon which the approval ceases and has no further effect;**
- (ii) all car parking dimensions, manoeuvring areas, circulation areas, crossovers and driveways shall be constructed in accordance with Australian Standard AS2890.1 (as amended);**
- (iii) all existing street trees shall be protected and maintained with no pruning permitted without prior approval of the Town of Cambridge;**
- (iv) the lighting to public areas, pathways and car parking areas within the development shall comply with the Australian Standard 1158.3.1 2005 'Lighting for Roads and Public Spaces Part 3.1 - (Category P) — Performance and design requirements'. Plans and details shall be provided to the Town for approval, prior to the commencement of the development;**
- (v) the vehicle crossover providing access to the subject site from Cambridge Street, on Lot 800 (No. 12) Salvado Road as depicted on Plan S04017 C01 Rev H, shall be reduced in width from 9 metres to 6 metres. The kerbing, verge and footpath shall**

be reinstated to the specifications and satisfaction of the Town following completion of the development;

- (vi) **prior to the commencement of the development, a landscaping plan, showing the location and type of vegetation for the 77m² front setback area of the subject site, shall be submitted and approved by the Town of Cambridge, subsequently installed to the satisfaction of the Town.**

Advice Notes

The applicant be advised that:-

- 1. Obtrusive or spill lighting from the development must not cause a 'nuisance' and shall comply with the Town of Cambridge Private Property Local Law 2016 and AS 4282.1997 - 'Control of obtrusive effects of outdoor lighting'.**
- 2. Waste Collection service along D'Arcy Lane should be reviewed.**
- 3. In relation to condition (iii), the applicant is encouraged to incorporate water wise and/or local native plants within the landscaping plan.**

Carried 5/1

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

Crs Carr and McAllister returned to the meeting at 7.09 pm

DV18.28 LOT 405 (NO. 84) EVANDALE STREET, FLOREAT - RETROSPECTIVE ANCILLARY DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for a retrospective ancillary dwelling at No. 84 Evandale Street, Floreat.

Under the Town's Policy 2.6: Delegation of Authority Clause 1.3.2, Council will determine development applications where they have been advertised and objections have been received. In this instance, objections have been received from a neighbouring resident in relation to the size, height, roof reflectivity and materials used and therefore the application is required to be determined by Council.

The application also requires an approval under Local Law 43, as it does not meet the deemed to comply requirements of the Local Law. The application is capable of approval, by absolute majority of Council, provided it meets the requirements of Clause 2B of the Local Law.

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

BACKGROUND:

Application: 0011DA-2018
Owner: Ms L Semeniuk and Mr JG Nicholls
Applicant: Lise Semeniuk
James George Nicholls
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 1009m²

DETAILS:

Development description

The subject site is a corner lot located in the Floreat Planning Precinct in a block bound by Grovedale Road to the east, Evandale Street to the south, Rosedale Street to the west and Salvado Road to the north. The streetscape consists predominately of single storey dwellings constructed of brick and tile or metal sheeting roofs.

The application for the subject site was submitted on 12 January 2018 for the retrospective approval of an ancillary dwelling. The proposed additions are comprised of an ancillary dwelling with a master bedroom, living room, kitchen and bathroom. The total proposed additions create 68m² of additional floor area.

Upon completion of the Town's planning assessment, justification was submitted on 1 March 2018.

The proposal does not meet the deemed to comply requirements of 5.1.3 lot boundary setbacks, the development is capable of approval, provided it meets the design principles of State Planning Policy 3.1 Residential Design Codes, design element 5.1.3 lot boundary setbacks. The proposal does not meet the deemed to comply requirements of Local Planning Policy 3.1 Streetscape, the development is capable of approval provided it meets the design principles of Local Planning Policy 3.1 Streetscape, 3.1.11 roof reflectivity.

Additionally, the proposal does not meet the requirements of Local Law 43 Building on Endowment Lands and Limekilns Estate. The development is capable of approval provided the Council is satisfied by absolute majority that:

- The development would be consistent with orderly and proper planning of the locality and the preservation of amenities, and
- The use to be made of the land and the non-compliance with the prescribed standard or requirement will not have an 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.

Community Consultation

The application was advertised for a period of 14 days, from 6 March 2018 to 20 March 2018, in accordance with the requirements of the Residential Design Codes. Three (3) objections were received. The applicant has agreed to a condition in relation to the reflectivity of the roof, to address the main concern for the majority of objections.

Attachment 2 of this report provides a summary of the comments and issues raised during the community consultation process and an Officer technical response to each comment and issue.

Summary of Comments Received:	Officer Technical Comment:
Solar Reflectivity	The solar reflectivity will be addressed as a condition, as agreed to by the applicant.
Materials of construction	The material of construction is not visible from the street. Furthermore there are a number of examples of buildings that are constructed of materials other than brick, stone, concrete or brick veneer, and as such it is considered to not have a detrimental amenity impact.

Lot boundary setback	The proposed development is single storey with a wall height of 2.7m, as such the bulk impacts are not considered to have a detrimental amenity impact. Furthermore the proposed development complies with the deemed to comply requirements for 5.4.2 solar access for adjoining sites as the shadow will fall on the subject site, and 5.4.1 visual privacy as the finished floor level is not in excess of 0.5m of natural ground level.
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Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to the reduced setback, materials of construction and roof reflectivity. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

Lot boundary setback – Residential Design Codes 5.1.3

	Deemed-to-comply provision	Proposed
Setback of the Kitchen/Living Room from the Eastern/Right boundary	1.5m	1.2m
<p><i>Design principles:</i></p> <p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <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> 		

The proposed variation is considered to satisfy the design principles in the following ways:

- The bulk impact of the ancillary dwelling is considered to be minor in nature due to it being a single storey building, with wall heights of 2.7 metres and a wall length of 11.3 metres. The bulk impact is further reduced as the wall length is spread between two adjoining properties to the east.
- There is a considerable distance between the ancillary dwelling and buildings on adjoining properties to the east, allowing for adequate ventilation to buildings and open space both on site and on adjoining properties. Additionally, the shadow produced by the ancillary dwelling will fall predominantly on the subject site and is not considered to have a negative impact on adjoining properties.
- There is not considered to be any additional privacy concerns in relation to the setback variations, as the proposed additions do not include any major openings with a floor level exceeding 500 millimetres in height and, as such, the development is fully compliant with deemed to comply requirements of 5.4.1 visual privacy.

Roof Reflectivity – Local Planning Policy 3.1 Roof Reflectivity

	Deemed-to-comply provision	Proposed
Ancillary Dwelling Roof material	Metal roofs with a pitch of more than 5 degrees shall not be constructed with metal sheeting having a solar reflectivity index exceeding 40%	Roof pitch 30 degrees. Zinalume with a solar reflectivity index of 67%
<i>Roof materials are acceptable where, due to position, location, and pitch, the proposed roofing material is not considered to result in excessive glare upon neighbours and the streetscape.</i>		

The proposed variation is considered to satisfy the design principles in the following ways:

- The zinalume roof is to be painted in a non-reflective colour, which will ameliorate the impact of glare on adjoining properties. The roof is not visible from the street and as such will not have an impact on the streetscape.

Roof Reflectivity and Materials of Construction – Local Law 43 Building on Endowment Lands and Limekilns Estate

	Deemed-to-comply provision	Proposed
Ancillary dwelling roof material	Metal roofs with a pitch of more than 5 degrees shall not be constructed with metal sheeting having a solar reflectivity index exceeding 40%	Roof pitch 30 degrees. Zinalume with a solar reflectivity index of 67%
Ancillary dwelling materials of construction	All single storey single occupancy dwelling houses and all buildings other than dwelling houses shall be constructed of brick, stone, concrete or similar material.	Weatherboard and zinalume materials.
<p><i>Clause 2B:</i></p> <p>(i) <i>The development would be consistent with the orderly and proper planning of the locality and preservation of its amenities, and</i></p> <p>(ii) <i>The use to be made of the land and the non-compliance with the prescribed standards or requirement will not have any adverse effect upon the occupiers or users of the development of the property in or the inhabitants of the locality or the likely future development of the locality.</i></p>		

The proposed variation is considered to satisfy the design principles in the following ways:

- The zincalume roof is to be painted in a non-reflective colour, which will ameliorate the impact of glare on adjoining properties. The roof is not visible from the street and, as such, will not have an impact on the streetscape.
- The weatherboard material of construction is not considered to have an adverse impact on the amenity of the occupiers of the property or inhabitants of the locality.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Chris Della Bona, Planning Officer

ATTACHMENTS:

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

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1 and Clause 2B of Local Law 43, Council by APPROVES BY AN ABSOLUTE MAJORITY the application for Retrospective Ancillary Dwelling submitted by Lise Semeniuk and James Nicholls at Lot 405 (No. 84) Evandale Street, Floreat as shown on the plans dated 12 January 2018, subject to the following conditions:-

- (i) the roofing material is to be painted to comply with the reflectivity requirements of Local Law 43; and**
- (ii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.**

Carried by an ABSOLUTE MAJORITY 7/1

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

DV18.29 LOT 252 (NO. 30) CHIPPING ROAD, CITY BEACH - TWO STOREY DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for a two storey dwelling at Lot 252 (No. 30) Chipping Road, City Beach.

Under the Town of Cambridge Town Planning Scheme No.1 (Clause 39), Council will determine an application for planning approval which does not comply with a standard or requirement of the scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Town Planning Scheme No.1. Council determination is also required for proposed variations to lot boundary setbacks, building height and visual privacy, as objections have been received.

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

The Administration recommends that the application should 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. 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. |

BACKGROUND:

Application: 0239DA-2017
Owner: Mr NJ Vujcich
Applicant: Avena Pty Ltd
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 890sqm

DETAILS:

Development description

An application for the subject site was initially submitted on 17 August 2017. Amended plans were submitted on 22 January 2018 showing the relocation of the bus stop approved by the Public Transport Authority (PTA). This resulted in the house design being transposed to relocate the crossover to the southern side of the site.

An existing two storey dwelling is currently situated on the site. The dwelling has a primary street setback of approximately 8.4 metres to the garage, and 9.4 metres to the remainder of the dwelling. The lot faces Chipping Park.

The surrounding lots consist of single and double storey dwellings.

The development application proposes the following:

- a front setback of 6.0 metres is proposed in lieu of 7.5 metres to the front boundary;
- a two-storey flat roofed dwelling with a light 'canopy' located centrally on the roof;
- a large balcony extends the entire upper floor frontage, creating a verandah below;
- a bus stop is currently located on the southern side of the verge directly in front of the subject site. Approval has been granted by the PTA to relocate this bus stop to the northern side of the verge area;
- a large garage and workshop extends the length of the southern ground floor;
- the subject site is relatively flat, with the proposed finished floor level approximately 0.2 metres above the natural ground level;
- a variation is sought in relation to building height for the proposed light canopy, which has a maximum height of 7.842 metres in lieu of 7.5 metres; and
- variations are sought in relation to lot boundary setbacks to the eastern (rear), northern (left) and southern (right) boundaries and objections have been received.

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

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

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

Community Consultation

The application was advertised for a period of 16 days, from 23 January 2018 to 8 February 2018, to the five (5) surrounding properties in accordance with the requirements of the Residential Design Codes of Western Australia. Two (2) objections were received.

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

Summary of Comments Received:	Officer Technical Comment:
A reduced setback would impact the existing streetscape and not be in keeping with the existing built form.	The reduced setback to the dwelling would sit forward of the two properties directly adjoining the subject site, and would be inconsistent with the majority of dwellings within the immediately locality.
The proposed plans show a large imposing wall very close to the boundary with no visual relief and shedding large amounts of shade over our pool and outdoor living area.	The overall length and setback of the upper floor setback from the adjoining property to the south will have an impact on the amenity of the adjoining dwelling in terms of building bulk and access to sunlight.
There would be great concern if the natural ground level of the site was raised.	The proposed finished floor level is approximately 0.2 metres above the natural ground level and is generally consistent with the existing natural ground level of the site.
Visual Privacy Concerns	The proposed balcony will overlook a large area of the adjoining property behind the primary setback line, and whilst not overlooking any private outdoor living areas, will overlook existing habitable room windows of the adjoining site.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to lot boundary setback and building height. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

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

In accordance with Clause 20 of The Town's TPS No. 1, street boundary setbacks within the City Beach Precinct shall be a minimum of 7.5 metres from the primary street.

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

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

	Deemed-to-comply provision	Proposed
Primary street setback	Minimum 7.5 metres	Ground Floor: 6.1 metres to verandah 7.02 metres to dwelling
		Upper Floor: 6.0 metres to balcony 10.50 metres to dwelling

Clause 39

- (3) *The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-*
- (a). *If approval were to be granted, the development would be consistent with:-*
 - (i) *The orderly and proper planning in the locality;*
 - (ii) *The conservation of the amenities of the locality; and*
 - (iii) *The statement of intent set out in the relevant Precinct Planning Policy; and*
 - (b). *The non-compliance would not have any undue adverse effect on:-*
 - (i) *The occupiers or users of the development;*
 - (ii) *The property in, or the inhabitants of, the locality; or*
 - (iii) *The likely future development of the locality.*

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

- (a) If approval were to be granted, the development would be consistent with:-
- (i) The orderly and proper planning in the locality*

The subject site is located in a prominent location visible from West Coast Highway. Whilst the adjoining site to the south is not set back in accordance with Clause 20 of the Town Planning Scheme, the section of building closest to the subject site is set back 7.5 metres from the front boundary.

It is considered, given the current streetscape, that the proposal would be inconsistent with the surrounding dwellings in the immediate locality. The adjoining site to the north is set back 12.4 metres from the front boundary. The approval of the proposed application would result in the dwelling sitting approximately 6.3 metres forward of the dwelling to the north, and approximately 1.5 metres forward of the northern portion of the dwelling to the south.

It is considered that the approval of the proposed dwelling would be inconsistent with the existing streetscape and would not reflect orderly and proper planning in the locality.

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

The proposed setback is inconsistent with the majority of dwellings in the immediate area, and will have a detrimental impact on the existing streetscape and amenity of the locality. The sheer bulk of the proposed dwelling and the reduced setback to the front boundary will have a negative impact on the current open streetscapes evident along the street, and will be out of character with scale of the surrounding dwellings.

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

Whilst the proposal will be consistent with the Statement of Intent of the City Beach Precinct, by providing a single residential dwelling, it is considered that the sheer bulk and scale of the proposal could guide future redevelopment within the area.

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

(i) The occupiers or users of the development;

The proposal is for a single residential dwelling to be occupied by the owners of the property. The reduced street setback will not result in an undue adverse effect on the owners of the property. In supporting the proposed street setback variation, the private outdoor living area to the rear is increased, however this is only marginal.

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

The form of development proposed will contribute negatively to the character of development established or desired in the locality as it results in a design outcome that is not compatible with the existing streetscape. The reduced setback to the front boundary will increase overshadowing to the front balcony and impact views to the property immediately to the south.

(iii) The likely future development of the locality.

The existing streetscape consists of a number of older dwellings, which may be ready for redevelopment in the near future. It is considered that the approval of the subject application could set an undesirable precedent and affect future development within the locality.

The proposed non-complying application is therefore not supported.

Lot Boundary Setback (Clause 5.1.3 of the R-Codes)

	Deemed-to-comply provision	Proposed
Setback of Cabana from eastern (rear) boundary	Minimum 6.0 metres	1.7 metres
Upper floor setback balcony from southern (right) boundary	Minimum 2.3 metres	2.0 metres
Upper floor setback kitchen, bath and study from southern (right) boundary	Minimum 2.5 metre	2.0 metres
Upper floor setback of walk-in-robe and ensuite from northern (left) boundary	Minimum 2.1 metres	1.94 metres
<p><i>Design principles:</i></p> <p><i>Buildings set back from lot boundaries so as to:</i></p> <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> 		

The applicant seeks variations to the lot boundary setbacks to the northern (left), southern (right) and eastern (rear) boundaries. It is considered that the proposal does not satisfy the above design principles for the following reasons:

- the workshop has a wall height of 4.558 metres, and is set back 2.0 metres from the adjoining property. Whilst there are no major openings and privacy will not be affected, it is considered that this will have a significant impact in terms of building bulk as seen from the adjoining property to the south;
- 6 metre rear setbacks have been maintained in the surrounding properties (with the exception of outbuildings which are permitted 1.0 metre from the boundary). It is considered that the proposed dwelling located 1.7 metres from the rear boundary will create undue bulk to the surrounding properties and have a negative impact on the current open yards to the surrounding dwellings;
- the southern elevation features no 'breaks' in the wall or articulation, therefore increasing the visual impact on the amenity of the adjoining owner in terms of building bulk, and access to ventilation and sunlight;
- the reduced setback to the southern boundary will reduce the adjoining property's access to sunlight and ventilation, and the reduced setback to the rear will further exacerbate the shadow cast to the property to the south;
- it is considered that the variation to the northern boundary is minor and will have little impact on the amenity of the adjoining property to the north;
- on a lot size of 890sqm, it is considered excessive to seek variations to all boundaries, including the front primary street boundary; and
- the proposed dwelling has been designed with outdoor living areas and habitable rooms to the north but in doing so results in reduced setbacks to the southern boundary. These setbacks will result in overshadowing of the adjoining pool area of the property to the south.

Overall, the proposed variations will overshadow habitable rooms and the outdoor living area of the adjoining property to the south, and the lack of articulation will have a negative impact on the surrounding properties in terms of building bulk. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

Building Height (Clause 5.1.6 of the R-Codes)

	Deemed-to-comply provision	Proposed
Maximum building height for a flat or skillion roof	Maximum 7.5 metres	6.8 metres to top of roof of dwelling 7.842 metres to light canopy
<p><i>Design principles:</i></p> <p><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></p> <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> 		

The applicant seeks a variation to the building height for the light canopy located on the roof. A maximum height of 7.842 metres is sought for the light canopy (0.342 metre variation). The subject site is relatively flat, with the proposed finished floor level approximately 0.2 metres above the natural ground level.

It is considered that the proposal does not satisfy the above design principles for the following reasons:

- the provision for a 7.5 metre building height (0.5 metres higher than the R-Codes) in City Beach was a result of the location of the suburb and the significant slope across many of the sites. As the subject site is relatively flat, it is considered that a maximum building height of 7.5 metres could be achieved;
- with the location of the subject site, it is considered that there is the potential for loss of views to the ocean from adjoining properties to the east;
- it is noted that there is only one section of the dwelling which is over height, and that this is located centrally on the roof, however, it is still considered that this could have an impact on views of significance and set an undesirable precedent in the area; and
- with the combination of reduced lot boundary setbacks and building height it is considered that there will be an impact on the amenity of the adjoining property to the south in terms of daylight to major openings.

Overall, the proposed variation to the building height will create excessive height that will impact the amenity of the surrounding dwellings in relation to sunlight and access to views of significance. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

POLICY/STATUTORY IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Ciara Slim, Statutory Planning Officer

ATTACHMENTS:

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

ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a Two Storey Dwelling submitted by Averno Pty Ltd at Lot 252 (No. 30) Chipping Road, City Beach, as shown on the plans dated 22 January 2018, for the following reasons:-

- (i) the proposal does not satisfy the requirements of Clause 39 of the Town Planning Scheme No. 1 and is considered to be incompatible with the existing form of development in the area;
- (ii) the proposal would have a negative impact on future development within the area, and would be inconsistent with the prevailing streetscape, and therefore is not in accordance with orderly and proper planning in the locality;
- (iii) the proposal is not considered to meet the Design Principles of part 5.1.3 (Lot Boundary Setbacks) of the Residential Design Codes of Western Australia 2015, resulting in undue bulk and overshadowing to the adjoining property to the south; and
- (iv) the proposal is not considered to meet the Design Principles of part 5.1.6 of the Residential Design Codes of Western Australia as it results in an undue impact of building bulk on the adjoining properties and will have an impact on access to views of significance.

Committee Meeting 17 April 2018

During discussion, Members agreed that the item be deferred at the request of the applicant.

**COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)**

Moved by Mayor Shannon, seconded by Cr Nelson

That the item relating to Lot 252 (No.30) Chipping Road, City Beach be deferred.

Carried 8/0

DV18.30 LOT 1191 (NO. 1) AYR STREET, FLOREAT - TWO STOREY DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for a two-storey dwelling at Lot 1191 (No. 1) Ayr Street, Floreat.

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

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

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

BACKGROUND:

Application: 0222DA-2017
Owner: Mr CK Edwards and Mrs R Edwards
Applicant: Coastview Australia Pty Ltd
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 827sqm

DETAILS:

Development description

The subject site is located within the Floreat Precinct. The site consists of a single storey dwelling constructed on a brick build-up.

The site is orientated in an east/west direction, tapering towards the rear western boundary. The site slopes approximately 3.4 metres upwards from the north-eastern corner (front right) to the south-western corner (rear left).

The surrounding developments consist of predominantly single storey dwellings, with only 6 houses on the street. Three dwellings have Ayr Street as their Primary Street Frontage.

The development application proposes the following:

- a two storey dwelling with a setback between 6.0 metres and 9.0 metres from the eastern (front) boundary in lieu of a minimum 9.0 metre setback;
- a ground floor level consisting of the living areas, laundry and guest bedroom;
- an upper floor consisting of three (3) bedrooms, a sitting room and balcony;
- the ground floor is set back 11.994 metres from the rear (western) boundary, with the upper floor set back 18 metres from the rear boundary;
- the northern and southern side boundaries taper to the rear of the site;
- the site slopes upwards approximately 3.4 metres from the front (eastern) boundary to the rear (western) boundary;
- the application complies with the landscaping requirements, with the provision of two mature trees being planted within the front setback area;
- low planter boxes are proposed within the front setback area, no higher than 0.5 metres above natural ground level;
- no front fencing is proposed; and
- all side and rear setbacks are compliant with Table 2a and 2b of the R-Codes.

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

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

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

Community Consultation

The application was advertised for a period of 16 days, from 22 January 2018 to 7 February 2018, to seven (7) surrounding properties in accordance with the requirements of the Residential Design Codes of Western Australia. No objections were received.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to street setback, building height and visual privacy. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

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

In accordance with Clause 20, notwithstanding the above provisions of the Residential Design Codes, street boundary setbacks within the Floreat Precinct shall be a minimum of 9.0 metres from the primary street.

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

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

	Deemed-to-comply provision	Proposed
Dwelling setback from Primary Street	Minimum 9.0 metres	6.0 metres - 8.96 metres
<p><i>Clause 39</i></p> <p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p style="padding-left: 40px;">(i) <i>The orderly and proper planning in the locality;</i></p> <p style="padding-left: 40px;">(ii) <i>The conservation of the amenities of the locality; and</i></p> <p style="padding-left: 40px;">(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p style="padding-left: 40px;">(i) <i>The occupiers or users of the development;</i></p> <p style="padding-left: 40px;">(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p style="padding-left: 40px;">(iii) <i>The likely future development of the locality.</i></p>		

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

- (a) If approval were to be granted, the development would be consistent with:-
- (i) *The orderly and proper planning in the locality*

The subject street houses 6 dwellings only. Four of these properties are corner sites, and a total of three out of the six properties have Ayr Street as the primary street frontage, these being No. 15 Cromarty Road (corner site), number 1 Ayr Street (subject site) and number 2 Ayr Street.

The two central sites (No. 1 and 2 Ayr Street) are currently set back in excess of 9.0 metres, however, the subject site is abutting two corner lots, with secondary street setbacks to Ayr Street of 4.5 metres for the southern property and 6.0 metres for the northern property. It is considered that the proposal will be consistent with the established streetscape and will provide orderly and proper planning in the locality.

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

The subject site will be heavily landscaped, with the two existing street trees to be retained. The application complies with all landscaping and lot boundary setback requirements with the condition for two established mature trees to be planted in the front setback area.

The setbacks are consistent with the setbacks in the immediate locality, and will not impact the surrounding dwellings in terms of building bulk, visual privacy or loss of views of significance, therefore preserving the amenities of the locality.

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

The proposal will be consistent with the *Statement of Intent* of the Floreat Precinct, and will provide a single residential dwelling consistent with those in the immediate locality.

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

(i) The occupiers or users of the development;

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

In supporting the proposed street setback variation, the occupiers of the proposed dwelling will be able to enjoy a private outdoor living area with access to winter sunlight.

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

The proposed reduced street setback will not impact on the inhabitants of the locality as the two storey dwelling is setback consistently with existing residential development in the locality.

The application complies with all R-Code and Policy requirements in relation to lot boundary setbacks, visual privacy and overall building height. This will further reduce the impact of the proposed dwelling on the inhabitants of the surrounding properties.

(iii) The likely future development of the locality.

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

The proposed non-complying application is therefore supported.

POLICY/STATUTORY IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Ciara Slim, Statutory Planning Officer

ATTACHMENTS:

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

ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY the application for a Two Storey Dwelling submitted by Coastview Australia Pty Ltd at Lot 1191 (No. 1) Ayr Street, Floreat as shown on the plans dated 24 January 2018, subject to the following conditions:-

- (i) the roof material not to be zincalume or off-white ('Surfmist') Colorbond;
- (ii) a minimum of 50% of the front setback area to be landscaped to the satisfaction of the Town;
- (iii) two (2) mature trees, being a minimum 45 litre bag or a minimum of 2 metres in height and diameter, to be provided within the front setback area in accordance with the provisions of clause 3.1.9: Landscaping of the Town's Planning Policy 3.1: Streetscape;
- (iv) the landscaping in the front setback area to be installed within six (6) months of the completion of the dwelling and to be maintained to the satisfaction of the Town;
- (v) the two trees located on the verge directly adjacent to the subject site to be retained;
- (vi) the crossover to be no wider than 6.0 metres (excluding splays);

- (vii) the redundant vehicle crossover outside the subject site to be removed and the kerbing, verge and footpath to be reinstated to the specifications and satisfaction of the Town prior to the occupation of the dwelling; and
- (viii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.

Advice Note:

The applicant be advised that:

1. the applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct;
2. all works within the road reserve, such as vehicle crossovers, verge paving and landscaping require a separate application and approval by the Town's Infrastructure Services. These works must conform to the Town's specifications;
3. a protective fence to be installed around all street trees within the affected building development area. This protective fencing is to be maintained in good order at all times;

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

Committee Meeting 17 April 2018

During discussion, Members were not prepared to support the application as it was considered not to satisfy the requirements of Clause 39(3) of the Town Planning Scheme No.1 and Schedule 2, Part 9, Clauses 67(m) and (n)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015.

The Administration Recommendation was then voted upon and lost 2/3.

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

COUNCIL DECISION: (COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a Two Storey Dwelling submitted by Coastview Australia Pty Ltd at Lot 1191 (No. 1) Ayr Street, Floreat as shown on the plans dated 24 January 2018, for the following reasons:-

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

- (ii) the proposal does not satisfy Schedule 2, Part 9, Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the appearance of the development is not compatible with adjoining land in the locality from the perspective of bulk and scale; and**
- (iii) the proposal does not satisfy Schedule 2, Part 9, Clause 67(n) (ii) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the development would be inconsistent with the prevailing streetscape and garden suburb character of the locality.**

Carried 5/4

For: Mayor Shannon (Casting Vote), Crs Bradley, McKerracher and Timmermanis
Against: Crs Carr, McAllister, Nelson and Powell

DV18.31 LOT 645 (NO. 4) NIRIBI ROAD, CITY BEACH - TWO STOREY DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for a two storey dwelling at 645 (No. 4) Niribi Road, City Beach.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme in relation to the setback of the dwelling from the front boundary. Determination is also required by Council with regards to variations to lot boundary setbacks and building height as objections have been received.

The Administration recommends that the application should be refused.

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

BACKGROUND:

Application: 0278DA-2017
Owner: Ms E Golding and Mr DR Golding
Applicant: Ms E Golding and Mr DR Golding
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 733sqm

DETAILS:

Development description

The subject site is located within the City Beach Precinct, and the site currently comprises of a two-storey pitched roofed dwelling. The current dwelling is set back approximately 12 metres from the front boundary, with a side loading garage set back approximately 8.0 metres from the front boundary.

The street slopes downwards from the east to the west. The subject site slopes downwards approximately 2.5 metres from the front right boundary (south-east) to the rear left boundary (northern corner). The surrounding lots consist of double storey dwellings, with setbacks for the dwellings fronting Niribi Road ranging from 8.3 metres to 15.0 metres (one carport is existing at a setback of 2.8 metres to the front boundary).

The development application proposes the following:

- a two-storey split level dwelling comprising of:
 - a garage, den, kitchen, sitting room, dining room, sunroom and conversation area on the lower ground level (FFL 65.52);
 - a games room, guest room, laundry, ensuite and terrace on the upper ground floor (FFL 66.549);
 - two bedrooms and an activity room on one level of the upper floor (UFL 68.091); and
 - two bedrooms, two bathrooms; outdoor lounge and balcony on the second level of the upper floor (UFL 69.463);
- a front setback of 6.0 metres is proposed in lieu of 7.5 metres to the front boundary.
- the proposed double garage is set back 6.0 metres from the front boundary in lieu of 7.5 metres;
- a parapet wall to the garage is proposed to the north-western boundary;
- a large retaining wall approximately 1.2 metres high separates the subject site and the lot to the east;
- a 'turret' is proposed central to the building, with a 25 degree pitch to the remaining roof;
- the dwelling will be finished in face brickwork and feature stone;
- the applicant proposes to maintain the levels to the rear of the site, and therefore the terrace will step down to the existing natural ground level;
- a compliant front boundary wall is proposed consisting of limestone blockwork with visually permeable infill panels; and
- variations are sought in relation to lot boundary setbacks, visual privacy and building height. Objections have been received.

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

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

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

Community Consultation

The application was advertised for a period of 16 days, from 6 November 2017 to 22 November 2017 to the three (3) adjoining properties in relation to the side setbacks and building height. Two (2) objections were received.

The application was then readvertised for a period of 16 days from 30 January 2018 to 15 February 2018, to the five (5) surrounding properties in accordance with the requirements of the Residential Design Codes of Western Australia. Three (3) objections were received (two additional from previous advertising period).

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

Summary of Comments Received:	Officer Technical Comment:
Proposed setback of the kitchen wall will impact our property	The setback of the kitchen wall will increase the impact of building bulk as seen from the adjoining property to the north-west.
Loss of morning sunlight to the adjoining dwelling	The reduced setback may affect sunlight to the adjoining property to the north-west, however, overshadowing from the winter sun is compliant with Clause 5.4.2 (Solar Access for Adjoining Sites).
Loss of privacy	The application complies with all requirements of the R-Codes Clause 5.4.1 (Visual Privacy)
Approval of reduced setback could set a precedent for development in the area	The proposed setback is inconsistent with the prevailing streetscape as all dwellings are setback in accordance with the Scheme Requirements of Clause 20.
Loss of views	With the location of the proposed dwelling and the proposed building height there is the potential for the development to impact on the adjoining property's access to views of significance.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to front setback, lot boundary setback and building height. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

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

In accordance with Clause 20 of the Town's TPS No. 1, street boundary setbacks within the City Beach Precinct shall be a minimum of 7.5 metres from the primary street (Niribi Road).

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

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

	Deemed-to-comply provision	Proposed
Dwelling setback from Primary Street	Minimum 7.5 metres	Ground Floor: 6.0 metres Upper Floor: 6.0 metres
<p><i>Clause 39</i></p> <p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p>(i) <i>The orderly and proper planning in the locality;</i></p> <p>(ii) <i>The conservation of the amenities of the locality; and</i></p> <p>(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p>(i) <i>The occupiers or users of the development;</i></p> <p>(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p>(iii) <i>The likely future development of the locality.</i></p>		

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

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

(i) The orderly and proper planning in the locality

The subject site is located on a street which five lots use as their primary street frontage. Of these lots, all are set back in excess of the required 7.5 metre setback as required by the Town Planning Scheme (Clause 20). The setbacks range from 8.3 metres to 15.0 metres from the front boundary. The approval of the subject proposal would be inconsistent with the prevailing streetscape, and would not conserve the existing amenities and setbacks in the immediate locality.

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

The amenities in the locality will be compromised by the approval of this application. The existing open streetscape will be compromised should the proposal be approved. Views of significance will be negatively impacted for the properties to the east of the subject site.

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

Whilst the proposal will be consistent with the Statement of Intent of the City Beach Precinct, by providing a single residential dwelling, it is considered that the sheer bulk and scale of the proposal as seen from the street could guide future redevelopment within the area.

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

(i) The occupiers or users of the development;

The proposal is for a two storey split level residential dwelling to be occupied by the owners of the property. The reduced street setback will not result in an undue adverse effect on the owners of the property. The reduced setback to the front provides a greater setback to the rear boundary, well in excess of the required setbacks.

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

The proposed reduced street setback will negatively impact those inhabitants of the surrounding properties. The bulk of the dwelling as presented to the street is inconsistent with those in the immediate locality. A reduced setback is sought to both the upper and ground floors from the front boundary, and will reduce ocean views of the neighbouring properties to the east as the front setback is reduced by 1.5 metres. This compounded with the building height and lot boundary setbacks will have a negative impact on the amenity of the inhabitants of the locality.

(iii) The likely future development of the locality.

The established streetscape demonstrates setbacks in excess of the required setbacks. The approval of the proposed application would result in the dwelling sitting approximately 3.3 metres forward of the dwelling to the north-west. Whilst it is noted, that the adjoining dwelling to the south-east (left) has a setback of 3.75 metres to Niribi Road, this is a corner site which fronts Kalinda Drive, and is therefore compliant with the required setbacks.

Should surrounding lots on the street be redeveloped in the future, the approval of the proposed two-storey dwelling set back 6.0 metres from the front boundary could set an undesirable precedent and affect future development within the locality. It is considered, that the proposal would be inconsistent with the established streetscape.

The proposed non-complying application is therefore not supported.

Lot Boundary Setback (Clause 5.1.3 of the R-Codes)

	Deemed-to-comply provision	Proposed
Ground floor setback of kitchen and larder from the north-western (left) side boundary	Minimum 1.5 metres	1.0 metre
Ground floor setback of the garage from the north-western (left) side boundary	Minimum 1.0 metre	Nil.
<p><i>Design principles:</i></p> <p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <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> <p><i>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or</i> • <i>outdoor living areas;</i> • <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> • 		

The applicant seeks variations to the lot boundary setbacks of the ground floor to the north-western (left) side boundary. It is considered that the proposal does not satisfy the above design principles for the following reasons:

- the proposal is for a new build on a lot with a frontage of 22.13 metres. It is considered, that the provision of a parapet wall on a lot of this size creates unnecessary building bulk as viewed from the adjoining property;
- whilst there will be little impact on the adjoining site with regards to overshadowing, the reduced setbacks to the north-western boundary will have an adverse impact on the amenity of the adjoining property with regards to access to sunlight and ventilation, and will negatively impact the windows on the adjoining property; and
- the current streetscape comprises of single dwellings set back from the side boundaries. The proposal is inconsistent with the prevailing development in the area.

Overall, the proposed variations will create unnecessary bulk as viewed from the street and the adjoining property to the north-west. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

Building Height (Clause 5.1.6 of the R-Codes)

	Deemed-to-comply provision	Proposed
Wall height	Maximum 6.5 metres	6.8 metres (to rear of dwelling) 7.57 metres (to front turret)
<p><i>Design principles:</i></p> <p><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></p> <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> 		

The applicant seeks a variation to the building height for the building height at the rear of the site, and to the front turret. It is considered that the proposal does not satisfy the above design principles for the following reasons:

- whilst both the upper and ground floors have been 'stepped' to reflect the natural fall of the land, it is still considered that the additional height in addition to the reduced front setback will impact the adjoining properties' access to views of significance;
- the building height to the front and rear of the site will have a negative impact in terms of building bulk as viewed from the street and the adjoining properties; and
- with the combination of reduced lot boundary setbacks and building height, it is considered, that there will be an impact on the amenity of the adjoining properties in terms of daylight to major openings.

Overall, the proposed variation to the building height will create excessive height that will impact the amenity of the surrounding dwellings in relation to sunlight and access to views of significance. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

POLICY/STATUTORY IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Ciara Slim, Statutory Planning Officer

ATTACHMENTS:

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

ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a Two Storey Dwelling submitted by (Ms E Golding and Mr DR Golding at Lot 645 (No. 4) Niribi Road, City Beach, as shown on the plans dated 18 January 2018, for the following reasons:-

- (i) the proposal does not satisfy the requirements of Clause 39 of the Town Planning Scheme No. 1 and is considered to be incompatible with the existing form of development in the area;
- (ii) the proposal would have a negative impact on future development within the area, and would be inconsistent with the prevailing streetscape, and therefore is not in accordance with orderly and proper planning in the locality;
- (iii) the proposal is not considered to meet the Design Principles of part 5.1.3 (Lot Boundary Setbacks) of the Residential Design Codes of Western Australia, resulting in undue bulk

as viewed from the adjoining property, which is inconsistent with the prevailing streetscape; and

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

Committee Meeting 17 April 2018

During discussion, Members agreed that the item be deferred at the request of the applicant.

**COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)**

Moved by Mayor Shannon, seconded by Cr Nelson

That the item relating to Lot 645 (No.4) Niribi Road, City Beach be deferred.

Carried 8/0

DV18.32 LOT 1020 (NO. 36) PEBBLES ROAD, FLOREAT -TWO STOREY DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for a two storey dwelling at No. 36 Pebbles Road, Floreat.

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

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

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

BACKGROUND:

Application: 0047DA-2018
Owner: Mr FW Drummond and Mrs HC Drummond
Applicant: Highbury Homes (WA) Pty Ltd
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 918 m²

DETAILS:

Development description

An application for the subject site was initially submitted on 19 February 2018. Amended plans were received on 12 March 2018 which addressed issue with the crossover and landscaping in the front setback area.

The subject site is located within the Floreat. The site is currently vacant. The site is the only dwelling on the street block with sole frontage to Peebles Road with the properties on either side being corner lots.

The lot is slightly wedge shaped with two rear lot boundaries and a wide frontage of 25.15 metres.

The development application proposes the following:

- Two storey dwelling with a flat roof facing the street and skillion roofs at the rear of the dwelling.
- The dwelling has a minimum front setback of 6.5 metres to the dwelling in lieu of 9.0 metres.
- The dwelling has a double garage setback approximately 7.0 metres from the front boundary and an additional single garage/workshop adjacent with a setback of 7.5 metres.
- The triple garage results in a minor variation to garage frontage provisions.
- Subject to the retention of the existing mature tree retained in the south-east corner of the lot, landscaping in the front setback meets Council's Streetscape requirements. A condition requiring its retention or the provision of a new mature tree within the front setback area can be applied to any approval.

Community Consultation

The application was advertised for a period of 20 days (extended due to Easter period), from 20 March 2018 to 9 April 2018, in accordance with the requirements of Clause 39 of Town Planning Scheme No. 1. No objections or submissions were received.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to the primary street setback and garage width variation. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

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

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

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

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

	Deemed-to-comply provision	Proposed
Dwelling setback from Primary Street	Minimum 9.0 metres	6.502 metres
<p><i>Clause 39</i></p> <p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p>(i) <i>The orderly and proper planning in the locality;</i></p> <p>(ii) <i>The conservation of the amenities of the locality; and</i></p> <p>(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p>(i) <i>The occupiers or users of the development;</i></p> <p>(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p>(iii) <i>The likely future development of the locality.</i></p>		

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

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

(i) The orderly and proper planning in the locality

Peebles Road runs east west and there are a number of street blocks on the north side of Peebles road consisting of only one lot with sole frontage to Peebles Road with lots either side being on corners. This means that there is not one long continuous line of dwellings with large setbacks to Peebles Road as many original dwellings on corners are angled to the corner and other dwellings have solid walls along Peebles Road if they are deemed secondary street frontages. A reduced front setback to one of few dwellings facing Peebles Road within this section would not interrupt a contiguous streetscape.

It is also noted that the subject site is opposite a primary school and church which have car parking areas adjacent and result in this portion of Peebles Road having less of a feel of a traditional residential streetscape.

It is considered, that the proposal will be consistent with the established streetscape and will provide orderly and proper planning in the locality.

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

It is not considered the front setback variation proposed would have a significant impact on the amenities of the locality as the setbacks are consistent with the setbacks in the immediate locality, and will not impact the surrounding dwellings in terms of building bulk, visual privacy or loss of views of significance, therefore preserving the amenities of the locality.

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

The proposal will be consistent with the *Statement of Intent* of the Floreat Precinct, and will provide a single residential dwelling consistent with those in the immediate locality.

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

(i) The occupiers or users of the development;

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

In supporting the proposed street setback variation, the occupiers of the proposed dwelling will be able to enjoy a private outdoor living area with access to winter sunlight as the rear of the property faces north.

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

The proposed reduced street setback will not impact on the inhabitants of the locality as the two storey dwelling does not impact on inhabitants of the locality with adjoining lots oriented away from this dwelling and there is a school opposite.

The application complies with all R-Code and Policy requirements in relation to lot boundary setbacks, visual privacy and overall building height. This will further reduce the impact of the proposed dwelling on the inhabitants of the surrounding properties.

(iii) The likely future development of the locality.

It is considered that the variation to front setback would not be out of character with the remainder of the streetscape. Due to the size and nature of the street, it is unlikely that the approval of this development would have any impact on future developments of the locality, and could not be used as a precedent. There are only a few houses along the northern side of Peebles Road with only primary access to this streetscape.

The proposed non-complying application is therefore supported.

Garage Width (Clause 5.2.2 of R Codes)

	Deemed-to-comply provision	Proposed
Garage Width	Max 50% of the frontage at the setback line as viewed from the street	53.3%
<i>Design Principles</i>		
<i>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>		

The garage width proposed can be supported as it satisfies the design principles of the R Codes as follows:

- There are two sections of garage door broken up into different setbacks which assists in breaking up the line of garage doors and assists in ensuring the streetscape is not dominated by garage doors.
- There are numerous major openings at both ground and upper levels which ensures visual connectivity between the dwelling and the street is maintained with the front entry also clearly visible.

The upper storey sits over the double garage section of the dwelling with two bedrooms with major openings facing the street so that visual connectivity between the dwelling and the streetscape is maintained.

On the basis of all of these factors, it is considered the proposal meets the relevant design principles and can be supported.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Jenny Bender, Senior Planning Officer

ATTACHMENTS:

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

ADMINISTRATION RECOMMENDATION:

That in accordance with Clause 68 (2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No.1, Council APPROVES by an ABSOLUTE MAJORITY the application for a two storey dwelling as submitted by Highbury Homes at Lot 1020 (No. 36) Peebles Road, Floreat as shown on the plans dated 12 March 2018 subject to the following conditions:-

- (i) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sump for rainwater tanks within the site for the effective retention of stormwater on site;
- (ii) one advanced growth tree, being a minimum 45 litre bag or a minimum of 2 metres in height and diameter, to be provided within the front setback area in accordance with the provisions of Clause 3.1.9: Landscaping of the Town's Planning Policy 3.1: Streetscape or else the existing mature tree on the south eastern corner of the lot is to be retained;
- (iii) the roofing material not to be zincalume, white or off-white (Surfmist) Colorbond; and
- (iv) all air conditioning units to be screened from the street and are to be located in a position to minimise the impact on adjoining properties.

Committee Meeting 17 April 2018

During discussion, Members were not prepared to support the application as it was considered not to satisfy the requirements of Clause 39(3) of the Town Planning Scheme No.1 and Schedule 2, Part 9, Clauses 67(m) and (n)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015.

The Administration Recommendation was then voted upon and lost 1/4.

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

COMMITTEE RECOMMENDATION:

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a Two Storey Dwelling submitted by Highbury Homes at Lot 1020 (No. 36) Peebles Road, Floreat, as shown on the plans dated 12 March 2018, for the following reasons:-

- (i) the proposal does not satisfy the requirements of Clause 39 (3) of the Town Planning Scheme No. 1 as the proposed development is considered to be incompatible with the existing form of development in the area and therefore inconsistent with the orderly and proper planning of the locality;**
- (ii) the proposal does not satisfy Schedule 2, Part 9, Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the appearance of the development is not compatible with adjoining land in the locality from the perspective of bulk and scale; and**

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

During discussion, Members noted that the applicant has requested that the item be deferred.

COUNCIL DECISION:

Moved by Cr Timmermanis, seconded by Cr Bradley

That the item relating to Lot 1020 (No. 36) Peebles Road, Floreat be referred back to the Development Committee for further consideration.

Carried 7/1

**For: Mayor Shannon, Crs Bradley, Carr, McAllister, McKerracher, Nelson and
 Timmermanis**

Against: Cr Powell

DV18.33 LOT 372 (NO. 78) BRANKSOME GARDENS, CITY BEACH - TWO STOREY DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for a two storey dwelling at 78 Branksome Gardens, City Beach.

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

The Administration recommends that the application should be refused. Should Council resolve to approve the application, an absolute majority decision is 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 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. 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.

BACKGROUND:

Application: 0033DA-2018
Owner: Mr GJR King and Mrs KL King
Applicant: Coast Homes (WA) Pty Ltd
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 903m²

The Council approved a similar dwelling at its meeting on 28 March 2017 (Item DV17.31), which had a 6.0 metre setback for the front section of the building and a larger rear setback variation with a wing of the dwelling running along the length of the rear boundary. The walls along the rear boundary were staggered and varied between 1.8 and 4.1 metres.

DETAILS:

Development description

An application for the subject site was initially submitted on 31 January 2018 for the two storey dwelling. Further amended plans and justification were received on 14 March 2018.

The subject site is located within the City Beach precinct. The site is currently comprises a single storey brick and tile dwelling which is to be demolished.

The property has an incremental slope of just over two metres from the front/north-eastern to the rear-south-western corners.

The development application proposes the following:

- The proposed dwelling has most of its key living areas on the ground floor, designed with a wing running along the southern boundary with outdoor areas to the side and rear to maximise a solar aspect. The upper floor has a relatively small footprint and is positioned towards the front of the site.
- A flat roof design has been employed for most of the building, however, the rear single storey position includes a 5 degree skillion roof.
- The design results in a rear setback variation of 2.2 metres to the activity room in lieu of the required 6.0 metres. An open pergola structure is also set within the rear setback area but is not classified as a building requiring a 6.0 metre setback.
- The dwelling is set back 6.0 metres in lieu of 7.5 metres from the front boundary. A cantilevered porch/awning has a minimum front setback of 5.0 metres.
- Landscaping within the front setback area meets requirements with two mature trees being provided. These have been indicated on the amended plan.

Community Consultation

The application was advertised for a period of 18 days, from 19 March 2018 to 6 April 2018, in accordance with the requirements of Clause 39 of Town Planning Scheme No. 1. One submission objecting to the proposal was received.

Attachment 2 of this report provides a summary of the comments and issues raised during the community consultation process and an Officer technical response to each comment and issue.

Summary of Comments Received:	Officer Technical Comment:
The building bulk projecting beyond other houses to the street is not acceptable.	The development will impact on the streetscape in terms of building bulk forward of the 7.5 metre required front setback.

Applicant's justification

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

Assessment against the design principles

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

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

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

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

	Deemed-to-comply provision	Proposed
Dwelling setback from Primary Street	Minimum 7.5 metres	6.0 metres to dwelling 5.0 metres to cantilevered porch

Clause 39

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

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

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

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

- (i) The occupiers or users of the development;*
- (ii) The property in, or the inhabitants of, the locality; or*
- (iii) The likely future development of the locality.*

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

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

(i) The orderly and proper planning in the locality

The subject site forms part of a long streetscape of large setbacks and open front gardens. There only a few examples of open carports or minor incursions into the front setback area. Large and open front setbacks is a characteristic of the locality.

There are no site constraints to the dwelling being located further back with the lot being a regular shape.

The introduction of a reduced front setback into this locality would not be consistent with the existing streetscape and would therefore not be orderly and proper planning.

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

The setback would not be consistent with the setbacks in the immediate locality, and will impact the surrounding dwellings in terms of building bulk with the two storey component of the dwelling set forward on the lot.

This would increase building bulk on the streetscape and introduce built forms into an area otherwise taken up with open lawns and front gardens.

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

The proposal will be consistent with the *Statement of Intent* of the City Beach Precinct, as it provides for a single residential dwelling.

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

(i) The occupiers or users of the development;

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

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

The proposed reduced street setback will impact on the inhabitants of the locality as the two storey dwelling will not be set back consistently with existing residential development in the locality.

A submission has been received from a neighbor directly affected by the proposed setback variation noting that the proposed front setback variation will have an impact on the streetscape surrounding them by introducing increased building bulk into the streetscape area.

(iii) The likely future development of the locality.

It is considered that the variation to front setback will be out of character with the remainder of the streetscape. Due to its location along part of a long open streetscape, the approval of a reduced front setback could be used as a precedent and affect the likely future development of the locality.

The proposed non-complying application is therefore not supported.

Lot boundary setback (Clause 5.1.3 of R Codes)

	Deemed-to-comply provision	Proposed
Rear Setback	Min 6.0 metres	2.2 metres to activity room
<p><i>Design principles:</i></p> <p><i>Buildings set back from lot boundaries so as to:</i></p> <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> <p><i>Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 		

The design satisfies the design principles relating to rear boundary setbacks due to the following reasons:

- makes for effective use of space by creating active habitable spaces on the north side of the property. Apart from the activity room and an open pergola structure, the remainder of the rear setback area is open space and pool area which minimises the impact of building bulk on surrounding properties.
- the incursion into the rear setback area is for a single storey activity room with its major openings oriented towards the northern active habitable spaces. Impact on the adjoining property to the south in terms of overshadowing and privacy is therefore minimised.
- it is noted that the adjoining property has a similar layout with a reduced rear setback to the dwelling and a pool gazebo in the rear setback area so that the proposal is consistent with the surrounding development context.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Jenny Bender, Senior Planning Officer

ATTACHMENTS:

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

COMMITTEE AND ADMINISTRATION RECOMMENDATION:

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) and Clause 39 of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a two storey dwelling submitted by Coast Homes at Lot 372 (No. 78) Branksome Gardens, City Beach as shown on the plans dated 14 March 2018, for the following reason:-

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

During discussion, Members noted that the applicant has requested that the item be deferred.

COUNCIL DECISION:

Moved by Cr Timmermanis, seconded by Cr Bradley

That the item relating to Lot 372 (No. 78) Branksome Gardens, City Beach be referred back to the Development Committee for further consideration.

Carried 8/0

DV18.34 LOT 395 (NO.114) ROSEDALE STREET, FLOREAT - SINGLE STOREY DWELLING WITH UNDERCROFT GARAGE AND ROOF TERRACE

SUMMARY:

The purpose of this report is for Council to consider a development application for a single storey dwelling within undercroft garage and roof terrace at Lot 395 (No. 114) Rosedale Street, Floreat.

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

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

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

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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. 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. |

BACKGROUND:

Application: 0018DA-2018
Owner: Ms N Forrest and Mr SR Allison
Applicant: CSA Craig Steere Architects
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 799sqm

DETAILS:

Development description

A development application for a single storey dwelling was received by the Town on 18 January 2018 with amended plans being provided on 8 March 2018.

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

The site is orientated in an eastern direction with the natural ground level of the property gently sloping upwards from street level (western boundary) towards the rear (eastern boundary). The property slopes a total of 2.77 metres over a length of 44.12 metres. The surrounding properties consist of predominantly single storey dwellings. Of the four dwellings on Rosedale Street, between Evandale Street and Salvado Road, only two are orientated to and propose their primary street frontage to Rosedale Street. Those dwellings are No. 112 Rosedale Street (neighbouring property to the right/south of the subject site) and the proposed subject dwelling No. 114 Rosedale Street.

The development application proposes the following:

- a single storey dwelling set back a minimum of 6.0 metres to the undercroft entry and overall ground floor, 7.0 metres to the garage and 9.2 metres to the roof terrace from the western (front) boundary, in lieu of the required 9.0 metres required under Clause 20 of Town Planning Scheme No 1;
- the development comprises of a double car garage, store and study on the undercroft level. The main suite, guest bedroom and respective ensuites are located at the front of the dwelling on the ground floor level. The living, dining, kitchen and sitting rooms are in the centre of the dwelling on this level with the outdoor living areas located directly off the living and dining rooms. The remaining three bedrooms and main bathroom have been positioned to the rear of the property on the ground floor. The roof terrace is accessed through the spiral staircase located in the outdoor living area off the living room;
- the proposal is fully compliant with building height provisions and open space requirements;
- the application easily complies with the landscaping requirements, with the provision of a total of 54.12% landscaping (4.12% greater than the required 50%) within the front setback area and sees the retention of an existing mature tree on site and one new advanced tree has also been proposed within the front setback area;
- no front fencing is proposed as part of this application;
- all retaining proposed is within 0.5 metres of natural ground level;
- lot boundary setbacks to the north (left hand side boundary) are fully compliant with Tables 2a and 2b of the R-Codes.
- A total of two lot boundary setback variations have been proposed for this development. The first lot boundary setback variation is proposed to the southern side boundary with the minimum setback proposed of 2.2 metres in lieu of 2.8 metres based on the overall length of the dwelling to the south. The second lot boundary setback variation is proposed to the rear eastern boundary with the ground floor set back 1 metre in lieu of the minimum setback requirement of 6.0 metres which is required as per Table 1 of the R-Codes and not as per Table 2a or 2b. No objections were received in relation to either of these lot boundary setback variations.

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

- 3.1 – Streetscape; and
- 6.3 – Floreat Precinct

The proposal seeks a variation to the Scheme (Clause 20) with regards to the minimum street setback requirement in the Floreat Precinct. A design principle assessment has been undertaken with regards to the two variations to Lot boundary setbacks (Clause 5.1.3). The development demonstrates compliance with the relevant design principles, and no objections were received in regards to this proposal.

Community Consultation

The application in respect to the primary street setback variations was advertised for a period of 14 days, from 9 March 2018 to 23 March 2018, to six (6) neighbouring properties in accordance with the requirements of the Residential Design Codes of Western Australia. No objections were received against the proposal from any of the neighbouring property owners. It is also noted that the applicants submitted signed copies of plans from adjoining property owners (No 319, No 317, No 315 Salvado Road, No 96 Evandale Street and No 112 Rosedale Street) with notations on the plans stating they had no objection to the proposed street setbacks or lot boundary setbacks relative to their property.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to street setback, lot boundary setbacks and visual privacy. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

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

In accordance with Clause 20, notwithstanding the above provisions of the Residential Design Codes, street boundary setbacks within the Floreat Precinct shall be a minimum of 9.0 metres from the primary street.

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

The Council must therefore be satisfied BY ABSOLUTE MAJORITY that, in approving an application for development approval for a non-complying application, that the development would be consistent with the objectives as detailed in Clause 39 of the Scheme:

	Deemed-to-comply provision	Proposed
Dwelling setback from Primary Street	Minimum 9.0 metres	<ul style="list-style-type: none"> • 6.0 metres to the undercroft entry & the ground floor level, and • 7.0 metres to the undercroft garage & study
<p><i>Clause 39</i></p> <p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p style="margin-left: 40px;">(i) <i>The orderly and proper planning in the locality;</i></p> <p style="margin-left: 40px;">(ii) <i>The conservation of the amenities of the locality; and</i></p> <p style="margin-left: 40px;">(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p style="margin-left: 40px;">(i) <i>The occupiers or users of the development;</i></p> <p style="margin-left: 40px;">(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p style="margin-left: 40px;">(iii) <i>The likely future development of the locality.</i></p>		

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

- (a) If approval were to be granted, the development would be consistent with:-
- (i) *The orderly and proper planning in the locality*

There are four dwellings on this section of Rosedale Street between Evandale Street and Salvado Road and two propose their primary street frontage to Rosedale Street. Those dwellings are No. 112 Rosedale Street (neighbouring property to the right/south of the subject site) and the proposed subject dwelling No. 114 Rosedale Street.

The existing dwelling on No. 319 Salvado Road (property to the north of the subject site) is set back 4.5 metres from Rosedale Street. The proposed dwelling, which is the subject of this application, proposes a 6.0 metres setback to the undercroft entry and ground floor level and a 7.0 metres setback to the garage and study on the undercroft level. A compliant setback of 9.2 metres to the roof terrace has been proposed. The existing dwelling on No. 112 Rosedale Street (property to the south of the subject site) has a setback of 10.5 metres from Rosedale Street.

It is noted that the property sits directly across from No. 115 and No. 117 Rosedale Street, both of which have carport structures located within their primary street setback areas. No. 115 Rosedale Street's existing carport is set back approximately 1.1 metres from the street and No. 117 Rosedale Street's existing carport is set back 4.0 metres from the street. It is therefore considered that the proposal and the proposed primary street setback variations would not be out of character with the existing established streetscape and would not impact negatively on the locality.

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

The encroachment into the primary street (Rosedale Street) setback area is in keeping with the streetscape. The portions of the dwelling proposed within the street setback area include the balcony, main suite opening and guest bed opening, all of which provides passive surveillance between the subject site and Rosedale Street. The amenities in the locality will not be compromised by the approval of this application. The proposal is for a single storey residential dwelling, with undercroft level and a roof terrace. The proposal will not impact or cause any disturbance on the amenities in the locality.

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

The proposal is consistent with the *Statement of Intent* of the Floreat Precinct, as the development proposes a single residential dwelling to occupy the property which is consistent with those in the immediate locality.

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

(i) The occupiers or users of the development;

The proposal is for a single residential dwelling to be occupied by the owners of the property. The reduced street setback will not result in an undue adverse effect on the owners of the property. In supporting the proposed street setback variation, the occupiers of the proposed dwelling will be able to enjoy additional outdoor living area which is provided to the northern boundary towards the rear of the property and a useable balcony area to the front of the dwelling on the ground floor level which will allow for passive surveillance and interaction with the street.

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

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

(iii) The likely future development of the locality.

It is considered that the variation to the front setback would not be out of character with the remainder of the streetscape. With the exception of the entry, the majority of the undercroft level has been set back at 7.0 metres from the primary street. The ground floor level setback is 6.0 metres and has included a street facing balcony with open breezeblock screening fronting the street to promote interaction and surveillance of the street. The contrasting materials and finishes of the front façade have also assisted in ensuring there is no perceived building bulk as viewed from the street.

It is also noted that the subject site will be heavily landscaped, with an existing mature tree being retained and one advanced tree also being proposed within the front setback area. The application is fully compliant with all landscaping requirements and will be consistent with landscaping on neighbouring properties and further enhance the streetscape.

The proposed non-complying application is therefore supported.

Lot boundary setback (Clause 5.1.3 of the R-Codes)

	Deemed-to-comply provision	Proposed
Sewing/office portion of wall setback to the southern side boundary	Minimum 2.8 metres	Minimum 2.3 metres
Bed 4 – bath portion of wall setback to the rear (eastern) boundary	Minimum 6.0 metres	Minimum 1.0 metres
<p><i>Design principles:</i></p> <p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <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> <p><i>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 		

The applicant seeks one setback variation to the southern (right) side boundary and one to the eastern (rear) boundary only. All other lot boundary setbacks are compliant.

Notwithstanding, the reduced setbacks can be supported by satisfying the relevant design principles, as follows:

Setback variation to the south (side)

- the proposed side lot boundary setback is based on the total length of wall of the dwelling to the southern (right) side boundary and the minimum setback proposed is 2.3 metres to the sewing/office. The remainder of the southern side setbacks have been assessed independently and are compliant.
- the southern side of the ground floor of the dwelling has been well articulated with the inclusion of minor openings to break up any perceived building bulk as viewed from the adjoining property to the south (No 112 Rosedale Street).
- as mentioned above this setback variation is from the portion of the sewing/office portion of wall length of 3.9 metres.
- it is important to note that this ground floor side setback of the subject property abuts the neighbouring property's (No. 112 Rosedale Street's) approximately 4m wide driveway to their garage located to the rear of their property and does not abut any active habitable spaces or major openings. There is no overlooking or loss of privacy to the adjoining property to the south and while the dwelling does result in overshadowing to the adjoining property, the majority of the shadow cast falls onto the neighbouring property's driveway.

- the proposed minimum side setback of 2.3 metres will still enable adequate direct sun and ventilation to the building and open spaces of both the subject site and adjoining property.

Setback variation to the east (rear)

- the proposed rear lot boundary setback of 6.0 metres is based on Table 1 of the R-Codes and is not based on the the total length or height of the ground floor portion of dwelling. The minimum setback proposed is 1.0 metres.
- the rear ground floor portion of the dwelling is single storey only with the inclusion of a minor opening to ensure there is no perceived building bulk as viewed from the adjoining property to the east.
- it is important to note that there is an existing gazebo (set back approximately 1.8 metres) and an existing outbuilding (set back 1.0 metres) to the eastern rear boundary. It is therefore not considered that the removal of these structures and the construction of a portion of the single storey dwelling would create any building bulk impact to the adjoining property to the rear.
- the proposed setback variation to the rear would abut the neighbouring property's rear garden area in which they also have an outbuilding set back less than 6.0 metres from their rear boundary and setback approximately 1.0 metres from their side boundary. The proposed setback variation therefore does not abut any active habitable spaces or major openings.
- as mentioned above, there is no major opening proposed to the rear of the dwelling so there is no overlooking or loss of privacy to the adjoining property to the east. The proposed minimum rear setback of 1.0 metres will still enable adequate direct sun and ventilation to the building and open spaces of both the subject site and adjoining property
- due to the sites orientation and this variation being proposed to the eastern rear boundary, there will be no shadow cast to the adjoining property.

The application and proposed variations clearly meets the relevant design principle and will not impact on the amenity of the adjoining properties.

POLICY/STATUTORY IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Laura Kelliher, Planning Officer

ATTACHMENTS:

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

ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a Single Storey Dwelling with an undercroft level and roof terrace submitted by CSA Craig Steere Architects at Lot 395 (No. 114) Rosedale Street, Floreat as shown on the plans dated 8 March 2018, subject to the following conditions:-

- (i) the roof material not to be zincalume or off-white ('Surfmist') Colorbond;
- (ii) the landscaping areas, as shown on the approved plan, are to be installed and reticulated within six (6) months of the completion of the dwelling and to be maintained to the satisfaction of the Town;
- (iii) the crossover to be no wider than 6.0 metres (excluding splays); and
- (iv) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.

Advice Note:

The applicant be advised that:

1. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct;
2. All works within the road reserve, such as vehicle crossovers, verge paving and landscaping require a separate application and approval by the Town's Infrastructure Services. These works must conform to the Town's specifications;
3. In regards to the mature tree to be retained on site, a protective fence is to be installed around this tree within the affected building development area. This protective fencing is to be maintained in good order at all times.

The fence around the tree is to be 2 metres x 2 metres and 2 metres in height, with installation prior to commencement of any demolition or site works.

Committee Meeting 17 April 2018

During discussion, Members were not prepared to support the application as it was considered not to satisfy the requirements of Clause 39(3) of the Town Planning Scheme No.1 and Schedule 2, Part 9, Clauses 67(m) and (n)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015.

The Administration Recommendation was then voted upon and lost 1/4.

For: Cr Powell

Against: Mayor Shannon, Crs McKerracher, Nelson and Timmermanis

COUNCIL DECISION: (COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a Single Storey Dwelling with an undercroft level and roof terrace submitted by CSA Craig Steere Architects at Lot 395 (No. 114) Rosedale Street, Floreat as shown on the plans dated 8 March 2018, for the following reasons:-

- (i) the proposal does not satisfy the requirements of Clause 39 (3) of the Town Planning Scheme No. 1 as the proposed development is considered to be incompatible with the existing form of development in the area and therefore inconsistent with the orderly and proper planning of the locality;**
- (ii) the proposal does not satisfy Schedule 2, Part 9, Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the appearance of the development is not compatible with adjoining land in the locality from the perspective of bulk and scale; and**
- (iii) the proposal does not satisfy Schedule 2, Part 9, Clause 67(n) (ii) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the development would be inconsistent with the prevailing streetscape and garden suburb character of the locality.**

Carried 8/0

DV18.35 LOT 518 (NO. 124) ALDERBURY STREET, FLOREAT - SINGLE STOREY DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for a single storey dwelling at Lot 518 (No. 124) Alderbury Street, Floreat.

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

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

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

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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. 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. |

BACKGROUND:

Application: 0342DA-2017
Owner: Mr CJ May and Mrs SE May
Applicant: Distinctive Homes WA Pty Ltd
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 1126sqm

DETAILS:

Development description

A development application for a single storey dwelling was received by the Town on 28 November 2017 with amended plans being provided on 22 February 2018.

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

The site is orientated in a north western direction with the natural ground level of the property gently sloping upwards from street level (south western boundary) towards the rear (north eastern boundary). The property slopes a total of 2.7 metres over a length of 53.17 metres. The surrounding properties consist of predominantly single storey dwellings. Of the four dwellings on Alderbury Street, between Arbordale Street and Lichendale Street, only two are orientated to and propose their primary street frontage to Alderbury Street. Those dwellings are No. 122 Alderbury Street (neighbouring property to the right of the subject site) and the proposed subject dwelling No. 124 Alderbury Street.

The development application proposes the following:

- a single storey dwelling set back a minimum of 8.1 metres from the south western (front) boundary to the pantry portion of wall and 8.3 metres to the verandah in lieu of the required 9.0 metres required under Clause 20 of Town Planning Scheme No 1;
- the double garage has been set back accordingly at a minimum setback of 9.0 metres;
- the development comprises of four bedrooms, a study, laundry, activity room and the remainder of the living areas are centrally located within the dwelling with access to the rear alfresco being provided directly off the dining room;
- the proposal is fully compliant with building height provisions and open space requirements;
- the application complies with the landscaping requirements, with the provision of a total of 75% landscaping within the front setback area and sees the retention of an existing mature tree on site;
- no front fencing is proposed as part of this application;
- all retaining proposed is within 0.5 metres of natural ground level;
- lot boundary setbacks to the north east (rear) and south east (right hand side boundary) are fully compliant with Tables 2a and 2b of the R-Codes.
- one lot boundary setback variation is proposed to the north western side boundary with the minimum setback proposed of 2.8 metres in lieu of 3.1 metres to the corner of the master suite only. No objection was received in relation to this variation.
- two visual privacy setback variations are proposed to the north western side boundary with a minimum setback of 3 metres from the master suite (north western elevation) in lieu of 4.5 metres and a minimum setback of 5 metres from the verandah (north western elevation) in lieu of 7.5 metres. No objections were received in relation to these variations.

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

- 3.1 – Streetscape; and
- 6.3 – Floreat Precinct

The proposal seeks a variation to the Scheme (Clause 20) with regards to the minimum street setback requirement in the Floreat Precinct. A design principle assessment has been undertaken with regards to the variations to Lot boundary setbacks (Clause 5.1.3) and Visual privacy (Clause 5.4.1). The development demonstrates compliance with the relevant design principles, and no objections were received in regards to this proposal.

Community Consultation

The application was advertised for a period of 14 days, from 17 January 2018 to 31 January 2018, to the two (2) neighbouring properties (No. 122 Alderbury Street and No. 2 Lichendale Street) in accordance with the requirements of the Residential Design Codes of Western Australia. Two submissions were received in support of the proposal from both neighbouring property owners, clearly stating they had no objection to the proposed variations. The property owners of No 2 Lichendale Street also signed a copy of the plans and a letter stating they had no objection to the lot boundary setback and visual privacy setback variations.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to street setback, lot boundary setbacks and visual privacy. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

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

In accordance with Clause 20, notwithstanding the above provisions of the Residential Design Codes, street boundary setbacks within the Floreat Precinct shall be a minimum of 9.0 metres from the primary street.

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

The Council must therefore be satisfied BY ABSOLUTE MAJORITY that, in approving an application for development approval for a non-complying application, that the development would be consistent with the objectives as detailed in Clause 39 of the Scheme:

	Deemed-to-comply provision	Proposed
Dwelling setback from Primary Street	Minimum 9.0 metres	8.1 metres – 8.3 metres
<i>Clause 39</i>		
(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i>		
(a). <i>If approval were to be granted, the development would be consistent with:-</i>		
(i) <i>The orderly and proper planning in the locality;</i>		
(ii) <i>The conservation of the amenities of the locality; and</i>		
(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i>		
(b). <i>The non-compliance would not have any undue adverse effect on:-</i>		
(i) <i>The occupiers or users of the development;</i>		
(ii) <i>The property in, or the inhabitants of, the locality; or</i>		
(iii) <i>The likely future development of the locality.</i>		

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

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

(i) The orderly and proper planning in the locality

There are four dwellings on this section of Alderbury Street between Arbordale Street and Lichendale Street and two propose their primary street frontage to Alderbury Street. Those dwellings are No. 122 Alderbury Street (neighbouring property to the right of the subject site) and the proposed subject dwelling No. 124 Alderbury Street.

The existing dwelling on No. 122 Alderbury Street has a setback of 6.0 metres to the verandah, 7.9 metres to the remainder of the dwelling and 8.5 metre to the garage. The proposed dwelling, which is the subject of this application, proposes 8.1 metres to the pantry portion of wall (2.6 metres wide portion of wall), 8.3 metres to the verandah and a compliant 9 metres to the garage.

There are also examples within the locality of open verandah structures to the front of dwellings, such as at No. 140, No. 142 and No. 144 Alderbury Street. It is therefore considered that the proposal and proposed minimum setbacks of 8.1 metres and 8.3 metres in lieu of 9.0 metres will be consistent with the established streetscape and will not impact negatively on the locality.

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

The amenities in the locality will not be compromised by the approval of this application. The proposal is for a single storey residential dwelling. The proposal will not impact or cause any disturbance on the amenities in the locality.

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

The proposal consistent with the *Statement of Intent* of the Floreat Precinct, as the development proposes a single residential dwelling to occupy the property which is consistent with those in the immediate locality.

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

(i) The occupiers or users of the development;

The proposal is for a single residential dwelling to be occupied by the owners of the property. The reduced street setback will not result in an undue adverse effect on the owners of the property. In supporting the proposed street setback variation, the occupiers of the proposed dwelling will be able to enjoy additional outdoor living area to their rear of the dwelling and have a useable verandah area to the front of the dwelling which will allow for passive surveillance of the street.

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

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

(iii) The likely future development of the locality.

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

The pantry wall length is considered to form a minor part of the front façade of the dwelling, with the emphasis on the open style verandah which provides an articulated entry and does not create any perceived building bulk as viewed from the street. Given the verandah is an open structure, fronting the street in a similar manner to neighbouring property No. 122's verandah and there are other examples of verandah structures along Alderbury Street (No. 140, No. 142 and No. 144), it is considered, that the proposal and setback of 8.3 metres in lieu of 9.0 metres will be consistent with the established streetscape.

The subject site will be heavily landscaped, with an existing mature tree being retained within the front setback area. The application is fully compliant with all landscaping requirements.

The proposed non-complying application is therefore supported.

Lot boundary setback (Clause 5.1.3 of the R-Codes)

	Deemed-to-comply provision	Proposed
Master suite – verandah portion of wall setback to the north western side boundary	Minimum 3.1 metres	Minimum 2.8 metres
<p><i>Design principles:</i></p> <p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <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> <p><i>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 		

The applicant seeks a setback variation to the north western (left) boundary only. All other lot boundary setbacks are compliant.

Notwithstanding, the reduced setback can be supported by satisfying the relevant design principles, as follows:

- this proposed side lot boundary setback is based on the total length of wall of the dwelling to the north western side boundary and the minimum setback proposed is 2.8 metres to the corner of the master suite. The minimum setback to the ensuite - WIR wall was assessed independently and is compliant.
- this side of the ground floor of the dwelling has been well articulated with the inclusion of minor and major openings to break up any perceived building bulk as viewed from the adjoining properties to the side (No. 2 Lichendale Street).
- as mentioned above this setback variation is from this portion of the master suite only for a wall length of 0.9 metres. While there is resultant overlooking there is no loss of privacy as a result of this variation to the adjoining property (this is discussed in detail further on).
- the ground floor side setback of the subject property abuts the neighbouring property's (No. 2 Lichendale Street) 2.0 metre side setback area to their driveway and 1.8 metres side setback to their garage and dwelling.
- the proposed minimum side setback of 2.8 metres will still enable adequate direct sun and ventilation to the building and open spaces of both the subject site and adjoining property.
- due to the sites orientation and this variation being proposed to the north western side boundary, there will be no shadow cast to the adjoining property.

The application and proposed variation clearly meets the relevant design principle and will not impact on the amenity of the adjoining property.

Visual privacy (Clause 5.4.1 of the R-Codes)

	Deemed-to-comply provision	Proposed
Master suite visual privacy setback to north western side boundary; and	Minimum 4.5 metres	Minimum 3 metres
Verandah visual privacy setback to north western side boundary.	Minimum 4.5 metres	Minimum 3 metres

Design principles:

P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

P1.2 Maximum visual privacy to side and rear boundaries through measures such as:

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

The applicant seeks visual privacy setback variations to the north western (left) side boundary from the verandah and master suite.

Notwithstanding, the reduced setbacks can be supported by satisfying the relevant design principles, as follows:

- the proposed visual privacy setbacks result due to the Finished Floor Level (FFL) of the dwelling (at 9.4) being greater than 0.5 metres above NGL at the boundary. As the FFL of the verandah and master suite is not within 0.5 metres of NGL, a 7.5 metre cone of vision setback is required from the verandah and a 4.5 metre cone of vision is required from the master suite to the north western side boundary.
- the verandah proposes a minimum visual privacy setback of 5.1 metres in lieu of 7.5 metres and the master suite proposes a minimum visual privacy setback of 3.1 metres in lieu of 4.5 metres to the north western boundary.
- it is noted, that the majority of the cone of vision from the verandah will fall onto the existing driveway and driveway side setback area which is approximately 2.0 metres in width.
- while a portion does extend in the direction of the neighbouring properties existing verandah area located on top of their undercroft garage, this cone of vision will be restricted by the existing dense vegetation located on the shared boundary between the subject dwelling (No.124) and the neighbouring property to the north west (No. 2 Lichendale Street). This can be seen from aerial imagery and site photographs.
- similarly, the majority of the cone of vision from the master suite openings will be restricted of falling onto the neighbouring property by the existing vegetation located on the shared boundary. Any resultant overlooking will be oblique rather than direct and will fall onto the neighbours existing 1.9 metre side setback. This cone of vision will not fall onto any outdoor active habitable space and will therefore not result in a loss of privacy to the adjoining property.
- for the above reasons, obscure glazing or a screening device is not required to be provided to master suite openings and the north western side of the verandah.

The application and proposed variations clearly meets the relevant design principle and will not impact on the amenity of the adjoining property.

POLICY/STATUTORY IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Laura Kelliher, Planning Officer

ATTACHMENTS:

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

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a Single Storey Dwelling submitted by Distinctive Homes WA Pty Ltd at Lot 518 (No. 124) Alderbury Street, Floreat as shown on the plans dated 22 February 2018, subject to the following conditions:-

- (i) the roof material not to be zincalume or off-white ('Surfmist') Colorbond;**
- (ii) the landscaping areas, as shown on the approved plan, are to be installed and reticulated within six (6) months of the completion of the dwelling and to be maintained to the satisfaction of the Town;**
- (iii) the crossover to be no wider than 6.0 metres (excluding splays);**
- (iv) the redundant vehicle crossover outside the subject site to be removed and the kerbing, verge and footpath to be reinstated to the specifications and satisfaction of the Town prior to the occupation of the dwelling; and**
- (v) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.**

Advice Note:

The applicant be advised that:

- 1. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct;**
- 2. All works within the road reserve, such as vehicle crossovers, verge paving and landscaping require a separate application and approval by the Town's Infrastructure Services. These works must conform to the Town's specifications;**
- 3. In regards to the mature tree to be retained on site, a protective fence is to be installed around this tree within the affected building development area. This protective fencing is to be maintained in good order at all times.**

The fence around the tree is to be 2 metres x 2 metres and 2 metres in height, with installation prior to commencement of any demolition or site works.

Carried by an ABSOLUTE MAJORITY 8/0

DV18.36 LOT 175 (NO. 204) HARBORNE STREET, WEMBLEY - ADDITIONS AND ALTERATIONS TO EXISTING DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for additions and alterations to single dwelling at No. 204 Harborne Street, Wembley.

Under the Town's Local Planning Policy 2.6: Delegation of Authority Clause 1.3.2, Council will determine development applications where they have been advertised and objections have been received. In this instance, an objection has been received from a neighbouring resident in relation to the lot boundary setback and therefore the application is required to be determined by Council.

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

AUTHORITY / DISCRETION

<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. 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.

BACKGROUND:

Application: 0010DA-2018
Owner: Mr P Leahy and Mrs SR Leahy
Applicant: James Taylor
Zoning: Residential R20
Use class: Dwelling (single) 'P' – permitted
Land area: 670m²

DETAILS:

Development description

The subject site is a freehold lot located in the Wembley Planning Precinct in a block bound by Harborne Street to the west, Dodd Street to the north, McLeod Lane to the east and Rason Street to the south. The streetscape consists of single and two storey dwellings, predominately constructed of brick and tile.

The application for the subject site was submitted on 12 January 2018 for single storey additions and alterations to an existing dwelling. The proposed addition comprises a retreat and ensuite located to the front of the dwelling, and a kitchen, living and dining room, laundry, bathroom, two bedrooms, patio and garage located to the rear of the existing dwelling with a total additional floor area of 180m².

Upon completion of the Town's planning assessment, and in response to an objection, amended plans were submitted on 18 March 2018. The revised plans increased the setback of the laundry and bathroom on the southern boundary from nil to 0.3 metres.

The amended proposal does not meet the acceptable development standards of Local Planning Policy 3.2 Buildings on the Boundary, the development is capable of approval, provided it meets the design principles of State Planning Policy 3.1 Residential Design Codes, design element 5.1.3 Lot Boundary Setbacks.

Community Consultation

The application was advertised for a period of 14 days, from 26 February 2018 to 12 March 2018, to one adjoining property, in accordance with the requirements of the Residential Design Codes. One (1) objection was received. The amended plans were shown to the adjoining property owner, however, they felt the amended plans did not adequately address the concerns raised in their submission.

Attachment 1 of this report provides a summary of the comments and issues raised during the community consultation process and an Officer technical response to each comment and issue.

- Summarise all submissions
- Refer to example below:

Summary of Comments Received:	Officer Technical Comment:
Building bulk	<p>The building on boundary walls of the laundry and bathroom are single storey and 2.8 metres tall and run for 5.0 metres and 5.5 metres respectively. Additionally there are multiple articulations along the wall, all of which contribute to a reduced bulk impact on the adjoining property, overall the bulk is considered to be acceptable.</p> <p>The bulk impact of the ensuite is considered to be minor in nature due to the addition being 3.6 metres in length, with the wall height of 4.2 metres due to the natural slope of the site. Overall any bulk impact of this addition is not considered to have a detrimental impact on any habitable rooms or outdoor living areas, as the addition is located next to a carport on the adjoining property.</p>

Overshadowing	The development is fully compliant with deemed to comply requirements of 5.4.2 solar access for adjoining sites. The impact of the proposed reduced setback is not considered to have a detrimental impact on solar access for major openings to habitable rooms or outdoor living areas of the adjoining property.
Ventilation	It is considered that there is sufficient space between proposed addition and the existing adjoining dwelling to provide adequate ventilation between the buildings.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to the reduced setback of the laundry and bathroom on the southern boundary. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

Lot boundary setback – Local Planning Policy 3.1 Buildings on the Boundary

	Deemed-to-comply provision	Proposed
Setback of the Laundry/Bathroom from the Southern/Right boundary	1.5 metres	0.3 metres
Setback of the Ensuite/Pantry from the Southern/Right boundary	3.0 metres	1.4 metres
<p><i>Design principles:</i></p> <p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <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> <p><i>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 		

As the proposal varies the deemed to comply criteria, an assessment has been undertaken against the relevant design principles. The variations sought are considered acceptable as they are considered to satisfy the design principles as follows:

- The building on boundary walls of the laundry and bathroom are single storey and 2.8 metres tall and run for 5.0 metres and 5.5 metres respectively. Additionally, there are

multiple articulations along the wall, all of which contribute to a reduced bulk impact on the adjoining property.

- The bulk impact of the ensuite is considered to be minor in nature due to the addition being 3.6 metres in length, with the wall height of 4.2 metres due to the natural slope of the site. Overall, any bulk impact of this addition will not be from impact any habitable rooms or outdoor living areas as the addition is located next to a carport on the adjoining property.
- In terms of the impact of overshadowing, the development is fully compliant with deemed to comply requirements of 5.4.2 solar access for adjoining sites. The impact of the proposed reduced setback is not considered to have a detrimental impact on solar access for major openings to habitable rooms as or outdoor living areas of the adjoining property. As shown on the horizontal overshadowing diagram, the impact of the proposed laundry does not overshadow the major opening, the extent of overshadowing from the laundry has the same impact that the existing lattice on the boundary fence has on the adjoining property.
- There is not considered to be any additional privacy concerns in relation to the setback variations, as the proposed additions do not include any major openings on the southern boundary.
- Overall, the proposed setback variations are considered to not have a detrimental impact on the amenity of the occupants of the subject site, or the adjoining dwelling as it satisfies the design principles. Furthermore, the proposed development is not considered to have a negative impact on the streetscape.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Chris Della Bona, Planning Officer

ATTACHMENTS:

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

Council Meeting 24 April 2018

During discussion, Members considered that the proposal did not meet the design principles of part 5.1.3 (Lot Boundary Setbacks) of the Residential Design Codes of Western Australia, resulting in reduced solar access on the adjoining property's outdoor living areas. Also, the reduced solar access was considered to have an adverse impact on the amenity of the adjoining property.

Members were therefore not prepared to support the application.

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

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES the application for Additions and Alterations to Single Dwelling submitted by James Taylor at 1075(No. 204) Harborne Street, Wembley as shown on the plans dated 18 March 2018, subject to the following conditions:-

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

Lost 4/5

For: Crs McAllister, McKerracher, Nelson and Powell
Against: Mayor Shannon (Casting Vote), Crs Bradley, Carr and Timmermanis

DV18.37 LOT 25 (NO. 6) KINGSLAND AVENUE, CITY BEACH - ADDITIONS & ALTERATIONS TO EXISTING DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for additions and alterations to an existing single storey dwelling, the additions include a carport, alfresco, retaining, front fence and swimming pool at Lot 25 (No. 6) Kingsland Avenue, City Beach.

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

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

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

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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. 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. |

BACKGROUND:

Application: 0362DA-2017
Owner: Mr BE Carr and Mrs SL Carr
Applicant: Paramount Design
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 871sqm

DETAILS:

Development description

A development application for additions and alterations to an existing single storey dwelling was received on 18 December 2017, with three sets of amended plans being provided to the Town, the last of which was provided on 22 March 2018.

The subject site is located within the City Beach Precinct. The site currently comprises of a single storey dwelling and carport, however, this property has been the subject of a compliance investigation. It was found the vehicle access and crossover had in the past (prior to 2008) been relocated towards the north western boundary which was excessively close to the intersection of Kingsland Avenue and Boronia Crescent. It was also found that a large portion of the existing front fence is not contained within the property boundaries and instead located in the verge area. The purpose of this application is therefore to seek approval for remedial works to the property and some additional improvements to the existing dwelling.

The site is located on the corner of Kingsland Avenue and Boronia Crescent, orientating in a north western direction and faces four other corner properties.

The development application proposes the following:

- the retention of the existing single dwelling with some internal modifications to room layouts;
- the replacement of the existing carport structure which was setback from the primary street by 0.3 metres and sees the new carport proposing a 1.5 metres setback from the front boundary in lieu of the required 7.5 metres required under Clause 20 of Town Planning Scheme No 1;
- a new porch addition setback at 6.1 metres, walkway canopy setback 6.4 metres from the primary street and alfresco/terrace roof cover setback 2.38 metres from the corner truncation in lieu of the required 7.5 metres required under Clause 20 of Town Planning Scheme No 1;
- the proposed setback to the secondary street is fully compliant with a proposed minimum of 4.0 metres in lieu of the minimum required 3.75 metres.
- the proposal is fully compliant with building height provisions and open space requirements;
- the application complies with the required 50% landscaping provision within the front setback area and sees the provision of two new advanced trees proposed within the primary street setback area;
- lot boundary setbacks relating to the additions to the north and east are fully compliant with Tables 2a and 2b of the R-Codes. All other lot boundary setbacks remain as is existing.
- a retaining wall height variation is proposed along the primary street and secondary street boundary as the proposed retaining walls are >0.5 metres within 3 metres of the street alignment which is required to retain the existing ground level of the property against the lower natural ground level of the verge area.

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

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

The proposal seeks a variation to the Scheme (Clause 20) with regards to the minimum street setback requirement in the City Beach Precinct. A design principle assessment has been undertaken with regards to the variations to Site Works (Clause 5.3.7). The development demonstrates compliance with the relevant design principle.

Community Consultation

The application in respect to the primary street setback variations was advertised for a period of 14 days, from 12 March 2018 to 26 March 2018, to six (6) adjoining properties in accordance with the requirements of the Residential Design Codes of Western Australia. No objections were received against the proposal from any of the neighbouring property owners.

Applicant's justification

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

Assessment against the design principles

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

In accordance with Clause 20, notwithstanding the above provisions of the Residential Design Codes, street boundary setbacks within the Floreat Precinct shall be a minimum of 7.5 metres from the primary street.

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

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

	Deemed-to-comply provision	Proposed
Front /primary street setback	Min 7.5 metres	<ul style="list-style-type: none">• 1.5 metres to the carport,• 5.6 metres to the porch,• 6.4 metres to the walkway canopy from the primary street and• 2.3 metres to the alfresco/terrace roof cover from the corner truncation of the primary street.

Clause 39

- (3) *The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-*
- (a). *If approval were to be granted, the development would be consistent with:-*
 - (i) *The orderly and proper planning in the locality;*
 - (ii) *The conservation of the amenities of the locality; and*
 - (iii) *The statement of intent set out in the relevant Precinct Planning Policy; and*
 - (b). *The non-compliance would not have any undue adverse effect on:-*
 - (i) *The occupiers or users of the development;*
 - (ii) *The property in, or the inhabitants of, the locality; or*
 - (iii) *The likely future development of the locality*

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

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

(i) The orderly and proper planning in the locality

The proposed setback of the carport and alfresco addition are consistent with existing setbacks in the immediate locality. The street comprises of a number of corner sites (including directly abutting the subject site), with their secondary street setbacks to Boronia Crescent, and therefore there is not a consistent setback of 7.5 metres along the street.

The proposed structures are open style and will allow clear views through to the existing dwelling. This will ensure that the impacts of building bulk, as seen from the street, are minimised and will ensure orderly and proper planning in the locality. As the application is to remedy unauthorised works, the alterations will reduce the building bulk impact of the existing carport and front fence and the new works will instead enhance the existing streetscape and the subject site.

It is considered, given the current streetscape, that the proposal would be consistent with the surrounding dwellings in the immediate locality. The site to the south (directly across the road) is setback approximately 4.0 metres from the Kingsland Avenue boundary.

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

The encroachment into the primary street (Kingsland Avenue) setback area is in keeping with the streetscape, as it provides passive surveillance between the subject site and Kingsland Avenue. The proposed carport does not unduly impact on open space requirements, as it provides roof cover to an existing parking area on-site. As the proposed variation relates to a carport, there is no adverse impact on visual privacy to the adjoining property.

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

The proposal is consistent with the *Statement of Intent* of the City Beach Precinct, and will provide additions to an existing single residential dwelling consistent with those in the immediate locality.

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

(i) The occupiers or users of the development;

The proposal is for additions to a single residential dwelling to be occupied by the owners of the property. The reduced street setbacks will not result in an undue adverse effect on the owners of the property. In supporting the proposed street setback variation, the occupiers of the proposed dwelling will be able to enjoy additional outdoor living area to the front of the dwelling which provides a more useable area and enhances the development through the additional opportunities for passive surveillance and interaction with the street.

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

The proposed reduced street setback will not impact on the inhabitants of the locality as the proposed alfresco and carport are open structures and the proposal therefore does not impact negatively on any adjoining neighboring property and is consistent with existing residential development in the locality.

(iii) The likely future development of the locality.

It is considered that the variation to the front setback would not be out of character with the remainder of the streetscape. Due to the openness of the carport and alfresco structures proposed within the primary street setback area, it is unlikely that the approval of this development would have any impact on future developments of the locality, and could not be used as a precedent.

It is also noted, that the subject site will be heavily landscaped within the 7.5 metres primary street setback and two advanced trees have been proposed to be planted which will be consistent with landscaping on neighbouring properties and further enhance the streetscape.

The proposed non-complying application is therefore supported.

Site works (Clause 5.3.7 of the R-Codes)

	Deemed-to-comply provision	Proposed
Excavation or filling behind a street setback line	Max 0.5 metres	Maximum 0.97 metres along Kingsland Avenue. Maximum 1.42 metres along Boronia Crescent.
<p><i>Design principles:</i></p> <p><i>Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</i></p> <p><i>Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</i></p>		

The proposed variation relates to the retaining wall height along the primary and secondary street side. As can be seen from the elevations, the height of the retaining wall is necessary to retain the existing ground level of the property against the lower natural ground level of the verge area, as the existing retaining and front fence needs to be removed (including portions that has been constructed within the verge area) and the new retaining and front fence constructed correctly along the property boundary. The height of the retaining walls along Kingsland Avenue (Primary Street) and Boronia Crescent (Secondary Street) are considered to be in response to the sloping downwards natural ground level of the subject site at the front

boundary. Overall, in view of the above comments, it is considered that the proposed site works for the development satisfies the relevant design principles for the following reasons:-

- The retaining wall is retaining the established natural ground level of the property, the proposed works proposed as part of this application do not seek to fill or increase the height of the existing ground level within the street setback area of the property. The existing FFL of the dwelling is remaining as is.
- It is also noted, that as there is an existing retaining and front fence along the street boundary, the new retaining and front fence will present as replacement retaining and fencing and not as a new addition of a structure to the streetscape.
- The solid portion of fencing on top of the retaining is a maximum height of 300mm with 1.25 metres high piers and visually permeable vertical infill panels which creates open fencing and ensures the retaining and fencing does not create any building bulk as viewed from the street.

POLICY/STATUTORY IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Laura Kelliher, Planning Officer

ATTACHMENTS:

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

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council **APPROVES** by an **ABSOLUTE MAJORITY** decision the application for Additions and Alterations to a Single Storey Dwelling inclusive of Carport, Alfresco and Swimming pool submitted by Paramount Design at Lot 25 (No. 6) Kingsland Avenue, City Beach as shown on the plans dated 22 March 2018, subject to the following conditions:-

- (i) the roof material not to be zincalume or off-white ('Surfmist') Colorbond;
- (ii) the landscaping areas, as shown on the approved plan, are to be installed and reticulated within six (6) months of the completion of the dwelling and to be maintained to the satisfaction of the Town;
- (iii) the crossover to be no wider than 6.0 metres (excluding splays);
- (iv) the carport to remain open on all sides. No solid door is to be installed.
- (v) the infill panels of the fencing in the front setback area to have a surface with an open to solid ratio of no less than 4:1 and meet the deemed-to-comply provisions of clause 3.1.7 of the Town's Planning Policy 3.1: Streetscape;
- (vi) the carport door to have a surface with an open to solid ratio of no less than 4:1 in accordance with the deemed-to-comply provisions of clause 3.1.4 of the Town's Planning Policy 3.1: Streetscape;
- (vii) the redundant vehicle crossovers (x1) outside the subject site to be removed and the kerbing, verge and footpath to be reinstated to the specifications and satisfaction of the Town; and
- (viii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.

Advice Note:

The applicant be advised that:

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

Carried by an ABSOLUTE MAJORITY 8/0

DV18.38 LOT 317 (NO. 23) KINKUNA WAY, CITY BEACH - PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING DWELLING - KITCHEN ADDITION AND NEW CARPORT

SUMMARY:

The purpose of this report is for Council to consider a development application for additions to the dwelling at No. 23 Kinkuna Way, City Beach

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

Should Council resolve to approve the application, an absolute majority decision is required. The Administration recommends that the application should be approved subject to appropriate conditions.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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. 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. |

BACKGROUND:

Application: 0360DA-2017
Owner: Mr RFW Godfrey
Applicant: Bektic Design
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 769 m²

DETAILS:

Development description

An application for the subject site was initially submitted 15 December 2017. Amended plans and additional information and justification were received on 15 February 2018 and the plans were subsequently advertised for neighbour comment during February/March 2018.

The subject site is located within the City Beach precinct. The site comprises a two storey dwelling with a front porte-cochere with two crossovers and a curved driveway through the porte-cochere. The applicant proposes to construct a double carport to provide covered car parking. There is no other covered parking on site apart from the porte-cochere.

The existing double crossover and curved driveway configuration also results in an existing shortfall in landscaping within the front setback area. The applicant proposed to provide two mature trees in the existing lawn area in order to assist with a 'greening' of the front setback area.

A small kitchen extension towards the rear of the property is also proposed. This meets all the requirements of the R Codes and planning policies and is not discussed further in this report.

Community Consultation

The proposed front setback variation was advertised for a period of 16 days, from 27 February 2018 to 15 March 2018, in accordance with the requirements of Clause 39 of Town Planning Scheme No.1.

No submissions or objections were received.

Applicant's justification

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

Assessment against the design principles

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

In accordance with Clause 20, notwithstanding the above provisions of the Residential Design Codes, street boundary setbacks within the City Beach Precinct shall be a minimum of 7.5 metres of the primary street.

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

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

	Deemed-to-comply provision	Proposed
Dwelling setback from Primary Street	Minimum 7.5 metres	3.75 metres to carport
<p><i>Clause 39</i></p> <p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p style="padding-left: 40px;">(i) <i>The orderly and proper planning in the locality;</i></p> <p style="padding-left: 40px;">(ii) <i>The conservation of the amenities of the locality; and</i></p> <p style="padding-left: 40px;">(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p style="padding-left: 40px;">(i) <i>The occupiers or users of the development;</i></p> <p style="padding-left: 40px;">(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p style="padding-left: 40px;">(iii) <i>The likely future development of the locality.</i></p>		

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

- (a) If approval were to be granted, the development would be consistent with:-
- (i) *The orderly and proper planning in the locality*

The proposed carport is adjacent to a solid brick wall within the front setback area on the adjoining property. It is noted that there are also numerous solid walls and other screening devices along this section of Kinkuna Way so that the established streetscape is not open and green in character.

The proposed carport matches the form and materials of the existing dwelling and with the main dwelling being set behind the front setback the reduced setback to the carport does not have a detrimental impact on the subject site or the streetscape. A condition requiring it to remain open on all sides can be applied to any approval.

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

It is noted that the porte-cochere (covered driveway entry) for the existing dwelling already intrudes into the front setback area with a setback of 5.0 metres from the front boundary. The remainder of the dwelling is set back 9.0 metres from the front boundary. The articulated frontage reduces the impact of bulk and scale on the streetscape.

The dwelling immediately opposite the subject site is on a corner and has its secondary street setback facing the subject site which further reduces the ability for this section of Kinkuna Way to give the appearance of a streetscape with large open green front gardens that would be impacted by a carport in the front setback area.

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

The proposal will be consistent with the *Statement of Intent* of the City Beach Precinct, and will provide covered car parking for a single residential dwelling.

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

(i) The occupiers or users of the development;

The proposed carport allows for appropriate site planning requirements such as a covered car parking area. The reduced street setback will not result in an undue adverse effect on the owners of the property with surveillance between the dwelling and street being maintained.

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

The proposed reduced street setback will not impact on the inhabitants of the locality as the carport will be screened by solid walls within the front setback area which interrupt lines of sight along the streetscape.

(iii) The likely future development of the locality.

It is considered that the variation to front setback would not be out of character with the remainder of the streetscape. The majority of dwellings in the locality already have covered car parking available so that the proposal is unlikely to set a precedent for carports in the front setback area.

The proposed non-complying application is therefore supported.

Landscaping (Clause 3.1.9 of Planning Policy 3.1: Streetscape)

	Deemed-to-comply provision	Proposed
Landscaping in front setback area	60% of front setback area	37.5% plus 10% for provision of two mature trees = 47%
<p><i>Design principles:</i></p> <p><i>Landscaping in the primary street setback area should:-</i></p> <ul style="list-style-type: none"> • <i>enhance the presentation of homes and gardens as viewed from the street; and</i> • <i>be predominantly garden, substantial plantings and/or the retention of existing vegetation; and</i> • <i>minimise the amount of hard surfaces in the front setback area.</i> 		

It is noted that the existing dwelling has a large amount of paving in the front setback area with a curved driveway and two crossovers. This is softened with landscaping around the edges of the driveways which also screens some of the paved areas. There is also provision of green spaces behind the setback area.

Whilst a small portion of additional hard paving is proposed to access the new carport, this can be offset by requiring additional mature trees within the front setback area. This will assist in enhancing the presentation of the house and garden as viewed from the street as well as providing some screening to the new carport.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Jenny Bender, Senior Planning Officer

ATTACHMENTS:

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

ADMINISTRATION RECOMMENDATION:

That in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY the application for a carport and kitchen addition to an existing dwelling as submitted by Bektic Designs at Lot 317 (No.23) Kinkuna Way, City Beach, as shown on the plans dated 15 February 2018, subject to the following conditions:-

- (i) the carport to remain open on all sides with no solid door to be installed;
- (ii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site; and
- (iii) two advanced growth trees, being a minimum 45 litre bag or a minimum of 2 metres in height and diameter, to be provided within the front setback area in accordance with the provisions of clause 3.1.9: Landscaping of the Town's Planning Policy 3.1: Streetscape.

Committee Meeting 17 April 2018

During discussion, Members were not prepared to support the application as it was considered not to satisfy the requirements of Clause 39(3) of the Town Planning Scheme No.1 and Schedule 2, Part 9, Clauses 67(m) and (n)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015.

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

COUNCIL DECISION: (COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a carport and kitchen additions to an existing dwelling submitted by Bektic Designs at Lot 317 (No. 23) Kinkuna Way, City Beach, as shown on the plans dated 15 February 2018, for the following reasons:-

- (i) the proposal does not satisfy the requirements of Clause 39 (3) of the Town Planning Scheme No. 1 as the proposed development is considered to be incompatible with the existing form of development in the area and therefore inconsistent with the orderly and proper planning of the locality;**
- (ii) the proposal does not satisfy Schedule 2, Part 9, Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the appearance of the development is not compatible with adjoining land in the locality from the perspective of bulk and scale; and**
- (iii) the proposal does not satisfy Schedule 2, Part 9, Clause 67(n) (ii) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the development would be inconsistent with the prevailing streetscape and garden suburb character of the locality.**

Carried 8/0

DV18.39 LOT 188 (NO. 15) TARONGO WAY, CITY BEACH - BALCONY ADDITION AND ALTERATIONS TO EXISTING DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for a balcony addition and alteration for the existing dwelling at No. 15 Tarongo Way, City Beach.

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

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

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

AUTHORITY / DISCRETION

<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. 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.

BACKGROUND:

Application: 0366DA-2017
Owner: Mr BR Adams and Mrs LJ Adams
Applicant: Lou Marchesani & Associates
Zoning: Residential R20
Use class: Dwelling (single) 'P' – permitted
Land area: 798 m²

DETAILS:

Development description

An application for the subject site was initially submitted on 19 December 2017 for the proposal. Amended plans were received on 14 February 2018.

The subject site is located within the City Beach precinct. The site is currently occupied with a two storey dwelling with a curved front porch having a setback of 7.5 metres from the front boundary.

The site is surrounded with dwellings of a similar style and age which predominantly maintain a 7.5 metre setback from the street.

The development application proposes the following:

- A new portico with upper floor balcony extending above with a setback of 6.0 metres in lieu of 7.5 metres from the front boundary. The extension also results in a modification to the roof line so that the overall height of the dwelling at the front is lowered.
- The new balcony also results in a minor variation to visual privacy setback to the north side boundary being 7.4 metres in lieu of 7.5 metres.
- New steps to the front of the portico/balcony results in a retaining wall with a height of approximately 1.0 metre set back 4.0 metres from the front boundary. It is noted that a similar height wall exists and extends to the front boundary.
- Other minor modifications to the dwelling are proposed including the removal of windows, changes to some internal walls and the modification of arched windows to straight windows.
- A minor variation to the ground floor store on the southern side of the garage is also proposed. The extension follows the line of the existing store with a setback of 0.9 metres in lieu of 1.0 metre from the southern side boundary.

Community Consultation

The plans were signed by both adjoining landowners and these landowners have stated no objection to the proposed setback variations.

Applicant's justification

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

Assessment against the design principles

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

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

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

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

	Deemed-to-comply provision	Proposed
Dwelling setback from primary street	Min 7.5 metres	6.0 metres
<p><i>Clause 39</i></p> <p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p>(i) <i>The orderly and proper planning in the locality;</i></p> <p>(ii) <i>The conservation of the amenities of the locality; and</i></p> <p>(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p>(i) <i>The occupiers or users of the development;</i></p> <p>(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p>(iii) <i>The likely future development of the locality.</i></p>		

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

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

(i) The orderly and proper planning in the locality

Tarongo Way contains a number of large two storey dwellings, all of which are set back a minimum of 7.5 metres from the front boundary. The proposal, which results in a reduced front setback that would not reflect the prevailing streetscape setback, would not be consistent.

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

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

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

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

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

(i) The occupiers or users of the development;

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

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

The proposed reduced street setback has the potential to impact on the inhabitants of the locality as the two storey dwelling would not be set back consistently with existing residential development in the locality. The reduced setback has the potential to reduce sightlines along the street for adjoining properties and impact on privacy.

It is noted, however, that no objections to the reduced front setback was received from surrounding property owners when the proposal was advertised for public comment.

(iii) The likely future development of the locality.

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

The proposed non-complying application is therefore not supported.

Lot boundary setback (Clause 5.1.3 of R Codes)

	Deemed-to-comply provision	Proposed
Side setback (south)	Min 1.0 metre setback to storey	0.9 metres
<p><i>Design principles (clause 5.1.3 P3.1 & P3.2 of the R-Codes):</i></p> <p><i>Buildings set back from lot boundaries so as to:</i></p> <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> <p><i>Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 		

The proposal is to extend an existing store with a setback of 0.9 metres an additional 1.5 metre forward to line up with the corner of the garage. At present, this recessed section is used for the storage of bins.

The additional 1.5 metre length of wall continues at the same setback and is adjacent to the garage and wall on the adjoining property containing no major openings. It therefore does not have any adverse impact on the amenity of the adjoining property in terms of building bulk or overshadowing. The proposal makes more effective use of space by providing an additional undercover storage area.

The proposed setback variation is considered to meet relevant design principles for the following reasons:

- Makes effective use of space by providing more covered storage area;
- Does not have an adverse impact on neighbour amenity in terms of building bulk, overshadowing or overlooking; and
- Positively contributes to the prevailing development context.

Visual privacy

	Deemed-to-comply provision	Proposed
Unenclosed outdoor active habitable spaces	Min 7.5 metres from the lot boundary	7.3 metres
<p><i>Design principles:</i></p> <p><i>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> • <i>building layout and location;</i> • <i>design of major openings;</i> • <i>landscape screening of outdoor active habitable spaces; and/or</i> • <i>location of screening devices.</i> <p><i>Maximum visual privacy to side and rear boundaries through measures such as:</i></p> <ul style="list-style-type: none"> • <i>offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</i> • <i>building to the boundary where appropriate;</i> • <i>setting back the first floor from the side boundary;</i> • <i>providing higher or opaque and fixed windows; and/or</i> • <i>screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</i> 		

The upper storey balcony results in a minor setback variation to the northern side boundary.

There is minimal (if any) overlooking of active habitable spaces or outdoor living areas which are all oriented to the north side of the adjoining development. The location of a large amount of vegetation on the adjoining property also assists in screening views from the front balcony.

Overall in view of the above comments, it is considered that the location of the proposed front balcony from the northern side boundary satisfies the relevant design principles for the following reasons:-

- results in minimal direct overlooking of active habitable spaces and outdoor living areas of the adjacent property.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Sonya Hayes, Senior Planning Officer Jenny Bender, Senior Planning Officer

ATTACHMENTS:

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

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a balcony addition and alterations to the dwelling submitted by Lou Marchesani and Associates at Lot 188 (No. 15) Tarongo Way, City Beach as shown on the plans dated 14 February 2018, for the following reason:-

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

Carried 8/0

DV18.40 LOT 62 (NO. 122) KIMBERLEY STREET, WEST LEEDERVILLE - 19 MULTIPLE DWELLING DEVELOPMENT - VEHICLE SECURITY GATE AND PEDESTRIAN GATE (RETROSPECTIVE)

SUMMARY:

The purpose of this report is for Council to consider a development application for a vehicle security gate and pedestrian gate for the 19 multiple dwelling development at No. 122 Kimberley Street, West Leederville. The gates require the deletion of a condition imposed by the Development Assessment Panel stating that, *no security gates shall be installed in order to allow access to visitor parking bays at all times.*

The Development Assessment Panels Secretariat has advised that minor amendments to Development Assessment Panel (DAP) decisions can be dealt with by the local government. A copy of the determination is required to be provided to the DAP.

The gates are visually permeable and match the infill panels of the front fencing. The gates are proposed to be set back from the front boundary, allowing a visitor's vehicle to temporarily park off the road, access the intercom and the gate will be opened by residents from their apartment.

The Administration recommends that the application should 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. 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.

BACKGROUND:

Application: 0035DA-2018
Owner: Mr CP Cumming and Mr LG Detata
Applicant: Harden Jones Architects
Zoning: Residential R40
Use class: Dwelling (multiple) 'D' – discretionary
Land area: 2023m²

On 11 May 2015, the Metro West Development Assessment Panel (DAP) reconsidered an application for 19 multiple dwellings at the above site under section 31 of the State Administrative Tribunal Act 2004 and decided to approve the development subject to a number of conditions including:

7. *No security gates shall be installed in order to allow access to visitor parking bays at all times.*

The DAP Notice of Determination was issued on 22 May 2015. Building permits were issued for forward works and the multiple dwelling development on 26 February 2016 and 18 May 2016 respectively. The development was completed and an occupancy permit - strata was issued on 22 November 2017.

During the inspection for the occupancy permit, it was noted that security and pedestrian gates had been installed. The security gate was subsequently removed as it did not comply with the above condition.

The applicant was advised to submit a development application for the security and pedestrian gates and this application is the subject of the following report.

DETAILS:

Development description

The development comprises:

- Ground floor: ten (eight single bedroom and two, two bedroom) dwellings and a 100 metre long driveway adjacent to the south side boundary accessing 25 car parking bays (including five visitor bays) perpendicular to the driveway. Five staircases are located between the dwellings to access the dwellings above, and seven stores are located at the rear of the property, adjacent to the south side boundary.
- First floor: nine, two bedroom dwellings with eight dwellings partly overhanging car parking below. The front dwelling has a wide, open balcony facing the street and the remaining dwellings behind have screened balconies facing north.
- Landscaping is provided along the south side boundary, adjacent to the driveway.

The vehicle and pedestrian gates are proposed to be located across the driveway, set back 6.5 metres from the front boundary in line with the wall of the front dwellings. The gates are 1.8 metres high and constructed of visually permeable metal railings, to match the front fence infill panels.

The pedestrian access gate is controlled with a key pad. An intercom allows residents to open the vehicle and/or pedestrian gate for visitors using their key fob within their dwelling. The gates open inwards.

Community Consultation

The application was not required to be advertised.

Applicant's justification

The applicant has provided the following justification for the gates:

1. *A pedestrian vehicular access gate is essential for the security of the complex. The driveway length is long (approx. 100 metres) therefore not visible from the road.*
2. *This situation allows the potential for anti-social behaviour, which could result in a detrimental impact for the property owners at 122 Kimberley Street.*
3. *For the adjoining property owner, a person/persons could walk down the driveway, jump a fence into an adjoining property and commit possible crime.*
4. *The scenarios depicted above are perfectly realistic and not in the best interests of the area.*
5. *Harden Jones Architects has completed many infill residential developments, most are gated at some point, either as part of a Development Approval or post occupancy application.*
6. *The gate design is simple and in keeping with the context of the overall development.*

Assessment against the design principles

Design of car parking spaces (clause 6.3.4 of the R-Codes)

	Deemed-to-comply provision	Proposed
Visitor car parking spaces	Located outside any security barrier	Located inside the security gate

Design principles (clause 6.3.4 P4 of the R-Codes):

Car, cycle and other parking facilities are to be designed and located on-site to be conveniently accessed, secure, consistent with streetscape and appropriately manage stormwater to protect the environment.

The plans approved by the DAP showed the five closest car bays to the street being designated as visitor parking bays. Following the issue of a building permit, the applicant requested the visitor bays to be spread more towards the centre of the carpark to cut travel distances for visitors and residents. The visitor bays have clear signage for visibility.

Condition 7 of the DAP approval was imposed to ensure compliance with the R-Codes deemed-to-comply requirement above. No gates were shown on the approved plans. With regard to the relevant design principle, the main concerns are whether there is still convenient access for visitors and whether there is any detrimental impact on the streetscape.

The 6.5 metre setback of the gate provides a safe waiting area off Kimberley Street for a vehicle, for visitors to access the intercom and wait for the gate to open. Technology allows for the gate to open conveniently by residents in their apartments.

With regard to streetscape, the gates match the infill panels of the front fencing. The gates are at a lower level and set back from the street and therefore have no detrimental impact on the streetscape.

It is therefore recommended that the gates be approved, condition 7 of the DAP Notice of Determination dated 22 May 2015 be deleted and the DAP Secretariat be advised accordingly.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Sonya Hayes, Senior Planning Officer

ATTACHMENTS:

1. DAP Notice of Determination and approved plans dated 22 May 2015
2. Plan and photograph of the gates

ADMINISTRATION RECOMMENDATION:

That:

- (i) in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES the application for a vehicle security gate and a pedestrian gate submitted by Harden Jones Architects at Lot 62 (No. 122) Kimberley Street, West Leederville as shown on the plans dated 1 February 2018;

- (ii) Condition 7 of the Metro West Joint Development Assessment Panel Notice of Determination dated 22 May 2015 stating:

No security gates shall be installed in order to allow access to visitor parking bays at all times.

be deleted;

- (iii) the Development Assessment Panels Secretariat be notified of this decision.

Committee Meeting 17 April 2018

During discussion, Members expressed concern regarding the security gate and considered that it would prevent easy access to the visitor bays and cause displacement parking on the street.

The Administration recommendation was then voted upon and lost 0/5.

COUNCIL DECISION: (COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No.1, Council REFUSES the application for a vehicle security gate and pedestrian gate submitted by Harden Jones Architects at Lot 62 (No.122) Kimberley Street, West Leederville as shown on plans dated 1 February 2018 for the following reason:

- (i) **it is considered that the condition (vii) which requires that no security gates shall be installed should remain as a condition of approval as the installation of a security gate would impede access to the visitor bays and result in displacement parking on the surrounding streets.**

Carried 8/0

DV18.41 LOT 260 (NO. 20) LINDEN GARDENS, FLOREAT - PROPOSED CARPORT

SUMMARY:

The purpose of this report is for Council to consider a development application for a Carport at Lot 260 (No. 20) Linden Gardens, Floreat.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1b) of the Scheme. A side setback variation is also sought in relation to the setback of the carport from the southern boundary. This variation was advertised to the adjoining owners. No objections were received. This variation has been assessed under the Design Principles of the R-Codes and is not discussed further in this report.

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

The Administration recommends that the application should 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. 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. |

BACKGROUND:

Application: 0040DA-2018
Owner: AGB Pinto and Y Liu
Applicant: Perth Patios & Home Improvements
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 736sqm

DETAILS:

Development description

The subject site is located within the Floreat Precinct. The site currently comprises of a single storey dwelling to the front, with a skillion building to the rear. A shade sail structure was previously located within the front setback area to provide shade to the approved parking bays. This has since been removed. A double width driveway is located to the southern side of the site.

The surrounding sites consist predominantly of single storey dwellings featuring both single and double width garages. A number of double carports are located within the front setback area.

The development application proposes the following:

- a double carport, 6.0 metres deep and 5.2 metres wide, to be constructed over the existing vehicle crossover with a 1.5 metre setback from the western (front) boundary and a setback of between 0.5 metres and 1.4 metres from the southern (right) side boundary;
- the carport features a flat roof;
- the carport has a maximum height of 2.64 metres as measured from the existing natural ground level; and
- the carport is open on all sides, and abuts a 0.75 metre solid dividing wall which is located with the front setback area.

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

3.1 – Streetscape; and
6.3 – Floreat Precinct.

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

Community Consultation

The application was advertised for a period of 19 days, from 23 February 2018 to 12 March 2018, to the five (5) surrounding properties in accordance with the requirements of the Residential Design Codes of Western Australia. No objections were received.

Applicant's justification

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

Assessment against the design principles

	Deemed-to-comply provision	Proposed
Primary street setback	Minimum 9.0 metres	1.5 metres
<p><i>Clause 39</i></p> <p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p>(i) <i>The orderly and proper planning in the locality;</i></p> <p>(ii) <i>The conservation of the amenities of the locality; and</i></p> <p>(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p>(i) <i>The occupiers or users of the development;</i></p> <p>(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p>(iii) <i>The likely future development of the locality.</i></p>		

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

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

(i) The orderly and proper planning in the locality

The proposed setback of the carport is consistent with existing setbacks in the immediate locality. Eight (8) carports in the front setback area are evident on the subject street, with six (6) being located on the eastern side of the street, the same side as the subject site.

The proposed structure is open style and will allow clear views through to the existing dwelling. This will ensure that the impacts of building bulk, as seen from the street, are minimised and will ensure orderly and proper planning in the locality. The applicant is proposing to enhance the existing streetscape and the subject site with the proposal.

It is considered, given the current streetscape, that the proposal would be consistent with the surrounding dwellings in the immediate locality.

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

The encroachment into the primary street (Linden Gardens) setback area is in keeping with the streetscape, as it provides passive surveillance between the subject site and the street. The proposed carport does not unduly impact on open space requirements, as it provides roof cover to the existing vehicle access on-site. As the proposed variation relates to a carport, there is no adverse impact on visual privacy to the adjoining property.

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

The proposal will be consistent with the *Statement of Intent* of the Floreat Precinct, and will provide additions to an existing single residential dwelling consistent with those in the immediate locality.

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

(i) The occupiers or users of the development;

The proposal is for a double carport to provide a covered parking area for vehicles. The reduced street setback will not result in an undue adverse effect on the owners of the property. The proposed reduced setback to the front boundary will have no impact on the usability of the subject site, and will still allow sunlight from the north to the dwelling.

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

The proposed reduced street setback will not impact on the inhabitants of the locality as the proposed carport will abut a driveway of the adjoining property to the south. The proposal does not impact negatively on any adjoining neighboring property due to the open nature of the structures and is consistent with existing residential development in the locality. The adjoining owners in the immediate locality have no objections to the proposal.

(iii) The likely future development of the locality.

It is considered that the variation to front setback would not be out of character with the remainder of the streetscape. A number of similar structures are constructed within the street setback area of the surrounding dwellings.

The proposed non-complying application is therefore supported.

POLICY/STATUTORY IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Ciara Slim, Statutory Planning Officer

ATTACHMENTS:

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

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a Carport submitted by Perth Patios & Home Improvements at Lot 260 (No. 20) Linden Gardens, Floreat as shown on the plans dated 12 February 2018, subject to the following conditions:-

- (i) **the carport to remain open on all sides. No solid door is to be installed; and**
- (ii) **water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.**

Advice Note:

The applicant be advised that:

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

Amendment

Moved by Mayor Shannon, seconded by Cr Carr

That a further clause be added to the motion as follows:-

- (iii) **the carport roof to be constructed in a light permeable material or with louvres which can be opened and closed over 50% of the roof area to allow for the penetration of sunlight into the carport and adjoining property.**

Amendment carried 5/4

For: Mayor Shannon (Casting Vote), Crs Carr, McKerracher and Timmermanis
Against: Crs Bradley, McAlister, Nelson and Powell

COUNCIL DECISION:

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a Carport submitted by Perth Patios & Home Improvements at Lot 260 (No. 20) Linden Gardens, Floreat as shown on the plans dated 12 February 2018, subject to the following conditions:-

- (i) the carport to remain open on all sides. No solid door is to be installed; and**
- (ii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site;**
- (iii) the carport roof to be constructed in a light permeable material or with louvres which can be opened and closed over 50% of the roof area to allow for the penetration of sunlight into the carport and adjoining property.**

Advice Note:

The applicant be advised that:

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

Carried by an ABSOLUTE MAJORITY 6/2

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

**DV18.42 LOT 466 (NO. 17) MARIMBA CRESCENT, CITY BEACH - CARPORT,
VERANDAH AND FRONT FENCE**

SUMMARY:

The purpose of this report is for Council to consider a development application for a carport, verandah and front fence at Lot 466 (No. 17) Marimba Crescent, City Beach.

Under the Town of Cambridge Town Planning Scheme No.1 (Clause 39), Council will determine an application for planning approval which does not comply with a standard or requirement of the scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Town Planning Scheme No.1. Council determination is also required in relation to lot boundary setbacks as an objection has been received.

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

The Administration recommends that the application should 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. 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. |

BACKGROUND:

Application: 0338DA-2017
Owner: Mr GM Walker and Mrs CM Walker
Applicant: Mr GM Walker and Mrs CM Walker
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 789sqm

DETAILS:

Development description

The subject site is located within the City Beach Precinct. The site currently comprises of a single storey dwelling with a single garage and crossover located to the western side of the site.

The surrounding developments consist of both single and double storey dwellings, set back between 4.0 metres and 7.0 metres from Marimba Crescent.

The development application proposes the following:

- the extension of the existing verandah around the front of the master bedroom, setback 4.77 metres from the primary street (Marimba Crescent);
- a double carport located to the western side of the site. An objection has been received, however, the objections are not planning related and do not comment on the impact of the carport on the adjoining dwelling;
- a new double crossover which complies with the Town's requirements; and
- a front fence with a maximum solid wall height of 0.75 metres, and an overall height of 1.8 metres. The infill panels are to comply with the visual permeability requirements of the Streetscape Policy.

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

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

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

Community Consultation

The application was advertised for a period of 16 days, from 28 November 2017 to 14 December 2017, to the two (2) surrounding properties in accordance with the requirements of the Residential Design Codes of Western Australia. One (1) objection was received.

The adjoining owner to the east has commented on the plans stating that they have no objections to the lot boundary setback of the verandah or the visual privacy variation. This has been assessed under the design principles of the R-Codes and is deemed to satisfy the criteria, and therefore will not be assessed further in this report.

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

Summary of Comments Received:	Officer Technical Comment:
During a discussion with our neighbours, it was indicated that there is a plan to attach the post to the foundations of our house. At that point, the house is a two storey building on pillars. We are concerned that any disturbance of the soil under and around those pillars could cause serious damage to our house.	This is not a planning related objection. The carport will be free standing
There are trees close to the boundary which are likely to be damaged during the construction of the retaining wall. If work has to be done from our side of the boundary line.	This is a civil issue between adjoining owners. Trees are located on private property.
In the event of work having to be done from our side of the boundary line there is likely to be damage to the driveway.	This is not a planning related objection.
There is an old asbestos fence between the two properties up to the construction point. If the asbestos is damaged or disturbed it would be a potential health hazard.	This is not a planning related objection.
We have two dogs - so if part of the fence or gate needs to be removed some sort of temporary fence would need to be erected to keep the dogs from getting out.	This is a civil issue between adjoining owners. This is not a planning related objection.
If, as a result of heavy machinery working so close to our house, there is cracking or other damage who is responsible for the cost of repairs.	This is not a planning related objection.

Applicant's justification

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

Assessment against the design principles

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

In accordance with Clause 20, notwithstanding the above provisions of the Residential Design Codes, street boundary setbacks within the City Beach Precinct shall be a minimum of 7.5 metres from the primary street (Marimba Crescent).

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

The Council must therefore be satisfied BY ABSOLUTE MAJORITY that, in approving an application for development approval for a non-complying application, that the development would be consistent with the objectives as detailed in Clause 39 of the Scheme:

	Deemed-to-comply provision	Proposed
Primary street setback	Minimum 7.5 metres	Verandah: 4.77 metres to 6.8 metres
		Carport: 1.96 metres to 3.5 metres
<p><i>Clause 39</i></p> <p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p>(i) <i>The orderly and proper planning in the locality;</i></p> <p>(ii) <i>The conservation of the amenities of the locality; and</i></p> <p>(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p>(i) <i>The occupiers or users of the development;</i></p> <p>(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p>(iii) <i>The likely future development of the locality.</i></p>		

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

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

(i) The orderly and proper planning in the locality

The proposed setback of the carport and verandah are consistent with existing setbacks in the immediate locality. The street comprises of a number of corner sites (including directly abutting the subject site), with secondary street setbacks to Marimba Crescent, and therefore there is not a consistent setback of 7.5 metres along the street.

The proposed structures are open style and will allow clear views through to the existing dwelling. This will ensure that the impacts of building bulk, as seen from the street, are minimised and will ensure orderly and proper planning in the locality. The applicant is proposing to enhance the existing streetscape and the subject site with the proposal.

It is considered, given the current streetscape, that the proposal would be consistent with the surrounding dwellings in the immediate locality. The site to the north (directly across the road) is set back approximately 4.0 metres from the Marimba Street boundary. A number of carports located as close as 0.3 metres are evident on the subject street and within the immediate locality.

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

The encroachment into the primary street (Marimba Crescent) setback area is in keeping with the streetscape, as it provides passive surveillance between the subject site and Marimba Crescent. The proposed carport does not unduly impact on open space requirements, as it provides roof cover to the existing vehicle access on-site. As the proposed variation relates to a carport, there is no adverse impact on visual privacy to the adjoining property.

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

The proposal will be consistent with the *Statement of Intent* of the City Beach Precinct, and will provide additions to an existing single residential dwelling consistent with those in the immediate locality.

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

(i) The occupiers or users of the development;

The proposal is for a single residential dwelling to be occupied by the owners of the property. The reduced street setback will not result in an undue adverse effect on the owners of the property. In supporting the proposed street setback variation, the occupiers of the proposed dwelling will be able to enjoy the extension of the verandah which provides a more useable area and enhances the existing development.

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

The proposed reduced street setback will not impact on the inhabitants of the locality as the proposed verandah and carport are screened from the adjoining properties by mature vegetation. The proposal does not impact negatively on any adjoining neighboring property due to the open nature of the structures, and is consistent with existing residential development in the locality.

(iii) The likely future development of the locality.

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

The proposed non-complying application is therefore supported.

Lot Boundary Setback (Clause 5.1.3 of the R-Codes)

	Deemed-to-comply provision	Proposed
Setback carport from western (right) boundary	1.0 metre	0.75 metres (average 1.35 metres)
<p><i>Design principles:</i></p> <p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <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> 		

The applicant seeks variations to the lot boundary setback of the carport from the western side boundary.

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

- the reduced setback to the west is to a portion of the boundary, with the proposed carport being set back an average of 1.35 metres from the side boundary. This will minimise the overall impact on the adjoining dwelling in terms of building bulk;
- the proposed finished floor level of the garage will be approximately 1.16 metres below the natural ground level of the adjoining property to the east, and therefore will ensure minimal impact in terms of loss of sunlight and ventilation to the adjoining property;
- the carport is located within the front setback area, and will not abut any habitable room windows or outdoor living areas on the adjoining site; and
- the proposed carport is open style, therefore still allowing sunlight and ventilation to the subject site, and minimising the impact on the adjoining property.

Overall, the proposed carport will be located approximately 1.16 metres lower than the adjoining properties natural ground level, and will be open style, therefore minimising the overall impact on building bulk and access to sunlight. The proposal is therefore considered to satisfy the design principles of the R-Codes.

POLICY/STATUTORY IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Ciara Slim, Statutory Planning Officer

ATTACHMENTS:

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

ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY the application for a Carport, Verandah and Front Fence submitted by Mr GM Walker and Mrs CM Walker at Lot 466 (No. 17) Marimba Crescent, City Beach as shown on the plans dated 22 December 2017, subject to the following conditions:-

- (i) the roof material not to be zincalume or off-white ('Surfmist') Colorbond;
- (ii) a minimum of 50% of the front setback area to be landscaped to the satisfaction of the Town;
- (iii) the crossover to be no wider than 6.0 metres (excluding splays);
- (iv) the carport to remain open on all sides. No solid door is to be installed.
- (v) the infill panels of the fencing in the front setback area to have a surface with an open to solid ratio of no less than 4:1 and meet the deemed-to-comply provisions of clause 3.1.7 of the Town's Planning Policy 3.1: Streetscape;
- (vi) the garage door to have a surface with an open to solid ratio of no less than 4:1 in accordance with the deemed-to-comply provisions of clause 3.1.4 of the Town's Planning Policy 3.1: Streetscape;
- (vii) the redundant vehicle crossovers (x2) outside the subject site to be removed and the kerbing, verge and footpath to be reinstated to the specifications and satisfaction of the Town; and
- (viii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.

Advice Note:

The applicant be advised that:

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

Committee Meeting 17 April 2018

During discussion, Members agreed that no door is to be installed on the carport.

Amendment

Moved by Cr Timmermanis, seconded by Cr McKerracher

That clause (vi) of the motion be deleted and clause (iv) of the motion be amended by deleting the word "solid".

Amendment carried 5/0

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY the application for a Carport, Verandah and Front Fence submitted by Mr GM Walker and Mrs CM Walker at Lot 466 (No. 17) Marimba Crescent, City Beach as shown on the plans dated 22 December 2017, subject to the following conditions:-

- (i) the roof material not to be zincalume or off-white ('Surfmist') Colorbond;**
- (ii) a minimum of 50% of the front setback area to be landscaped to the satisfaction of the Town;**
- (iii) the crossover to be no wider than 6.0 metres (excluding splays);**
- (iv) the carport to remain open on all sides. No door is to be installed.**
- (v) the infill panels of the fencing in the front setback area to have a surface with an open to solid ratio of no less than 4:1 and meet the deemed-to-comply provisions of clause 3.1.7 of the Town's Planning Policy 3.1: Streetscape;**
- (vi) the redundant vehicle crossovers (x2) outside the subject site to be removed and the kerbing, verge and footpath to be reinstated to the specifications and satisfaction of the Town; and**
- (vii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.**

Advice Note:

The applicant be advised that:

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

Carried by an ABSOLUTE MAJORITY 6/2

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

DV18.43 LOT 258 (NO. 24 LINDEN GARDENS, FLOREAT - PROPOSED CARPORT AND TWO PATIOS

SUMMARY:

The purpose of this report is for Council to consider a development application for a carport and two patios at No.24 Linden Gardens, Floreat.

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

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

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

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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. 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. |

BACKGROUND:

Application: 0290DA-2017
Owner: Mr AF Arundell & Mrs KT Arundell
Applicant: Addstyle Constructions Pty Ltd
Zoning: Residential R12.5
Use class: Dwelling (single) 'P' – permitted
Land area: 880sqm²

This application was originally submitted on the 12 October 2017 with plans illustrating a front fence, carport and two (2) patios. As the front fence was exempt from clause 20 of the Town Planning Scheme No.1, revised plans were received on the 22 January 2018 removing the front fence structure. It is the latter set of plans that are the subject of the following report.

Officers note that the fence was approved under delegated authority on the 2 February 2018.

DETAILS:

Development description

The subject site is located within the Floreat Precinct. The site features an existing single storey dwelling. The site is a corner lot which two street frontages, The Boulevard and Linden Gardens.

The surrounding sites consist of single storey dwellings featuring double garages, carports and shade sails within the front setback area. As the dwelling is set back furthest from "The Boulevard", Linden Gardens is the secondary street.

The development application proposes the following:

- A double carport, 5.5 metres long and 6.0 metres wide, is to be constructed over an existing vehicle crossover with a 600mm setback from the southern side boundary and (1.245m - 3.560m) from the front western boundary;
- The carport features a flat roof;
- The height of the carport from ground level is 2.657 metres to the ceiling and maximum height of 2.90 to the top of the roof.
- The carport is open on all sides, however, is adjacent to an open style dividing fence (height 0.6 - 1.8 metres) along the southern side boundary and the rear of the carport abuts the front of the dwelling.
- Patio one (1), as illustrated on the site and elevation plan features a western side boundary setback of 6 metres.
- Patio two (2), as illustrated on the site plan and elevation plans features a western side boundary setback of 0.6 metres.

Applicant's justification

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

Neighbour submission

The application was advertised for a period of 14 days, from 13 November 2017 to 27 November 2017, to one (1) adjoining property in accordance with the requirements of the Residential Design Codes of Western Australia. No objections or submissions were received during the notice period.

Officers note that the applicant provided an adjoining property owner comment form to which the neighbour stated no objection to the proposed development.

Assessment against the design principles

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

In accordance with Clause 20, notwithstanding the above provisions of the Residential Design Codes, street boundary setbacks within the Floreat Precinct shall be a minimum of 4.5 metres from the secondary street.

In considering variations to these provisions, Council shall have regard to Clause 39 of Town of Cambridge Town Planning Scheme No. 1, which deals with non-complying applications and Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015,

which deal with matters to be determined by a Local Government in considering an application for development approval.

The Council must therefore be satisfied BY ABSOLUTE MAJORITY that, in approving an application for development approval for a non-complying application, that the development would be consistent with the objectives as detailed in Clause 39 of the Scheme:

	Deemed-to-comply provision	Proposed
<u>Secondary street setback</u>	Min 4.5 metres	1.245 metres - 3.560 metres
<i>Clause 39</i>		
<p>(3) <i>The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-</i></p> <p>(a). <i>If approval were to be granted, the development would be consistent with:-</i></p> <p style="margin-left: 40px;">(i) <i>The orderly and proper planning in the locality;</i></p> <p style="margin-left: 40px;">(ii) <i>The conservation of the amenities of the locality; and</i></p> <p style="margin-left: 40px;">(iii) <i>The statement of intent set out in the relevant Precinct Planning Policy; and</i></p> <p>(b). <i>The non-compliance would not have any undue adverse effect on:-</i></p> <p style="margin-left: 40px;">(i) <i>The occupiers or users of the development;</i></p> <p style="margin-left: 40px;">(ii) <i>The property in, or the inhabitants of, the locality; or</i></p> <p style="margin-left: 40px;">(iii) <i>he likely future development of the locality.</i></p>		

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

- (a) If approval were to be granted, the development would be consistent with:-
- (i) *the orderly and proper planning in the locality*

The proposal involves the construction of a carport and two patios to an existing single dwelling. As indicated in Figures (1,2 & 3) attached to this report, the street setback to the carport is consistent with the streetscape as viewed from Linden Gardens, whereby there are carports located within the street setback area on numerous properties.

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

The amenities in the locality will not be compromised by the approval of this application. The proposal is for an open carport and two patios. The proposal will not impact or cause any disturbance on the amenities in the locality.

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

The proposal consistent with the *Statement of Intent* of the Floreat Precinct, as the development proposes minor additions to an existing single residential dwelling to occupy the property which is consistent with those in the immediate locality.

- (b) The non-compliance would not have any undue adverse effect on:-
- (i) *The occupiers or users of the development;*

The proposal is for two patios and a carport which provide increased amenity for the occupiers/users of the development. The reduced street setback will not result in an undue adverse effect on the owners of the property. In supporting the proposed street setback variation, the occupiers of the proposed dwelling will be able to enjoy additional

outdoor living area to their rear of the dwelling and have covered parking for cars whilst stilling allowing for passive surveillance of the street.

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

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

(iii) The likely future development of the locality.

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

It is further noted that the addition is to an existing dwelling which is set at an angle to the primary and secondary streets making it difficult to provide a carport in a location behind the street setback line.

The subject site retains existing landscaped within the front setback area. The application is fully compliant with all landscaping requirements.

The proposed non-complying application is therefore supported.

Lot boundary setback (Clause 5.1.3 of the R-Codes)

	Deemed-to-comply provision	Proposed
<u>Side setback</u>		
Carport	Min 1.0 metre	0.6m
Patio (2)	Min 1.0 metre	0.6m
<i>Design principles:</i>		
<i>Buildings set back from lot boundaries 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> 		
<i>Buildings built up to boundaries (other than the street boundary) where this:</i>		
<ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 		

Carport

The proposed side setback variation does not result in any undue building bulk on the street, as the carport is a relatively open structure, flat roofed and has been designed with features to complement the dwelling.

The proposed side setback variation is adjacent to the neighbours front yard and therefore any amenity impact on the neighbouring property in relation to direct sun and ventilation is considered significant. It is noted that the proposal is fully compliant with the deemed-to-comply provisions of Clause 5.4.2 'Solar Access for Adjoining sites' C2.1 of the R-Codes.

As the proposed variation relates to a carport there is no adverse impact on visual privacy to the adjoining property. It is noted that the proposal is fully compliant with the deemed-to-comply provisions of Clause 5.4.1 'Visual Privacy' C1.1 of the R-Codes.

Patio (No.2)

The setback variation to the patio will not directly impact the adjoining property as the proposal is adjacent to an existing solid dividing fence that is approximately 2 metres in height. Therefore, the patio does not adversely affect the property with respect to building bulk, privacy or the provision of sunlight and ventilation and is therefore supported.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

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

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

COMMUNITY ENGAGEMENT:

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

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Petar Mrdja, Manager Development Assessment
Contributors	Marcel Bridge, Statutory Planning Officer

ATTACHMENTS:

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

ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a Carport and two Patios submitted by Addstyle Constructions Pty Ltd at Lot 248 (No.24) Linden Gardens, Floreat, as shown on the plans dated 22 January, 2018, subject to the following conditions:-

- (i) the carport to remain open on all sides. No solid door is to be installed; and
- (ii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.

Committee Meeting 17 April 2018

Amendment

Moved by Cr Timmermanis, seconded by Cr McKerracher

That clause (i) of the motion be amended by deleting the word "solid".

Amendment carried 5/0

COMMITTEE RECOMMENDATION:

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a Carport and two Patios submitted by Addstyle Constructions Pty Ltd at Lot 248 (No.24) Linden Gardens, Floreat, as shown on the plans dated 22 January, 2018, subject to the following conditions:-

- (i) the carport to remain open on all sides. No door is to be installed; and**
- (ii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.**

Amendment

Moved by Mayor Shannon, seconded by Cr Timmermanis

That a further clause be added to the motion as follows:-

- (iii) the carport roof to be constructed in a light permeable material or with louvres which can be opened and closed over 50% of the roof area, to allow for the penetration of sunlight into the carport and adjoining property.**

Amendment carried 5/4

For: Mayor Shannon (Casting Vote), Crs Carr, McKerracher and Timmermanis
Against: Crs Bradley, McAlister, Nelson and Powell

COUNCIL DECISION:

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a Carport and two Patios submitted by Addstyle Constructions Pty Ltd at Lot 248 (No.24) Linden Gardens, Floreat, as shown on the plans dated 22 January, 2018, subject to the following conditions:-

- (i) the carport to remain open on all sides. No door is to be installed; and**
- (ii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site;**
- (iii) the carport roof to be constructed in a light permeable material or with louvres which can be opened and closed over 50% of the roof area, to allow for the penetration of sunlight into the carport and adjoining property.**

Carried by an ABSOLUTE MAJORITY 6/2

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

DV18.44 WEMBLEY ACTIVITY CENTRE PLAN - CONSIDERATION OF WESTERN AUSTRALIAN PLANNING COMMISSION MODIFICATIONS

SUMMARY:

A report was presented to Council at the Ordinary Council Meeting held on 28 November 2017, outlining the modifications required by the Western Australian Planning Commission (WAPC) to the Wembley Activity Centre Plan (the Plan). At this meeting, Council resolved to support some modifications (1-9) and not support other modifications (10-13), and resubmit the Plan to the WAPC for determination.

The Plan was considered by the WAPC's Statutory Planning Committee (SPC) on 27 February 2018, where the WAPC determined that modifications 10-13 are required prior to the Plan being resubmitted and approved.

The purpose of this report is to consider the WAPC's modifications and to recommend that the modifications be undertaken so the Plan can take statutory effect.

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.

BACKGROUND:

For an outline of the history of the Plan, please refer to the Council Minutes of November 2017 (item DV17.125 - Attachment 2).

On 27 February 2018, the SPC resolved:

That in accordance with clause 38(1)(b), Schedule 2 - Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, the Statutory Planning Committee resolves to require the Town of Cambridge to:

- 1. Modify the draft Wembley Activity Centre Plan in accordance with the attached schedule of Modifications as appended in Attachment 4; and*
- 2. Resubmit the modified plan to the Western Australian Planning Commission for approval.*

(refer Attachment 1)

The outstanding modifications are outlined within the table below.

Modification No.	Modification
10	Following the Primary Controls table for Anchor Site 1, the text relating to Local Development Plan for Anchor Site 1 is to be clarified so as to list all matters to be addressed by the Local Development Plan, including the number of public parking spaces, the public open space areas to be provided and the street setback to Cambridge Street, and as a subset of this, additional matters to be addressed regarding Lot 78.
11	Modify page 33 to ensure consistency with Council modifications for Precinct 1 – Anchor Site 1 to be made to pg 34, 35 and Primary Controls table.
12	Modify pg 33 Development Precincts table - Specific Development Requirements for A1 – Anchor Site to retain reference to public parking bays and public opens spaces to be provided, with reference to specific numbers and amounts being removed.
13	Primary controls table for Anchor Site 1 to be modified to remove the Cambridge Street setback, with this to be determined through the Local Development Plan.

DETAIL

The modifications not agreed to previously by Council relate solely to Anchor Site 1, which includes the Wembley Hotel. Since Council's decision in November 2017, Amendment 33 to Town Planning Scheme No. 1 (TPS1) has been gazetted that includes specific requirements relating to Anchor Site 1. These requirements are that:

- a local development plan (LDP) is prepared for the site;
- *the LDP is to include provisions relating to building heights and setbacks which are consistent with the approved Wembley Activity Centre Plan;*
- *the LDP is to depict the location of a public parking facility, as agreed between the Town and the landowner/applicant; and*
- *the LDP is to depict the location and indicative design of open space within the site boundaries, as agreed between the Town and the landowner/applicant, including a public plaza fronting both Cambridge Street and the common western boundary with Lot 78.'*

Given the specific reference to the Wembley Activity Centre Plan in TPS1 it is necessary to finalise the Plan to ensure the proper operation of TPS1. It is also necessary for the Plan to be approved for the Town to meet its obligations under *State Planning Policy 4.2: Activity Centres for Perth and Peel*, as well as to complete a project that has involved considerable community input and Town resources since its inception in 2014.

Whilst the modified development controls to be included in the Plan are not as specific as intended by Council, there are still appropriately worded requirements to ensure that public benefits will be achieved through the LDP process for the site. Importantly, the overall building height limits and setback requirements from adjoining residential buildings are still to be included in the Plan and the LDP will need to be consistent with those provisions. A 2 metre setback from Cambridge Street will still be pursued through the LDP process, however, some flexibility may be required to cater for the future buildings' design and to incorporate the public plaza and parking.

It is also recognised that the WAPC are the determining body for structure plans and that the Plan forms an important part of other strategic projects (i.e. the Local Planning Strategy).

Whilst it is open for Council to consider not undertaking the modifications to the Plan or to respond again to the WAPC advising that the modifications are not supported, these options are not recommended.

It is therefore recommended that the modifications be made and the plan resubmitted to the WAPC for determination.

Appeal to the State Administrative Tribunal

There is a right of appeal for a person who prepared an activity centre plan to apply to the State Administrative Tribunal (SAT) for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the WAPC not to approve the activity centre plan. However, this right of appeal does not extend to an activity centre plan prepared by a local government, as distinct from a 'person'. This interpretation has been confirmed with legal advice sought by the Town.

POLICY/STATUTORY IMPLICATIONS:

There are no policy/statutory implications associated with the recommendation of this report.

FINANCIAL IMPLICATIONS:

The preparation of the Wembley Activity Centre Plan was funded as part of the Town Planning Scheme Review budgets between 2014 and 2016. The modifications recommended by this report will be funded under the Planning operational budget for 2017/18.

STRATEGIC DIRECTION:

The projects identified in this report relate directly to key actions and strategies from the Strategic Community Plan (5.1: Facilitate commercial development within the Town) and Corporate Business Plan (5.1: Activity Centres Policy).

COMMUNITY ENGAGEMENT:

Community engagement for the draft Wembley Activity Centre Plan was guided by the Community Engagement Strategy. The Wembley Activity Centre Plan was endorsed by Council at its meeting held on 22 March 2016.

The *Planning and Development (Local Planning Schemes) Regulations 2015* outline requirements for Activity Centre Plans, including that a local government must take any steps considered appropriate to advertise the Activity Centre Plan.

Pursuant to Schedule 2, Part 5, Clause 35(3) modifications to any activity centre plan may not be advertised on more than one occasion without the approval of the Commission.

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Brett Cammell, Manager Planning Strategies and Economic Development
Contributors	Simon Shub, Senior Strategic Planning Officer

ATTACHMENTS:

1. WAPC correspondence dated 16 March 2018
2. Council minutes 27 November 2017 - Item DV17.125

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That:-

- (i) the Western Australian Planning Commission's modification Nos 10 to 13 to the Wembley Activity Centre Plan be undertaken, as contained in the Schedule of Modifications as provided in Attachment 1 to this report; and**
- (ii) the Wembley Activity Centre Plan be resubmitted to the Western Australian Planning Commission for determination.**

Carried 8/0

DV18.45 HEALTH AND COMPLIANCE POLICIES - REVIEW AND ADOPTION

SUMMARY:

To advise Council of the review and amendment of existing Council Policies and to adopt a new relating to '*Verges - Use for Temporary Storage of Goods and Items*'..

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. 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.

The Town's Health and Compliance Section, comprising of the Health Services Unit, Ranger Services Unit and Compliance Unit, is responsible for enforcing the Town's Local Laws and associated Council policies.

DETAILS:

The Health and Compliance Section has recently commenced enforcement of signs in a public place and on public property. As part of this enforcement programme, a review of the relevant Council policies has been carried out. This review has revealed that the policies are in need of amendment to remove ambiguity and update with current procedures and practices.

1. Policy No: 4.2.1 - '*Paving and Draining of Rights of Way*'.

This Policy has been amended to reflect the new title of the Director Planning and Development and an update of legislation. It does not alter the intent of the Policy.

2. Policy No: 4.2.2 - '*Revocation of Environmental Protection Act Notices*'.

This Policy has been amended to update of legislation. It does not alter the intent of the Policy.

3. Policy No: 4.2.3 - '*Control of Ants and Termites on Local Government Property*'.

This Policy has had minor amends to include wording relating to action to be taken where there is a risk to health and safety.

4. Policy No: 4.2.4 - 'Out of Hours Construction Projects'.

This Policy has been significantly amended to reflect the new title of the Manager and to include requirements for improved communication with potentially affected persons.

5. Policy No: 4.2.5 - 'Outdoor Eating Facilities' and Guidelines.

This Policy has been amended to update of legislation. It does not alter the intent of the Policy.

6. Policy No: 4.2.6 - 'Temporary Storage of Items, Materials and Goods on a Verge or Local Government Property'.

This is a new policy with formalises the Town's current practices and procedures relating to the storage of items, material and goods on a verge or on local government property. It also includes bulk waste bins.

7. Policy No: 4.2.7 - 'Dust Suppression At Demolition Sites'.

This policy has been renumbered from 4.4.4 and moved from the Building Section to Health and Compliance Section, as the policy relates to enforcement procedures.

The policy has been significantly amended to reflect new requirements for Dust Management Plans and increased requirements to be taken to suppress dust.

Comment

It is essential that the new policies and guidelines are adopted to comply with the Town's Local Law requirements and are clear, concise and reflect the view of the Council. The relevant Policy amendments (changes shown marked up) are attached to this report.

POLICY/STATUTORY IMPLICATIONS:

The changes proposed will amend the current Council Policies and adopt a new Policy.

FINANCIAL IMPLICATIONS:

Not Applicable

STRATEGIC DIRECTION:

Consideration of this policy is consistent with the Town's Strategic Community Plan 2013 - 2023 and responds to:-

Our Community Life

Goal 3 An active, safe and inclusive community

Strategy 3.4: Create and maintain safe environments

Our Council

Goal 11: A strong performing local government

Strategy 11.5: Continuously strive to improve services delivered to the community.

COMMUNITY ENGAGEMENT:

Community Engagement is not required.

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery - Director Planning and Development
Responsible Manager	John Giorgi, JP - Manager Health and Compliance Services
Contributors	Steven Cleaver - Coordinator Health and Compliance, M Merenda Compliance Officer, P Keogh Compliance Officer

ATTACHMENTS:

1. Policy No: 4.2.1 - 'Paving and Draining of Rights of Way'.
2. Policy No: 4.2.2 - 'Revocation of Environmental Protection Act Notices.
3. Policy No: 4.2.3 - 'Control of Ants and Termites on Local Government Property'.
4. Policy No: 4.2.4 - 'Out of Hours Construction Projects'.
5. Policy No: 4.2.5 - 'Outdoor Eating Facilities' and Guidelines.
6. Policy No: 4.2.6 - 'Temporary Storage of Items, Materials and Goods on a Verge or Local Government Property'.
7. Policy No: 4.2.7 - 'Dust Suppression At Demolition, Building and Construction Sites'.

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That the following amended and new Council policies and guidelines be adopted:-

- (i) **Policy No: 4.2.1 - 'Paving and Draining of Rights of Way', as shown in Attachment 1;**
- (ii) **Policy No: 4.2.2 - 'Revocation of Environmental Protection Act Notices, as shown in Attachment 2;**
- (iii) **Policy No: 4.2.3 - 'Control of Ants and Termites on Local Government Property', as shown in Attachment 3;**
- (iv) **Policy No: 4.2.4 - 'Out of Hours Construction Projects', as shown in Attachment 4;**
- (v) **Policy No: 4.2.5 - 'Outdoor Eating Facilities' and Guidelines, as shown in Attachment 5;**
- (vi) **Policy No: 4.2.6 - 'Temporary Storage of Items, Materials and Goods on a Verge or Local Government Property', as shown in Attachment 6; and**
- (vii) **Policy No: 4.2.7 - 'Dust Suppression At Demolition, Building and Construction Sites', as shown in Attachment 7.**

Carried 8/0

**DV18.46 HEALTH ACT, LOCAL GOVERNMENT ACT AND BUSHFIRES ACT NOTICES-
LOT 41 (NO.25) PANDORA DRIVE, CITY BEACH**

SUMMARY:

To obtain Council approval to enforce various notices issued under the Health Act to remedy unsatisfactory conditions at Lot 41 (No. 25) Pandora City Beach, which involves removal of accumulated rubbish and disused items, removal of overgrown vegetation and flammable material on the property, also requiring demolition of the derelict house due to unauthorised dangerous building alterations.

BACKGROUND:

The property has been the subject of numerous complaints and unsatisfactory conditions, almost on a monthly basis since the 2013. A detailed chronology of events is shown at Attachment 1. The recent history is shown below:

6 December 2013

Complaints received regarding the state of property and its potential fire risk from WA Police and neighbours.

9 December 2013

Freezing order placed on title by the Department of Public Prosecutions under proceeds from crime.

26 November 2015

Complaints continued to be received about the derelict property and overgrown vegetation on the property. Health Act notices served declaring property unfit for human habitation.

30 November 2015

Bushfire notice issued

21 April 2016

Order lifted following sanitary facilities being installed.

25 August 2016

Premises inspected in August 2016.

Notices issued under Health Act declaring the house 'unfit for human habitation', requiring cleaning and disinfection, a Notice under the Local Government Act to remove accumulated rubbish and disused items from the property and a Notice under the Town of Cambridge Private Property Local Law to reduce the amount of vegetation on the property. The Notices required cleaning and disinfection by 1 September 2016 and repair of the house.

A Notice pursuant Section 3.25(1) of the Local Government Act 1995 required the Owner to clean the yard of all disused materials by 23 December 2016.

The notices were affixed to the front door and posted by registered mail to the address.

28 September 2016

Inspection by EHO's revealed owners son undertaking some clean-up work.

8 November 2016

Inspection by EHO's revealed owners son undertaking some clean-up work.

10 November 2016

Inspection by EHO's revealed owners son undertaking some clean-up work.

19 December 2016 - 28 Mar 2017

Property Locked and uninhabited.

26 March 2018

Following a complaint an inspection was carried out by Councils EHO's, premises being inhabited by associate of owner's son. Large dog present so inspection rescheduled.

28 March 2018

Inspection by Councils EHO's and Rangers. Squatter was vacating premises at the time of inspection. Inspection revealed premises in poor and dangerous condition, namely:

- Unapproved and dangerous building alterations
- Illegal plumbing
- Illegal wiring
- Overgrown vegetation
- Premises unclean with significant amounts of accumulated rubbish.

DETAILS:

An inspection of the house and property on 28 March 2018 by the Coordinator Health and Compliance and Environmental Health Officer revealed the following:

External

The property is overgrown with weeds and vegetation and is in an untidy, unsightly, unkempt and is being used for storage which contains numerous disused materials. A detailed list is shown at Attachment 2.

House Cleanliness and Vermin Control: Attachment 3

1. The house is unclean with a build-up of dirt and filth- It is to be thoroughly cleansed and disinfected.
2. The house contains accumulated rubbish, refuse and disused materials throughout all rooms- to be cleaned and rubbish removed.

3. There is accumulated rubbish, refuse and disused materials throughout the rooms, which provide ideal harbourage for rats and vermin. All materials are to be stored in a manner so as not to cause potential harbourage.
4. Due to the accumulated rubbish, refuse and disused materials, effective measures to eradicate rodents and other vermin by providing rodenticide baits and/or traps are to be placed throughout the house and property.
5. The house is unsecured, providing access to the interior- all open or damaged windows, are to be appropriately secured so as to prevent unauthorised access and human habitation.

House Structural Condition: Attachment 4

1. The roof has tiles missing and is to be repaired and made weatherproof.
2. All rusted or missing gutters and down pipes are to be repaired or replaced and be made weatherproof.
3. All downpipes are to be connected to rainwater soak-wells.
4. All broken windows to be repaired.
5. All broken doors to be repaired or replaced.
6. All missing eaves to be replaced and/or repaired.
7. All pipes, fittings and fixtures connected to the water supply, drainage and sewerage are to comply with the provisions of the By Laws made under the Metropolitan Water Supply Sewerage and Drainage Act.
8. A certificate to be provided by a licensed plumber certifying that the water supply complies with the relevant Codes, Town of Cambridge Health Local Law and with the provisions of the By Laws made under the Metropolitan Water Supply Sewerage and Drainage Act.
9. The electrical supply and wiring shall comply with the relevant Codes, Town of Cambridge Health Local Law and Western Power requirements.
10. A certificate to be provided by a Licensed Electrician certifying that the electrical supply and wiring complies with the relevant Codes, Town of Cambridge Health Local Law and Western Power requirements.
11. A compliant laundry and washing facilities is to be provided.
12. A compliant kitchen and cooking facilities is to be provided.
13. Several illegal alteration/additions of the house has taken place, namely
 - a. An internal wall in the lounge room has been removed and replaced with a steel column and beam.
 - b. A room consisting of an entry door has been created to the northern side of the house. The room is non-compliant with low head heights, inadequate waterproofing, structural inadequacy and use on non-energy efficient materials
 - c. A two storey addition containing three small rooms has been created on the western elevation. The rooms are non-compliant with low ceiling heights, non-compliant stairs.

- d. Several small unapproved rooms have been created on the southern elevation. The walls are constructed of single leaf masonry which is not supported by engaged piers. One wall has collapsed. Waterproofing is inadequate resulting in water pooling in the additions. Wood is subject to termite damage and wood rot. All rooms are non-compliant with low head heights resulting in life safety issues.
- e. The patio masonry balustrade has been removed resulting in risk of falls.
- f. A deck and patio has been created on the eastern elevation. The deck is not structurally sound and is in risk of collapse.
- g. A masonry front wall has been constructed without engaged piers and has several structural cracks. The wall is not structurally sound and is in risk of collapse.

Local Government Act Notice Attachment 5

On 28 March 2018, the property still contained excessive disused materials, accumulated rubbish along grass overgrown vegetation and trees. (Refer attachment 2)

Bush Fires Act Notice Attachment 5

As a result of a further complaint on 30 November 2015, a Notice pursuant to the Bush Fires Act was posted to 25 Pandora Drive, City Beach, Western Australia 6015. This Notice requires the Owner to remove the potential bushfire risk on the land by removing the excess vegetation, long grass, tall trees and flammable material which is a potential bush fire risk, by 16 November 2015.

When the long grass cures, a serious fire hazard will be created, which could also potentially affect adjoining properties. The lot has been declared bushfire prone by the Department of Planning.

Comment

The property at 25 Pandora drive, City Beach has been the source of on-going complaints about unsatisfactory health conditions, accumulated rubbish, bush fire risk and overgrown vegetation since 2013. Whilst action has been taken to rectify the problems over the years, the failure of the Owner estate to comply and maintain the property to the required standards, has now reached a stage where the Council is required to take firm action to address the unsatisfactory situation. The adverse impact on the neighbours has been evident by the regular and numerous complaints which are continued to be received.

The house has now deteriorated to a state where it requires extensive work to bring it up to the required health and building standards. Previous and current owners have undertaken several illegal additions and alterations which provide life safety risks to the occupants of the building, this includes risk of crush, risk of falls, risk of electrocution, risk of infection from illegal plumbing and waterproofing.

Also of concern, is the serious bush fire risk, as the property is overgrown with vegetation and is within a bushfire prone area of the Town providing an elevated risk. Action by the Town will be required to abate the extreme risk which will occur and which potentially affects the adjoining properties. Failure to act will potentially expose the Council to possible liability and litigation, in the event of a fire.

Whilst the Town has been reacting to the complaints, in view of the on-going nature and persistent complaints, legal advice was previously obtained from the Town's solicitors. The Town's solicitors have recommended the following action:

1. Submit a report to Council to approve re-issuing of Health Act and Local Government Act notices.
2. Solicitors to review all notices prior to service.
3. Serve notices in accordance with prescribed statutory procedures.
4. Enforce the Bush Fires Act notice, prior to the long grass and flammable material drying out- (this can occur at any time after 16 November 2017)
5. Prosecute the Owner for failing to comply with the notices.
6. Subject to a successful prosecution being achieved, carry out the provisions of the notices to demolish the house and clean -up the property.
7. Implement action in a court to recover all costs incurred.
8. Place a caveat on the title of the subject property and/or if costs cannot be recovered by the court, eventually sell the subject property and recover costs.

The following is an indicative timeline:

Item:	Indicative Date:
Report to Development Committee	17 April 2018
Council meeting to consider Item	24 April 2018
Serve notices	25 April 2018
Investigate compliance of Notices	31 May 2018
Report to solicitors for legal action	6 July 2018
Prosecution for non-compliance with notices	July-August 2018
Take-down and remove house and clear property of disused materials and excess vegetation	August 2018
Recover Town's costs in a court	August - September 2018
Report to Council for sale of property to recover costs (if required)	October -December 2018

POLICY/STATUTORY IMPLICATIONS:

Health Act 1911:

- s.135 - Power to declare a house '*unfit for human habitation*'.
- s.137 - Power to order a house to be repaired or taken down.
- s.140 - Power of Local government to act in default of Owner and power to recover costs
- s.354 - Service of notices

Local Government Act 1995:

- s.3.25 - Power to require property Owners to do certain things.
- s.3.26(2) - Power to act in default of Owner.
- s.3.26(3) - Power to recover costs incurred in enforcing notices.
- s.9.50 - Service of notices.

Bush Fires Act 1954:

- s.33(1) - Power to require property Owners to remove flammable material from properties.
- s.33 (2) - Service of notices.
- s.33(4) - Power to act in default of Owner.
- s.33(5) - Power to recover costs incurred in enforcing notices

Interpretation Act 1995:

- s.75 and 76 - Service of notices

Local Government Act 1995 - s 9.6 - Right of Objection

A person dissatisfied with the requisitions in a Notice issued by a local government, has the right, within twenty eight (28) days of the service of the Notice, to apply to the local government and object to the decision to issue a Notice (“the decision”). The objection must be made in the prescribed form and lodged with the local government.

Local Government Act 1995 - s 3.25 (5) Appeal to the State Administrative Tribunal (SAT)

A person aggrieved by a decision of the Town of Cambridge has the right of appeal against such Notice in accordance with the *State Administrative Tribunal Act 2004*. An appeal regarding orders or decisions is to be lodged in writing detailing reasons within 28 days of the making of the order or decision to the *State Administrative Tribunal* to have the order or decision reviewed by that Tribunal.

The right to an appeal to the SAT applies to the Health Act Notices, the Local Government Act Notice and the Town of Cambridge Private Property Local Law Notice.

FINANCIAL IMPLICATIONS:

The cost of enforcing the various Notices is indicatively as follows:

Item	Requirement	Indicative Cost	Recoverable
Health Act Notice	Demolition of the two storey house #	\$16,000	Yes
Local Government Act Notice	Removal and disposal of rubbish and miscellaneous materials	\$2,000	Yes
Bush Fires Act Notice	Removal of vegetation and flammable material	\$3,000	Yes
Legal Costs	Legal advice *	\$6-10,000	Partly say 50%
Total:		\$27-31,000	\$22-26,000

cost based on a recent quotation of demolition of a two storey house in Cambridge Street.

* Cost is for advice and simple prosecution.

Legal costs for recovery of costs incurred will be additional.

In the event that the Council approves action to enforce the provisions of the notices, considerable expenditure will be incurred. There are no specific funds on the Budget 2017-18 for this matter, as the matter was unforeseen and only arose after the adoption of the budget. All costs incurred will be able to be recovered in a court, however, this will take some time. Should the owner's estate not pay, it may ultimately result in the Council selling the property to recover the costs incurred.

STRATEGIC DIRECTION:

Consideration of this policy is consistent with the Town's Strategic Community Plan 2013-2023 and responds to:-

Our Community Life

Goal 3: An active, safe and inclusive community

Strategy 3.4: Create and maintain safe environments

COMMUNITY ENGAGEMENT:

A letter has been sent to the neighbouring properties in Pandora Drive, City Beach advising of the proposed action by the Town.

ATTACHMENTS:

1. Detailed Chronology of events 2013-2018
2. Detailed list of disused materials on the property.
3. Photographs of disused materials and rubbish
4. Photographic record - House structural condition
5. Photographic record - Untidy land and bushfire hazard

Committee Meeting 17 April 2018

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.46 I declare that I have an association with the owners of the property adjoining No.25 Pandora Drive, City Beach. This association has been a personal one and is now a professional one, the owner of the adjoining property being an elected member. As a consequence, there may be a perception that my impartiality may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Cr Timmermanis disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.46 I declare that I have an association with the owners of the property adjoining No.25 Pandora Drive, City Beach. This association is a professional one, the owner of the adjoining property being an elected member. 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."

Mayor Shannon disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.46 I declare that I have an association with the owners of the property adjoining No.25 Pandora Drive, City Beach. This association is a professional one, the owner of the adjoining property being an elected member. 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 24 April 2018

Prior to consideration of the item, Cr McKerracher disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.46 I declare that I have an association with the owners of the property adjoining No.25 Pandora Drive, City Beach. This association has been a personal one and is now a professional one, the owner of the adjoining property being an elected member. 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."

Mayor Shannon disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV18.46 I declare that I have an association with the owners of the property adjoining No.25 Pandora Drive, City Beach. This association is a professional one, the owner of the adjoining property being an elected member. 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 Mayor Shannon, seconded by Cr Nelson

That:-

(i) the following action be approved:-

- (a) pursuant to s135 of the Health Act 1911, the house situated at Lot 41, Volume 1275, Folio 154, Plan 7575 and known as (No. 25) Pandora Drive, City Beach be declared 'Unfit for Human Habitation', and such vacant house to remain vacant thereafter the service of the Notice until compliance with the notice has been achieved;**
- (b) pursuant to s137 of the Health Act 1911, the house situated at Lot 41, Volume 1275, Folio 154, Plan 7575 and known as (No. 25) Pandora Drive, City Beach be required to be taken down and the resultant land cleaned to the satisfaction of the Town within thirty (30) days of the service of the Notice;**
- (c) pursuant to s3.25(1) and Schedule 3.1 of the Local Government Act 1995, the house situated at Lot 41, Volume 1275, Folio 154, Plan 7575 and known as (No. 25) Pandora Drive, City Beach, be required to be cleaned and all disused materials on the land to be removed to the satisfaction of the Town, within thirty (30) days of the service of the Notice;**
- (d) the notice issued be enforced, pursuant to s33 of the Bush Fires Act 1954, the land situated at Lot 41, Volume 1275, Folio 154, Plan 7575 and known as (No. 25) Pandora Drive, City Beach, to be cleared of 'flammable material' and the land cleaned to the satisfaction of the Town;**

(ii) the Chief Executive Officer be authorised to:-

- (a) initiate legal action against the Owner of the house situated at Lot 41, Volume 1275, Folio 154, Plan 7575 and known as (No. 25) Pandora Drive, City Beach, if the Notices are not complied with, within the specified time frames;**
- (b) carry out the requirements of the Notices, in the event that the Owner fails to comply within the specified time frames;**
- (c) initiate legal action against the Owner the house situated at Lot 41, Volume 1275, Folio 154, Plan 7575 and known as (No. 25) Pandora Drive, City Beach, to recover the costs incurred in enforcing the above Notices;**

(iii) an amount of up to \$31,000 be re-allocated to enable the Notices issued under the Health, Bush Fires and Local Government Acts to be effected, in the event that the Owner fails to comply within the specified time frames; and

(iv) it be noted that the majority of the Town's costs incurred in enforcing the legal Notices can be recovered by applying to the Courts and/or lodging a caveat on the title of the subject property.

Carried 8/0

COMMUNITY AND RESOURCES COMMITTEE

The report of the Community and Resources Committee meeting held on Monday 16 April 2018 was submitted as under:

1. DECLARATION OF OPENING

The Presiding Member declared the meeting of the Community and Resources Committee open at 6.01 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present :	Time of Entering	Time of Leaving
Members:		
Cr Andres Timmermanis	6.01 pm	7.44 pm
Mayor Keri Shannon	6.01 pm	7.44 pm
Cr Rod Bradley	6.01 pm	7.44 pm
Cr Louis Carr	6.01 pm	7.44 pm
Cr Jo McAllister	6.01 pm	7.44 pm

Observers:

Cr Kate McKerracher

Officers:

Jason Lyon, Acting Chief Executive Officer
Chris Colyer, Director Infrastructure
Cam Robbins, Director Community Development
Brett Jackson, Director Projects
Peter Maloney, Manager Infrastructure Assets
Walter Van Der Loo, Manager Infrastructure Parks
Carole Lambert, Manager Community Development
Priya Narula, Manager Library Services
Roy Ruitenga, Manager Finance
Stuart Hoble, Manager Governance & Contracts
Denise Ribbands, Executive Assistant (Corporate Support)

Adjournments:

Nil

Time meeting closed:

7.44 pm

APOLOGIES/LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Nil

4. DEPUTATIONS AND PETITIONS

Item CR18.53 - Max Puddy, Cambridge Rotary Club

5. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of the Community and Resources Committee held on 19 March 2018 as contained in the March 2018 Council Notice Paper be confirmed.

6. DECLARATION OF MEMBERS' INTERESTS

Item CR18.58 Crs Carr and McAllister - Financial Interest

7. REPORTS

CR18.48 MINDARIE REGIONAL COUNCIL MEETING - 22 MARCH 2018

SUMMARY:

To report on items considered by the Mindarie Regional Council (MRC) at the meeting conducted on 22 March 2018 that relate to the Town of Cambridge operations and membership of MRC.

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.

BACKGROUND:

The purpose of the Mindarie Regional Council (MRC) is to provide waste disposal facilities at least for its seven member councils within the Mindarie Region. The MRC generally meets on six or seven occasions each year for Ordinary meetings and holds special meetings when required. Strategy Workshops are also programmed.

The schedule of meetings is agreed at the December meeting each year.

In setting the dates for the 2018 Ordinary Council Meetings (OCMs), consideration has been given to the following:-

- The Tamala Park Regional Council meeting dates for 2018.
- The WALGA Metropolitan Zone meeting dates for 2018.
- Availability of Member Councils Chambers.

In addition to the above, two Strategy Workshops are included in the meeting schedule. These workshops are important as they provide the Councillors, member council CEO's and representatives on the Strategic Working Group and MRC management an opportunity to review and discuss the MRC's strategic direction.

Program of Meetings

Given the above, the approved schedule of OCMs for 2018, commencing at 6.00 pm is as follows:-

- Ordinary Council Meeting 25 January 2018 (City of Joondalup)
- Ordinary Council Meeting 22 March 2018 (City of Wanneroo)
- Ordinary Council Meeting 31 May 2018 (City of Stirling)
- Ordinary Council Meeting 5 July 2018 (City of Vincent)
- Ordinary Council Meeting 6 September 2018 (City of Perth)
- Ordinary Council Meeting 25 October 2018 (Town of Victoria Park)
- Ordinary Council Meeting 6 December 2018 (Town of Cambridge)

The Strategy Workshops for 2018 will be held directly after the following OCMs:-

- 22 March 2018
- 6 September 2018

The MRC has in the past called a Special Council Meeting in June/July to obtain a timely approval of its Budget. The proposed schedule has included a seventh meeting to be held on 5 July 2018 to accommodate the Budget and any other items that require Councils consideration at that time.

DETAILS:

Item 1: Western Metropolitan Regional Council - Extension to Agreement to Supply Municipal Solid Waste

This report was presented to seek an extension with the Western Metropolitan Regional Council (WMRC) for supply of 18,500 tonnes of municipal solid waste to assist the WMRC in meeting its contract obligations to supply waste materials to the DiCom processing plant in Lemnos Street, Shenton Park.

The initial agreement was made in February 2015 for a 12 month period. Subsequent supply agreement extensions were made by the Mindarie Regional Council in April 2016 and July 2017.

An insignificant portion of the waste contemplated in the second contract extension has been called on during the current year (115 tonnes). In February 2018, the WMRC has requested a further contract extension with the tonnage increased from 18,500 tonnes to 24,000 tonnes and the period of supply to extend to 30 June 2019. The request to MRC was supported as it is cost neutral for the MRC and allows the WMRC plant to operate in accordance with its processing obligations. The MRC has consulted with the City of Stirling on supply arrangements to accommodate this request.

Item 2: Shop Redevelopment - Tender Award

The MRC operates a free drop-off and recycling/reuse service at the Tamala Park Waste Management Facility. This is consistent with the MRC's vision of Winning Back Waste and commitment to dealing with material as high up the waste hierarchy as is possible and is directly related to the reuse and recycling components of hierarchy. Items that can be resold or recycled are taken from the public free of charge. Items that can be resold are transferred to the recycling shop for resale to the public.

One of the limitations of the current infrastructure is the fact that a significant amount of merchandise has to be stored outside where it is exposed to the elements. This results in a lot of the merchandise becoming water damaged and unsaleable. This has a twofold cost to the MRC in that this damaged stock represents a lost revenue stream and the items then need to be landfilled at a cost to the MRC.

The landfill at Tamala Park is currently forecast to close in 2024 however, it is considered highly likely, and desirable, that the public recycling will continue to operate long past that date. The recycling area at Tamala Park is a vital community asset that provides a convenient waste management service to residents of the northern corridor, where there are no real practical alternatives for them to deal with their waste.

In this context, the redevelopment work being proposed for the recycling area will stand the MRC and its communities in good stead for the next generation as it continues to provide a valuable, professional recycling and waste management service to the public.

The results being achieved out of the existing retail area are highly likely to improve further once the Recycling Redevelopment Project is completed, which in turn will go a long way to helping generate a return on the proposed investment in the redevelopment. The Recycling Redevelopment Project is also highly aligned to helping the MRC deliver against its Vision of "Winning Back Waste".

The extension of a steel framed metal extension to the existing steel framed shed to operate as a recycle shop was supported with a tender awarded for \$326,898.00 This is Stage Two of the Tamala Park Recycling Redevelopment Project, with Stage One road realignment works having achieved completion in 2016.

Item 3 - Strategy Workshop

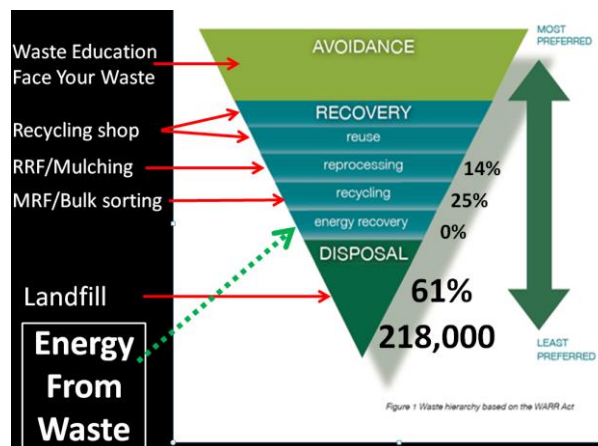
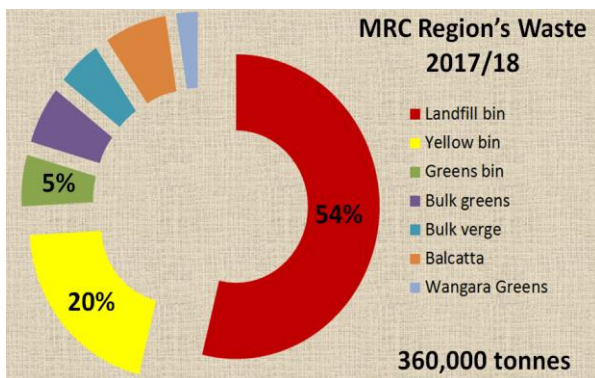
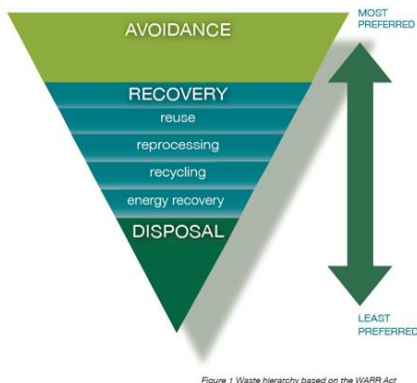
Following the MRC meeting, a strategy session was conducted relating to the theme "Winning Back Waste". A PowerPoint presentation was provided with the following key points raised for review and discussion:-

State Government Strategy Review

- Markets for products
- Collection systems
- Waste processing infrastructure
- Education
- "The Circular Economy"

MRC Strategy

- Winning Back Waste
- A commitment to dealing with waste as high up the waste hierarchy as practical



Risks and Challenges

1. Pressure on traditional markets for recyclables
2. MRC decision making framework
 - Constitution that requires consensus;
 - Member council waste strategy plans;
 - 20 year infrastructure versus five year plans; and
 - Is the MRC structure fit for purpose?
3. Rising Waste Processing Costs
 - Increasing costs and decreasing tonnes;
 - Processing methods other than landfill.

Note: MRC processing costs forecast to increase to \$220/tonne from 1 July 2018. Currently \$174/tonne.

Short Term Objectives

1. Face Your Waste campaign
2. Short term Energy from Waste contract
3. Possible FOGO (Food Organics Garden Organics)
4. Internal efficiency review

Medium Term Objectives

1. Lobbying state government on policy
2. Structured reform of the MRC
3. Long term Energy from Waste contract

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2017-2027:-

Our Natural Environment

Goal 7: Council is environmentally responsible and leads by example

Strategy 7.4: Minimise waste to landfill and increase recycling

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 and Community Engagement is not required.

OFFICER INVOLVEMENT:

Responsible Executive	Chris Colyer, Director Infrastructure
Responsible Manager	N/A
Contributors	N/A

ATTACHMENTS:

Nil

Council Meeting 24 April 2018

Cr Bradley left the meeting at 8.09 pm

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

Moved by Cr Carr, seconded by Cr Nelson

That the report relating to items considered by Mindarie Regional Council at the meeting held on 22 March 2018 be received.

Carried 6/1

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

CR18.49 PARKING AMENDMENT RUISLIP STREET LOADING ZONE - KOH-I-NOOR

SUMMARY:

A review at the new Truck Delivery Bay (Loading Zone) area along Ruislip Street fronting the Koh-I-Noor redevelopment site has been completed and it is recommended that the proposed amendment from Loading Zone 15 minutes at all times be changed to Loading Zone ½ P 7am - 7pm Monday to Saturday (excluding Public Holidays) be supported in order to preserve residential amenity.

AUTHORITY / DISCRETION

<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.

BACKGROUND:

As part of the Koh-I-Noor recent redevelopment, the Metro West Joint Development Assessment Panel (the JDAP) required construction of a dedicated truck delivery embayment on the north side of Ruislip Street between Crofts Lane and Pangbourne Street.

The JDAP indicated that this embayment be primarily used as a loading zone 15 minutes at all times and imposed condition 18, 19 and 26, as follows:-

- "18. Trucks associated with the nursing home that are unable to use the basement carpark, due to height restrictions are to park in the 'Dedicated Truck Delivery Bay' on Ruislip Street only."
- "19. Signage to be installed prior to the issue of an Occupancy Permit to indicate that the 'Truck Delivery Bay' on Ruislip Street is for loading and unloading only (15 minute stay) with such signage to be to the satisfaction of the Town."

"26. Bins in the bin store

All waste storage and recycling bins are to be stored in the bin store areas within the building and not in Crofts Lane or Ruislip Street verge. Waste and recycling vehicles are only to access the site during the hours of 7am to 7pm, Monday to Saturday, exclusive of Public Holidays, to the satisfaction of the Town."

The predevelopment parking designation was unrestricted along the abutting Pangbourne Street and Ruislip Street frontage. Both Pangbourne Street and Ruislip Street are classed as local access roads.

DETAILS:

With the issue of the Occupancy Permit 29 March 2018 for the Koh-I-Noor development, the parking embayment area has been reviewed by the Town's Officers.

In consultation, and the agreement with the management of Koh-I-Noor, it is proposed to amend the parking to Loading Zone ½ P 7am-7pm Monday to Saturday (excluding Public Holidays). It is acknowledged that the development is in the near vicinity of a residential area and as such, it is appropriate to preserve amenity by restricting the Loading Zone hours to 7am - 7pm Monday to Saturday.

On 20 July 2016, the *Town of Cambridge Parking Local Law 2016* was gazetted and this standardised the Loading Zone durations to '1/2 P'. For consistency, it is advantageous from an enforcement viewpoint to amend the 15 minutes duration to 30 minutes.

The benefits of the proposed amended times are:-

1. The hours will be consistent with the *Town of Cambridge Parking Local Law 2016*;
2. The proposed hours will minimise the risk of any noise complaints from the trucks servicing the loading bay;
3. The loading bay is not for the exclusive use of Koh-I-Noor, as such, the bay may be used for persons wishing to park there, outside the loading zone hours;
4. The loading embayment will provide additional parking for persons frequenting the area.

POLICY/STATUTORY IMPLICATIONS:

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

The *Town of Cambridge Parking Local Law 2016* states as follows:-

4.1 "Stopping in a loading zone

A person must not stop a vehicle in a loading zone -

- a) *unless it is a commercial vehicle continuously engaged in the picking up or setting down of goods;*
- b) *for longer than a time indicated on the loading zone sign; or*
- c) *for longer than 30 minutes (if no time is indicated on the sign)."*

This report is guided by Council Parking Restrictions *Policy 5.2.22* and the following clauses:-

- Parking Restrictions shall be reviewed when:-
 - (a) requested by the adjacent property owner in writing;
 - (b) considered necessary by the Town;
 - (c) requested by other persons in writing.
- As per the Council Parking Restrictions Policy, a community survey was carried out to obtain feedback on the proposed restrictions.

The recommendations are in accordance with the Road Traffic Code 2000 and *Policy No. 5.2.22 "Parking Restrictions"*.

Any proposal to change or establish parking restrictions or time limits requires a formal decision by the Council in accordance with Clause 2.1 of the Town of Cambridge Parking Local Law.

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2017-2027:-

Goal 5: Successful commercial, retail and residential hubs

Strategy 5.1: Ensure a high standard of public infrastructure in our main precincts access the Town.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 as "INFORM" with the objective "to provide balanced and objective information".

The matter has been discussed with the management of Koh-I-Noor and they have agreed to the proposal to amend the parking to Loading Zone to be ½ P, 7am-7pm Monday to Saturday (excluding Public Holidays).

OFFICER INVOLVEMENT:

Responsible Executive	Chris Colyer, Director Infrastructure
Responsible Manager	N/A
Contributors	Frank Strever, Coordinator Infrastructure Design John Giorgi, JP Manager Health and Compliance

ATTACHMENTS:

1. Plan E 268-18-02

ADMINISTRATION RECOMMENDATION:

That:-

- (i) Plan E 268-18-02 be adopted and revised parking signs be installed for the Loading Zone embayment fronting Koh-I-Noor on the north side of Ruislip Street, between Pangbourne and Holland Streets, Wembley; and
- (ii) the parking restriction for the Loading Zone on the north side of Ruislip Street, between Pangbourne and Holland Streets, Wembley, be amended to ½P 7am - 7pm Monday to Saturday (excluding Public Holidays).

Committee Meeting 16 April 2018

During discussion, the Mayor suggested that the loading bay be removed as JDAP was acting contrary to its powers under the Planning and Development Act in allowing a condition that provided for the construction of a loading bay in a road reserve in a residential area.

Moved by Cr Carr, seconded by Mayor Shannon

That the item be submitted to Council for determination.

Carried 5/0

Council Meeting 24 April 2018

Cr Bradley returned to the meeting at 8.11 pm.

Moved by Cr Nelson, seconded by Cr Carr

That:-

- (i) Plan E 268-18-02 be adopted and revised parking signs be installed for the Loading Zone embayment fronting Koh-I-Noor on the north side of Ruislip Street, between Pangbourne and Holland Streets, Wembley; and**
- (ii) the parking restriction for the Loading Zone on the north side of Ruislip Street, between Pangbourne and Holland Streets, Wembley, be amended to ½P 7am - 7pm Monday to Saturday (excluding Public Holidays).**

During discussion, Mayor Shannon foreshadowed that should the motion presently before Council be lost, she intended to move that the loading bay be removed as JDAP was acting contrary to its powers under the Planning and Development Act in allowing a condition that provided for the construction of a loading bay in a residential area. Also, a no parking at any time sign be erected in the loading bay until it is removed and no parking signs be erected along the verge of Ruislip Street from Pangbourne to Holland Street, and in Crofts Lane.

Members agreed that the item be deferred to obtain legal advice on the validity of the JDAP decision and if the Town would be exposed to any risk should the loading bay be removed.

CR18.50 TENDER NO. RFT10-18 - BENT PARK AND OCEANIC DRIVE IRRIGATION

SUMMARY:

A Request for Tender (RFT) was advertised on 24 February 2018 for irrigation asset renewal works in Bent Park and Oceanic Drive from Perry Lakes Drive to Arbordale Street. The RFT closed on 23 March 2018.

Tenders have been assessed and it is recommended the contractor identified in the Attached confidential report be awarded the contract.

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. |

BACKGROUND:

The existing irrigation system in Bent Park is 40 years old and the system in the section of Oceanic Drive from Perry Lakes Drive to Arbordale Street is over 40 years old. Both systems require substantial maintenance to remain operational and are overdue for replacement. Council approved \$348,000 collectively for the two projects on the 2017/18 financial year budget to replace the existing irrigation systems.

DETAILS:

A qualified irrigation consultant was engaged by the Town to design the irrigation systems and provide associated materials to support a request for tender process. The designs aim to maximise efficiency, reduce water use and enable hydro zoning and flexibility for potential future ecozone planting. It was decided to tender the two projects together to gain efficiencies in the design, procurement and implementation processes and potentially achieve cost savings.

An advertisement for tenders was placed in the Western Australian newspaper on 24 February 2018 and tenders closed on 23 March 2018. Submissions were received from five organisations, which are listed as follows:-

- Elliotts Irrigation
- Horizon West
- LD Total
- Think Water
- Total Eden

Assessment was undertaken as specified in the RFT document. The Tenders were assessed for compliance to satisfy the mandatory tender requirements.

Assessment of the offers was then undertaken on the basis of determining the best value for money offered.

A qualitative assessment process scored and ranked each tender in terms of:-

- Demonstrated Understanding of the Required Tasks (Weighting 20%)
- Capacity (Weighting 40%)
- Demonstrated Experience in Completing Similar Projects (Weighting 40%)

In general, the assessment panel was either reasonably confident or confident that all five organisations were capable of undertaking the works. However, one company did stand out as being the most capable, better understood the works and demonstrated strong relevant experience. This organisation is highlighted in the Confidential Attachment.

Pricing across the board was considered very competitive as they were all well under the budget figure and pre-tender estimate provided by the Town's consultants.

Upon evaluation of the tenders and prices, it is considered that the offer from one of the tenderers represented the lowest risk and provided the best value for money.

POLICY/STATUTORY IMPLICATIONS:

Regulation 11(1) of the Local Government (Functions and General) Regulations requires the calling of public tenders where the expected cost of the goods or services exceeds \$150,000 before a Local Government enters into a contract for these goods and services.

This tender is aimed to ensure that Council operates in a financially prudent and ethical manner to provide the best value-for-money.

FINANCIAL IMPLICATIONS:

The irrigation works will be carried out under the 2017/18 budget allocations \$348,000.

STRATEGIC DIRECTION:

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2017-2027.

Our Natural Environment

Goal 7: Council 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

Our Council

Goal 10: The Town is a proactive local government that provides sustainable public assets, services and facilities

Strategy 10.2: Ensure appropriate resources are allocated to our strategies and projects

Goal 11: Strong performing local government

Strategy 11.3: Build capacity to maintain assets to an acceptable standard

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 and Community Engagement is not required.

OFFICER INVOLVEMENT:

Responsible Executive	Chris Colyer, Director Infrastructure
Responsible Manager	Walter Van Der Loo, Manager Infrastructure Parks
Contributors	Sunil Sirkissoon, Contracts Officer Richard Treanor, Project Coordinator Parks

ATTACHMENTS:

1. Tender Evaluation Report (Confidential).

Council Meeting 24 April 2018

Prior to consideration of the item, Cr Nelson disclosed an interest affecting impartiality and declared as follows: "with regard to Item CR18.50, I declare that I am socially acquainted with the recommended landscape architect 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 Timmermanis, seconded by Cr Carr

That the irrigation works contract, as outlined in Tender No. RFT10-18 - Bent Park and Oceanic Drive - Replacement of Irrigation Systems, be awarded to Horizon West Landscapes.

Carried 8/0

CR18.51 BEECROFT PARK - REVISED CONCEPT PLAN

SUMMARY:

Community engagement was carried out between 14 July 2017 and 10 August 2017 to obtain feedback on the Beecroft Park Improvement Draft Concept Plan. The majority of respondents supported all but one component of the Draft Plan, however, there was also noticeable strong opposition indicated regarding some aspects of the Plan.

Design improvements to the Concept Plan were prepared for presentation at an Elected Members forum on 13 March 2018 to discuss how the Plan could be improved to address concerns raised and feedback provided during the consultation phase. Implementation of the revised Concept Plan presented in this report is likely to be supported by the majority of the community, while minimising and mitigating the impacts raised by those opposed to aspects of the Draft Concept Plan.

The revised Concept Plan is recommended for endorsement by Council to proceed to detailed design and implementation pending future budget allocations.

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. |
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| <input type="checkbox"/> | Information | For the Council/Committee to note. |

BACKGROUND:

Council first endorsed a Parks Improvement Concept Plan Program in November 2012 (CR12.169). Rutter Park was listed as the first park to be upgraded under the Program, with works completed by mid-2017.

Following a review of the parks listed in the Program, Council nominated that Beecroft Park (Oban Road, City Beach) is listed next for development as it is considered one of the most popular and highly visited parks in the Town. The Park has gained even greater visibility since completion of the Empire Village Shopping Centre redevelopment.

In September 2016, (CR16.150) a report relating to resolving lease management matters regarding the West Coast Sporting Association was considered and Council decided:-

That:-

- (v) *the Beecroft Park Improvement Plan currently under development include a conceptual design element to accommodate the Coastal Playgroup within (if refurbished) or in proximity to the existing gardeners shed.*

A draft improvement concept plan was subsequently finalised for Beecroft Park and presented to Council in March 2017 (Attachment 1).

In March 2017, (Item CR17.2) Council decided: -

That:-

- (i) *the Draft Beecroft Park improvement concept plan be received and circulated for public comment in accordance with the community consultation process outlined in this report, including:-*
- *a four week public comment period to be advertised in the Town's community news page and website;*
 - *the draft plan be made available for review/collection at the Town of Cambridge Administration Centre, Cambridge Library and the Town's website;*
 - *the draft plan be delivered to owners and residents of properties within 800 metres walking distance of Beecroft park; and*
 - *a sign be placed on the reserve in a prominent location showing the plan and providing details for how to submit feedback.*
- (ii) *public comments received be assessed and the Beecroft Park improvement concept plan in (i) above be amended as deemed appropriate and presented to Council for consideration and endorsement;*
- (iii) *pending endorsement of the improvement concept plan by Council, design development and detailed design for construction of the park improvement works (excluding the multi-purpose pavilion) be carried out;*
- (iv) *pending endorsement of the improvement concept plan by Council, a brief be prepared and consultants engaged to undertake detailed design of the multipurpose pavilion including preparation of a cost estimate by a quantity surveyor; and*
- (v) *an amount of \$15,000 be reallocated from C7407 Beaches & Dunes - City Beach Groyne Upgrade Path cost centre to S0806 Park Improvement Plans cost centre to allow for design development of the proposed Beecroft Park improvements to be carried out in a timely manner if Council endorses the final concept plan following the consultation period.*

In September 2017, (Item CR17.138) Council decided: -

That:-

- (i) *the report on the outcomes of community engagement regarding the Beecroft Park Improvement Draft Concept Plan be received;*
- (ii) *a presentation be made at an Elected Members Forum of the proposed amendments to the plan in response to the feedback gained from the community;*
- (iii) *a future report will be presented to Council for consideration;*
- (iv) *respondents who provided contact details be advised of the Council's decision.*

DETAILS:

An Elected Members forum was held on 13 March 2018. A presentation was made addressing the following:-

- Background of the project;
- Public open space provision and planning context;
- Comparison of Beecroft Park with similar parks and facilities in the inner-north and west metropolitan area;
- Overview of the Draft Concept Plan (refer Attachment 1) including before and after visualisations of the proposal from key viewpoints (refer Attachment 2);
- Overview of community engagement survey results;
- Potential alterations to the Draft Concept Plan;
- Pros and cons of the multi-purpose pavilion; and
- Notice of Motion 12.6 November 2017 (items v, vi and vii relating to Lot 100) regarding additional parking and landscape improvements to the area bound by The Boulevard Oban Road, Gayton Road and the shopping centre, (this will be the subject of a separate report to Council).

Feedback at the forum predominantly centred on reducing the level of development of Beecroft Park to maintain the natural character of the Park. Following the forum, a revised Concept Plan was developed in response to the feedback (refer Attachment 3).

The main changes to the Plan are as follows:-

1. Deletion of the cricket practice nets - This was the only proposal that did not receive majority support in the community engagement survey results;
2. Retaining a more spacious, open and undeveloped central lawn area by:-
 - a. shifting the multi-purpose hard court and youth zone out of the way to the west and nestled into the slope to minimise visual impact;
 - b. deleting the race track around the multi-purpose hard court;
 - c. relocating the circuit path outwards where possible, which also allows for recreation such as dog walking on the lawn under the shade of existing trees;
 - d. reducing the extent of low ecozone planting areas along the edges; and
 - e. repositioning the mini-backyard cricket wicket to the edge of the central lawn area under the shade of existing trees.
3. Retain exiting verge parking arrangements at the southern ends of the reserve on Oban Road and Olinda Avenue i.e. no formalised parking;
4. Consolidation of a reduced scale nature play area adjacent the existing playground and incorporating the existing popular climbing tree;
5. Deletion of multi-purpose pavilion (refer separate section below);
6. Minor adjustments to link paths to ensure better connectivity to path networks on surrounding streets;
7. Potential pedestrian refuge crossing and traffic calming at the northern end of the Park on Oban Road to improve pedestrian safety (subject to further investigation);

8. Staging of embankment slide and flying fox on hill pending future demonstrated high demand and available funding;
9. Staging of multi-generational accessible fitness zone pending future demonstrated high demand and available funding.

Based on previous survey responses, implementation of the revised Concept Plan presented in this report is expected to be supported by the majority of the community, while minimising and mitigating the impacts raised by those opposed to aspects of the Draft Concept Plan.

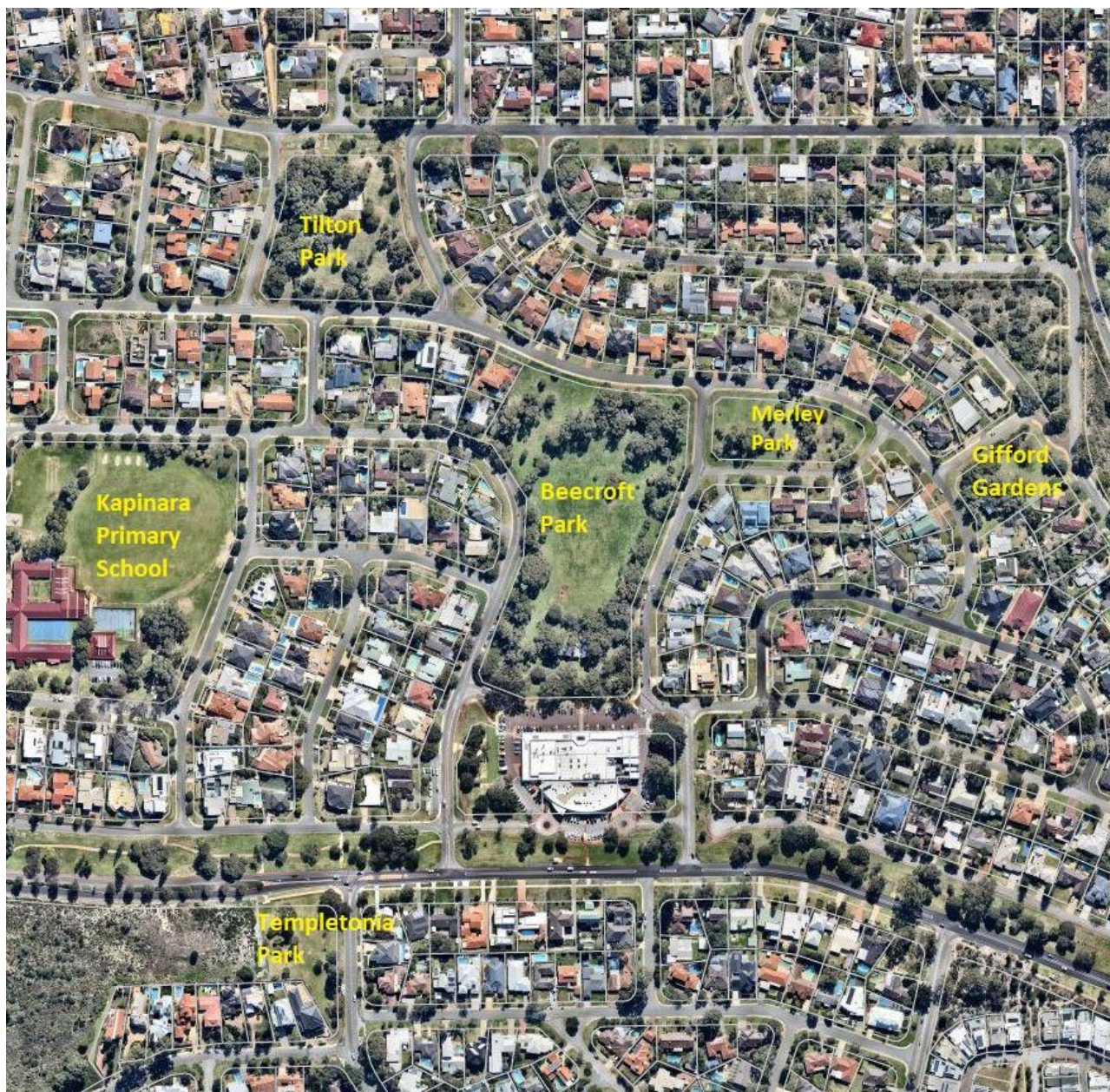
It is estimated the changes incorporated in the revised Concept plan would save approximately \$400,000. This estimate is based on the following assumptions and exclusions:-

- Takes into account delay to implementation of embankment slide, flying fox and fitness zone;
- Does not allow for cost of potential traffic calming and pedestrian crossing on Oban Road;
- Does not include savings associated with deletion of the multi-purpose pavilion. Provision of a suitable facility for the Coastal playgroup is subject to separate further investigation;
- Does not include cost of toilet. This was to be incorporated as part of the multi-purpose pavilion. A good quality double universal toilet facility would cost approximately \$90,000.

While the above recommended changes respond to concerns raised during the community engagement and the Elected Members Forum, it is likely there will still be some who believe the natural qualities of Beecroft Park should not be compromised and that any development places these inherent qualities at risk.

It is worth noting Beecroft Park is approximately 3.5 hectares and represents one of the largest Neighbourhood Open Spaces in the Town with a big amount of open space. Over 90 percent of the park would remain in a natural state if the revised Concept Plan was to be implemented. In addition, there are five other open "natural" parklands environments within easy walking distance of Beecroft Park (less than 400m) that provide alternative opportunities to residents who may feel Beecroft will become "too developed" under this proposal. The image below shows the location of alternative recreation areas available to the local community.

The revised Concept Plan, when considered in its local context, strikes the right balance between providing facilities and amenities that encourage increased equitable use and subsequent benefits of outdoor recreation and socialising for current and future generations while minimising and mitigating the negative impacts of change.



Multi-purpose Pavilion and Toilet

The Town is currently in discussion with the Coastal Play Group and their current lessor, the West Coast Sporting Association, to determine if an alternative design solution at the current City Beach Ovals facility can address the needs of all concerned parties. A playgroup facility at Beecroft Park is no longer required and therefore a multi-purpose pavilion is not proposed in the revised Concept Plan.

While there is a toilet at the Empire Village Shops, a large proportion of the community who completed the community engagement survey were in favour of a public toilet at Beecroft Park if the multi-purpose pavilion did not proceed. Over 71% of those surveyed supported a public toilet in the location of the gardeners shed.

There were also 22% of respondents in strong opposition to a public toilet. This is most likely due to perceptions regarding potential negative impacts of public toilets. These concerns must be addressed through good design and management of the toilet facility and include the following considerations:-

- Automatic self-closing door locks which will enable the Town to adjust the opening and closing times of the toilets. This could initially be dusk until dawn and adjusted as required in response to demand from legitimate park users;
- Security lights outside and inside the toilets, while minimising impact on surrounding residents;
- The format of the cubicles will have doors opening directly outside, which are known to discourage loitering and gathering of undesirable individuals, particularly when subject to good passive surveillance;
- The materials used for construction of the toilet will be high quality and proven to be well-wearing and vandal resistant in similar situations. High quality finishes will also be used to ensure aesthetic outcomes in keeping with the context of the park;
- Appropriate ventilation will be included to manage odour; and
- The toilets will be cleaned very regularly as required to maintain high level of presentation.

Once operational, the Park and the toilets will be monitored to see if additional security provisions should be considered such as, additional lighting, targeted ranger patrols and/or introduction of CCTV. It is hoped that people who use Beecroft Park and take pride and ownership of the Park will immediately report any issues so that they can be acted upon by the Town or other appropriate agencies as required. It is hoped that together the Town and the community will continue to make Beecroft Park a safe and enjoyable place to visit and live nearby.

While the existing unused gardeners' shed could be repurposed to create a public toilet, it may not be the best value for money solution with regards to design outcomes and long term asset management principles. It is therefore proposed the existing shed be demolished and a new high quality purpose built standalone double universal toilet facility be built in the same location.

An alternative solution would be to co-locate the new toilet facility with the new barbeque and picnic shelter. Both options would cost approximately \$90,000. The standalone option is recommended as it allows the facility to be better oriented towards the other park facilities for good visual access and surveillance while not being too close to be perceived as imposing on the users of the play and barbeque facilities.

Next Steps

Pending Council endorsement of the revised Concept Plan, the designs for the various aspects of the plan would be developed and detailed to a level to enable implementation. Revised cost estimates would be prepared and an amount be listed for implementation of the works in the draft 2018/19 financial year budget for Council consideration. If funding is secured, the works would commence in the 2018/19 financial year.

POLICY/STATUTORY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Funds of \$50,000 have been allocated in the 2017/18 Financial Year Budget for *Beecroft Park - Park Improvement Program*. These funds are required for the detailed construction design of the Park development should Council decide to proceed with this project.

Funds of \$350,000 (Endowment) have been allocated in the 2017/18 Financial Year Budget for *Coastal Playgroup/Community Facility - Beecroft Park* and their allocation may need to be reconsidered pending the outcomes of current discussions and investigations regarding the existing Coastal Playgroup Facilities.

No funds are currently allocated for the implementation of the Park development. If the revised Concept Plan is endorsed by Council, grant opportunities will be investigated to potentially assist with funding the proposed works.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's 2017 Interim Strategic Community Plan:-

Our Community Life

Goal 1 A sense of community, pride and belonging

Strategy 1.2 Promotion of a strong community identity

Goal 2 Quality local parks and open spaces for the community to enjoy

Strategy 2.2 Improve the amenities of our local parks and sports grounds

Goal 3 An active, safe and inclusive community

Strategy 3.1 Create and improve the places where community groups can interact

Strategy 3.3 Encourage activity that meets the needs of people of all ages, cultures and abilities

Strategy 3.4 Create and maintain safe environments

Our Planned Neighbourhoods

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

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

Strategy 4.3 Keep our neighbourhoods green and pleasant

Our Natural Environment

Goal 7 Council is environmentally responsible and leads by example

Strategy 7.1 Conserve our plants and animals

COMMUNITY ENGAGEMENT:

Community engagement was carried out from 14 July 2017 to 10 August 2017 as per the Council decision of March 2017 and in accordance with the *Town's Policy 1.2.11 Community Engagement and Community Engagement Framework Guide*.

Those respondents to the survey and others who made separate submissions and provided contact details (e-mail or postal address) have been advised of the decisions of Council from the September 2017 Council meeting.

OFFICER INVOLVEMENT:

Responsible Executive	Chris Colyer, Director Infrastructure
Responsible Manager	Walter Van Der Loo, Manager Infrastructure Parks
Contributors	Peter Maloney, Manager Infrastructure Assets Jason Lyon, Director Corporate and Strategic

ATTACHMENTS:

1. Beecroft Park Improvement Draft Concept Plan.
2. Before and after visualisations of the proposal from key viewpoints.
3. Beecroft Park Improvement Revised Concept Plan.

ADMINISTRATION RECOMMENDATION:

That:-

- (i) the Beecroft Park Improvement Revised Concept Plan dated April 2018 be endorsed to proceed to detailed design, including revised cost estimates;
- (ii) the option to demolish the gardeners shed and provide a new standalone double universal cubicle toilet in the same location be endorsed to proceed to detailed design, including development of a detailed cost estimate;
- (ii) funds be listed in the draft 2018/19 financial year budget for implementation of improvements to Beecroft Park, including a new toilet, for Council consideration;
- (iii) further investigations be carried out into the potential pedestrian crossing refuge and traffic calming on Oban Road at the northern end of the Park to improve safe pedestrian access;
- (iv) a future report be prepared regarding facilities for the Coastal Playgroup;
- (iv) respondents to the community engagement who provided contact details be advised of the Council's decision.

Committee Meeting 16 April 2018

During discussion, the Mayor advised that she was not prepared to endorse the revised plan as it fails to reflect the broader local community concerns regarding the possible overdevelopment of the site. The Mayor suggested that the revised plan should be scaled back to include only those items that received over 70% support from the community.

The Administration recommendation was then voted upon and lost 2/3.

For: Crs Carr and McAllister
Against: Mayor Shannon, Crs Bradley and Cr Timmermanis

COUNCIL DECISION: (COMMITTEE RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That:-

- (i) the Beecroft Park Improvement Revised Concept Plan dated April 2018 be revised based on our "Locals First" approach and to only include those elements which attracted over 70% support during the consultation process and no opposition greater than 25%;**
- (ii) the public toilets be provided in a consolidated format which combines them with an open sided barbeque shade structure in the area presently occupied by the garden shed.**

Carried 8/0

CR18.52 2018 COMMUNITY RECOGNITION AWARDS

SUMMARY:

The Town's Community Award and Recognition program provides an opportunity to acknowledge Volunteering within the community. This report recommends recipients for three 2018 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 on Friday, 25 May 2018, at the Community Recognition Awards function held at The Boulevard Centre and, as such, the recipients should remain confidential until this date. The recipient of each of the volunteer awards will be presented with a \$750 gift card in recognition of their contribution.

A total of seven nominations were received for the 2018 Community Services Volunteer Award, three for the 2018 Sports and Recreation Volunteer Award and one for the 2018 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.

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'. The Community Recognition Awards function will be held on Friday 25 May to coincide with National Volunteer Week which will be held from 21-27 May 2018.

All award details are confidential until the announcement at the Town's Community Recognition Awards function.

DETAILS:

In order to provide the opportunity for recognition and acknowledgement of individuals for their volunteer contribution within the community, the 2018 Community Recognition Awards were advertised through correspondence sent to all of the Town's sporting groups, community groups, local schools, youth groups and service clubs on 24 January 2018. The Awards were also advertised on the Town's website and in the Cambridge News. Applications closed on Tuesday, 13 March 2018.

Nomination categories and selection criteria are as follows:

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.

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.

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 announcement of the award winners will be made on Friday, 25 May 2018, at the Community Recognition Awards function held at The Boulevard Centre and, as such, the recipients should remain confidential until this date. The recipient of each of the volunteer awards will be presented with a \$750 gift card in recognition of their contribution.

A total of seven nominations were received for the 2018 Community Services Volunteer Award, three for the 2018 Sports and Recreation Volunteer Award and one for the 2018 Youth Volunteer Award. Specific details of these nominations are outlined in the confidential attachments.

POLICY/STATUTORY IMPLICATIONS:

Policy No. 2.1.30 - Community Awards and Recognition Program.

FINANCIAL IMPLICATIONS:

An amount of \$9,000 has been allocated in the 2017/18 Budget for the purpose of this program including the volunteer award winner gift cards and the Community Recognition Awards function.

STRATEGIC DIRECTION:

The Town's Community Recognition Awards Program supports a number of goals within the Town's 2017-2027 Strategic Community Plan. These include:

Our Community Life

Goal 1: A sense of community, pride and belonging

Strategy 1.1: Encourage and support a range of activities and events at which communities can gather and interact

Strategy 1.2: Promotion of a strong community identity

Goal 3: An active, safe and inclusive community

Strategy 3.2: 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 and no community consultation is required.

OFFICER INVOLVEMENT:

Responsible Executive	Mr Cam Robbins - Director Community Development
Responsible Manager	Mrs Carole Lambert - Manager Community Development
Contributors	Mrs Renee McIntosh - Senior Community Development Officer

ATTACHMENTS:

1. 2018 Community Service Volunteer Award nominee report (confidential).
2. 2018 Sport and Recreation Volunteer Award nominee report (confidential).
3. 2018 Youth Volunteer Award (confidential).

ADMINISTRATION RECOMMENDATION:

That:-

- (i) the 2018 Community Service Volunteer Award be awarded to Nominee 3;
- (ii) the 2018 Sport and Recreation Volunteer Award be awarded to Nominee 3;
- (iii) the 2018 Youth Volunteer Award be awarded to Nominee 1;
- (iv) a \$750 gift card be presented to each award recipient at the Town's Community Recognition Awards function on 25 May 2018.

Committee Meeting 16 April 2018

During discussion, the Mayor queried whether it was more appropriate for nominee 2 in the Community Service Volunteer Award to be in the Sport and Recreation Volunteer Award category. It was noted that the nominee was put forward by the nominator and the nominator elected to put the person in that category. The Administration was requested, subject to the nominator agreeing, that nominee 2 in the Community Service Volunteer award category be assessed in the Sport and Recreation Volunteer award category.

Moved by Mayor Shannon, seconded by Cr Timmermanis

That the item be submitted to Council for determination.

Carried 4/1

For: Mayor Shannon, Crs Carr, McAllister and Timmermanis
Against: Cr Bradley

FURTHER REPORT (Post Committee Meeting 16 April 2018)

At the Community and Resources Committee on 16 April 2018, it was requested, subject to the nominator agreeing, that Nominee 2 in the Community Service Volunteer award category be assessed in the Sport and Recreation Volunteer award Category.

The nominator for Nominee Number 2 has subsequently been contacted and has agreed to change the nomination in the Sport and Recreation Volunteer award Category.

Therefore a total of six nominations were received for the 2018 Community Services Volunteer award category, four for the 2018 Sports and Recreation Volunteer award category and one for the 2018 Youth Volunteer award category.

The nomination has subsequently been assessed in the Sport and Recreation Volunteer award category. It is still recommended that Nominee Number 3 be awarded the 2018 Sport and Recreation Volunteer Award. Therefore the overall recommendation of CR 18.52, 2018 Community Recognition Awards does not change.

Council Meeting 24 April 2018

Moved by Mayor Shannon, seconded by Cr Timmermanis

That this item be discussed behind closed doors at the end of the meeting.

Carried 7/1

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

Amendment

Moved by Cr Timmermanis, seconded by Cr McKerracher

That clause (ii) of the recommendation be amended by deleting 'Nominee 3' and inserting 'Nominee 4'.

Amendment lost 3/5

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

Discussion ensued.

Amendment

Moved by Cr McAllister, seconded by Cr Nelson

That clause (ii) of the motion be amended by recommending by jointly recommending Nominee 2 and 3.

Amendment carried 5/3

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

COUNCIL DECISION:

That:-

- (i) the 2018 Community Service Volunteer Award be awarded to Nominee 3;**
- (ii) the 2018 Sport and Recreation Volunteer Award be awarded jointly to Nominee 2 and 3;**
- (iii) the 2018 Youth Volunteer Award be awarded to Nominee 1;**
- (iv) a \$750 gift card be presented to each award recipient at the Town's Community Recognition Awards function on 25 May 2018.**

Carried 8/0

CR18.53 LAKE MONGER RECREATION CLUB POTENTIAL SITE FOR MEN'S SHED

SUMMARY:

Council in March 2018 (CR 18.36, Draft Lake Monger Activity Plan: Outcomes of Community Consultation) decided in part that as part of its ongoing negotiations with the Lake Monger Recreation Club also undertake further investigations with the aim of establishing a Men's shed onsite as part of any refurbishment or rebuilding programme. It also decided that the area south of the Lake Monger Recreation Club is identified as being subject to further investigation by the Town for potential use by organised and/or community based sporting groups and Clubs.

Positive discussions have been held with the Cambridge Rotary Club (who are the drivers of the Men's Shed project) in relation to a Men's Shed at the Lake Monger Recreation Club site.

It is therefore suggested that the preferred site, in-principle, for a Men's Shed is within the Lake Monger Recreation Club site precinct subject to further investigation.

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.
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<input type="checkbox"/>	Information	For the Council/Committee to note.

BACKGROUND:

The Town has been working with the Cambridge Rotary Club for a number of years in relation to the establishment of Men are shed. This process has entailed needs assessment/feasibility study being undertaken with a focus on constructing Men's shed facility at Alderbury Reserve. The original concept was to use the existing changeroom facility at Alderbury Reserve. A further more detailed needs assessment was undertaken with a number of other stakeholders and the community. This report is in the process of being finalised and presented to Council within the next few months with a number of facility developments being examined. One of those being Men's Shed facility.

However, following the decision by Council in March 2018 (CR18.36, refers) and positive discussions with the Cambridge Rotary Club, the Lake Monger Recreation Club precinct site is another location for a Men's Shed facility.

DETAILS:

Positive discussions and site meeting have been undertaken with the Cambridge Rotary Club and the Lake Monger Recreation Club. It would appear from these discussions that there is strong potential that a Men's Shed could be located within the Lake Monger Recreation Club 'precinct.'

Correspondence from the Cambridge Rotary Club confirming that this site is a good location in terms of access and parking for a Men's Shed facility is provided as an Attachment.

It is suggested that this location in terms of access, functionality and ability to blend with other uses of the Lake Monger Recreation Club has considerable merit and warrants further examined. An in-principle support could be provided by Council.

Within this precinct, the Town has programmed within the 2017/2018 Budget (\$41,000) to resurface the Lake Monger Recreation Club car-park with the asphalt works programmed to commence on 1 May 2018. Works undertaken to date have included site preparation and replace damaged kerbing sections.

A map highlighting the areas to be asphalt is highlighted below.



During a site inspection following the March 2018 Council meeting some Elected Members present raised some concerns that if potential construction is undertaken for a Men's Shed on potentially some or all of the existing car park areas then some of the resurfacing works programmed could have a limited service life.

These resurfacing works are long overdue and will ensure all safety issues are managed and protect the base and sub base pavements from deterioration. Any planning for new facilities would require parking areas and an efficient design would be to maintain the existing parking areas. It is observed there are no impediments to locating new facilities north, east or south of the existing northern carpark section. The southern section of carpark services the existing

Recreation Club and an asphalt overlay will enhance this area. It is recommended at least the works in the southern section are undertaken as they are in a poor state and will deteriorate with the regular vehicular traffic using the facility.

POLICY/STATUTORY IMPLICATIONS:

A Men's Shed facility will require planning approval from the WAPC.

FINANCIAL IMPLICATIONS:

An amount of \$41,000 has been allocated in the 2017/18 Budget to resurface the Lake Monger Recreation Club car-park (C1571-2600-3468).

STRATEGIC DIRECTION:

The supports a number of goals within the Town's 2017-2027 Strategic Community Plan. These include:

Our Community Life

Goal 1: A sense of community, pride and belonging

Strategy 1.1: Encourage and support a range of activities and events at which communities can gather and interact

Strategy 1.2: Promotion of a strong community identity

Goal 3: An active, safe and inclusive community

Strategy 3.2: 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 and no community consultation is required.

However broader community consultation will be undertaken as part of the final Lake Monger Activity Plan process.

OFFICER INVOLVEMENT:

Responsible Executive	Mr Cam Robbins - Director Community Development
Responsible Manager	Nil
Contributors	Mr Chris Colyer – Director Infrastructure Mr Brett Jackson - Director Projects Mr Walter Van Der Loo - Manager Infrastructure Parks

ATTACHMENTS:

1. Cambridge Rotary Club correspondence.

COMMITTEE AND ADMINISTRATION RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr Carr

That:-

- (i) the scheduled Lake Monger Recreation Club car-park works (C1571-2600-3468) proceed as budgeted; and**
- (ii) the preferred site, in-principle, for a Men's Shed be within the Lake Monger Recreation Club precinct subject to further examination.**

Moved by Cr Nelson, seconded by Cr McAllister

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

- (ii) examination of the feasibility of a Men's Shed within the Lake Monger precinct be subject to further community consultation.**

Amendment lost 2/6

For: Crs Nelson and Powell

Against: Mayor Shannon, Crs Bradley, Carr, McAllister, McKerracher and Timmermanis

Discussion ensued.

Amendment

Moved by Cr Timmermanis, seconded by Cr Powell

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

- (ii) the Cambridge Rotary Club's preferred site for a Men's Shed be within the Lake Monger Recreation Club precinct, in principle, be supported by the Town subject to further examination.**

Amendment carried 7/1

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

Against: Cr Nelson

COUNCIL DECISION:

That:-

- (i) the scheduled Lake Monger Recreation Club car-park works (C1571-2600-3468) proceed as budgeted; and**
- (ii) the Cambridge Rotary Club's preferred site for a Men's Shed be within the Lake Monger Recreation Club precinct, in principle, be supported by the Town subject to further examination.**

Carried 8/0

Cr Powell left the meeting at 8.55 pm and returned at 8.57 pm

CR18.54 SUNDAY OPENING CAMBRIDGE LIBRARY

SUMMARY:

Upon receiving the 2017 Cambridge Library survey in February 2018 (CR18.8), Council requested a cost of opening the Cambridge Library on Sundays, 10am to 4.00pm with skeleton staff, and the cost of providing a study area at the Boulevard Centre.

This report provides the cost of a Sunday opening (between \$60,000 to \$100,000 depending on whether permanent or casual employees), with a separate report provided on providing a study area at the Boulevard Centre.

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.
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<input type="checkbox"/>	Information	For the Council/Committee to note.

BACKGROUND:

As part of a successful and proactive service engaging with the community, the Cambridge Library services and operations are regularly reviewed. Opening hours are reviewed as part of the Library's biennial customer survey, which was presented to Council in February 2018.

The current opening hours of the Library are:

Monday to Thursday 9.00am to 7.00pm
Friday and Saturday 9.00am to 5.00pm

The response to satisfaction with opening hours in the 2017 survey remains consistent with previous years with an 84% satisfaction rate.

The Library is open a total of 56 hours per week, which is in line with the weekly opening hours of surrounding libraries including the Western Suburbs Libraries. Cambridge Library offers all day Saturday opening, which a number of surrounding libraries do not. Of the seven (7) Western Suburb Libraries, 4 are open on Sundays and 3 are not.

An overview of the Western Suburb Libraries opening hours is provided as an attachment.

A request by Council to examine the costs of opening the Cambridge Library on a Sunday between the hours of 10.00am to 4.00pm with skeleton staff is outlined in the Details section of the report below. It is noted that the Floreat Forum shopping centre is open on a Sunday from 11.00am to 5.00pm, with some of the smaller stores not opening.

DETAILS:

1. Staffing

A skeleton staff is determined as being three staff members, one supervisor (Librarian or Library Technician) and two Library Service Officers. This staffing model is used for evening opening between 5.00pm and 7.00pm weekdays, albeit without the necessity for break times.

To ensure continuity of the professional delivery of the service, and for Occupational Health and Safety and security it is important that a supervisor is rostered on for all shifts. In addition the position description and authority of a Library Service Officer determines that they have immediate supervision.

The current Town's collective agreement details library staff ordinary work hours as falling between Monday to Saturday. As outlined in the agreement, any change to working hours must be in consultation with affected staff and agreement by the majority.

With proposed Sunday opening hours of 10.00am to 4.00pm, staff would be required to work from 9.45am to 4.15pm to allow for pre-set up and closing procedures. With a half hour unpaid meal break, staff would work a total of 6 hours.

2. Costs

The current salaries cost is \$1.1million (excludes superannuation, workers compensation, uniforms, FBT and training which is approximately additional 13%). If it was decided to open the Cambridge Library on a Sunday, it would cost an approximate additional \$60,000 to \$100,000 per annum, depending on whether permanent or casual staff.

A calculation has been provided as a Confidential attachment.

2.1. Option One - Permanent Staff

Three current staff work a permanent Sunday i.e. work Wednesday to Sunday (ordinary hours).

Permanent staff have a contract with the Town, and a change to their span of days worked would have to be by agreement by the majority of staff affected.

Current staff has not yet been consulted about their willingness to work on Sunday. A suggestion these positions could be advertised as new and, state the hours are every Sunday only but would still be subject to the loading of 75%.

The overall cost is approximately \$60,000 per annum.

2.2. Option Two- Casual staff

Employ casual staff to work Sunday.

Loading of 75% is applicable to Sunday hours worked plus a casual loading of 25%.

The approximate cost is \$100,000 per annum.

Details on the calculations for both permanent and casual employees are provided as a confidential attachment.

POLICY/STATUTORY IMPLICATIONS:

Library Employees may be rostered to work ordinary hours Monday to Saturday under the Town's Collective Agreement. Ordinary hours worked on Saturday between 8.30am and 5.30pm.

Under the Collective Agreement, the employer and employee(s) may agree to an alternative working arrangement of how working hours may be worked. Where the agreement affects more than one employee, the majority of employees affected must genuinely agree to the change. All agreements shall be in writing indicating the employees affected and the terms of the agreement

FINANCIAL IMPLICATIONS:

The staffing cost of opening on a Sunday can be reasonably estimated as between \$60,000 and \$100,000 per annum, depending on whether staff are permanent or casuals.

Under the Collective Agreement, the casual hourly rate shall be determined by adding a loading of 25% (effective from the date of registration of this Agreement) to the ordinary hourly rate of pay for the classification of work performed. Penalties and overtime rates for casual employees are calculated exclusive of the casual loading.

Alternative working arrangements under the Collective Agreement

- (f) Ordinary hours and part thereof (15 minutes) worked outside the span of hours shall attract the following loadings:
 - (i) Monday to Friday - 15% loading for each part hour worked outside the span of hours under clause 9.1(a);
 - (ii) Saturday - 50% loading for each part hour worked; and
 - (iii) Sunday - 75% loading for each part hour worked.

STRATEGIC DIRECTION:

Costing Sunday opening at Cambridge Library supports a number of priority areas and goals in the Town's 2017/2027 Community Strategic Community Plan, specifically

Our Community Life

Goal 1
Strategy 1.1 **A sense of community, pride and belonging**
Encourage and support participation in a range of activities and events at which communities can gather and interact.

Goal 3
Strategy 3.1 **An active, safe and inclusive community**
Create and improve the places where community groups can interact
Strategy 3.3 Encourage activity that meets the needs of people of all ages, cultures and abilities.

Our Council

Goal 11
Strategy 11.5 **A strong performing local government**
Continuously strive to improve services delivered to the community.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement policy and no community consultation is required.

OFFICER INVOLVEMENT:

Responsible Executive	Cam Robbins, Director Community Development
Responsible Manager	Priya Narula, Manager Library Services
Contributors	Ann Blakeney-Britter, Manager Human Resources

ATTACHMENTS:

1. Western Suburbs Library Opening Hours
2. Staffing costs (confidential)

Committee Meeting 16 April 2018

During discussion, the question of rates of pay for Sunday library staff was raised, and the ability of the Town to enter into individual agreements.

COUNCIL DECISION: (COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That the report on the cost of opening the Cambridge Library on Sundays, between the hours of 10.00am to 4.00pm be noted.

Carried 8/0

CR18.55 THE COST OF PROVIDING A STUDY AREA FOR CAMBRIDGE LIBRARY CUSTOMERS IN THE BOULEVARD CENTRE

SUMMARY:

Upon receiving the 2017 Cambridge Library survey in February 2018 (CR 18.8), Council requested a cost of opening the Cambridge Library on Sundays, 10.00am to 4.00pm with a skeleton staff, and the cost of providing a study area at the Boulevard Centre.

This report provides the cost of providing a study area at the Boulevard Centre (TBC), specifically the Oceanic Room, with a separate report provided on the cost of opening the Cambridge Library on a Sunday from 10.00am to 4.00pm.

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. |
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| <input type="checkbox"/> | Information | For the Council/Committee to note. |

BACKGROUND:

The Cambridge Library is a welcoming, vibrant, accessible space that provides for the community's informational, social and recreational needs.

Public libraries worldwide have evolved to become flexible in terms of spaces and services with a greater focus on literacy, learning and social inclusion. The Cambridge library space is well used for a number of purposes including study, leisure, borrowing, attending library events and programs and as a meeting place for various community activities and clubs.

Space can be at a premium in the lead up to exams. To help meet this demand for the past eight years, the Oceanic Room located in TBC, adjacent to the lower foyer, has been made available to the Library subject to availability, and at no cost. Peak times are identified as the lead up to exams in May, September, October and November, however the demand for the Oceanic Room by the Library has historically occurred in October and November, but can be for as much as four days per week during this time.

The Oceanic Room is an ideal Library overflow space as it is accessible by Library staff and customers outside of TBC opening hours. It is currently available for Library use when not hired, however, TBC can at times upgrade casual room hirers to one of the Lakes Rooms when available, making the Oceanic Room available for Library customers.

The cost to hire the Oceanic Room varies from \$200 per day and \$28 per hour for Commercial hire, to Local Not for profit organisations (as per CR18.35, March 2018) \$100 per day and \$14 per hour.

The Oceanic Room has averaged approximately 150 bookings per annum during the past two years from various Commercial, State and Federal Government agencies and Not for Profit organisations, with average revenue of approximately \$25,000 per annum.

Dedicating the Oceanic room exclusively to the Library for 52 weeks per year could have a negative impact on some of the current users who prefer the Oceanic room due to size and cost in comparison to other rooms within TBC.

DETAILS:

To provide study space in the Boulevard Centre the following options, and associated costs, are available. Costs have been calculated on the Local Not for profit organisations rate of \$100 per day.

Table One: Oceanic Room study space options

OPTION		COST
One	Casual use of the Oceanic Room during library opening hours when there are no existing bookings for the room, during peak times (May, September, October and November).	Nil
Two	The Library has exclusive use of the Oceanic Room during Library opening hours. 6 days per week, 52 weeks per year.	\$600 per week \$31,000 per annum
Three	The Library has exclusive use of the Oceanic Room during Library opening hours, at peak times (May, September, October and November).	\$600 per week \$11,000 per annum

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Option 1

Casual use of the Oceanic Room during library opening hours when there are no existing bookings for the room, during peak times (May, September, October and November).

Nil cost

Option 2

The Cambridge Library has exclusive use of the Oceanic room during Library opening hours. 6 days per week, 52 weeks per year.

Total approximate cost \$31,000 per annum

Option 3

The Cambridge Library has exclusive use of the Oceanic Room during Library opening hours, at peak times (May, September, October and November).

Total approximate cost \$11,000 per annum

STRATEGIC DIRECTION:

Costing the opening of the Oceanic Room in TBC for the purposes of study supports a number of priority areas and goals in the Town's 2017-2027 Community Strategic Community Plan, specifically:

Our Community Life

Goal 1

Strategy 1.1

A sense of community, pride and belonging

Encourage and support participation in a range of activities and events at which communities can gather and interact.

Goal 3

Strategy 3.1

Strategy 3.3

An active, safe and inclusive community

Create and improve the places where community groups can interact

Encourage activity that meets the needs of people of all ages, cultures and abilities.

Our Council

Goal 11

Strategy 11.5

A strong performing local government

Continuously strive to improve services delivered to the community.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy and no community consultation is required.

OFFICER INVOLVEMENT:

Responsible Executive	Cam Robbins, Director Community Development
Responsible Manager	Priya Narula, Manager Library Services
Contributors	Graham Godwin, Community Facilities Manager

ATTACHMENTS:

Nil

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

Moved by Cr Timmermanis, seconded by Cr Carr

That the report on the cost of opening the Oceanic Room in The Boulevard Centre for the purposes of study be noted.

Carried 8/0

CR18.56 POLICY REVIEW - COMMUNITY FUNDING PROGRAMS

SUMMARY:

Council at its meeting held on 28 November 2017 (CR17.155) requested that Policy 2.1.15 - Community Grants Program be reviewed. This recommendation was part of the 2017/2018 report pertaining to the distribution of the Town's 2017/2018 Community Funding program.

Policy 2.1.15 - Community Funding Programs has been thoroughly examined and has involved a review of other Local Government funding programs and has resulted in a stream lined and simplified funding program and 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 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.

BACKGROUND:

In accordance with Council Policy 1.2.1, Council Policies are reviewed and updated as necessary biennially by April following ordinary Council elections. This review on a regular basis ensures policies reflect current operating practices and procedures.

The policies presented here are Council and not administrative policies. The purpose of the policies is to provide a guide to the Administration, assisting it to function in an efficient and effective manner and respond to resident's enquiries as soon as possible.

Where changes have been affected, text to be deleted has been struck through and any additional text proposed has been underlined as detailed in the report attachment.

As part of the Council Policy review, a complete review of the Town's community funding programs has also been undertaken to ensure they maintain their relevance, are providing the best funding opportunities to benefit the local community and continue to be administratively sound.

DETAILS:

The Town's Community Funding Programs Policy 2.1.15 has been reviewed and consequently amended and simplified by removing the funding guidelines, selection criteria and grant conditions. After reviewing other similar and neighbouring Local Governments Community Funding policies, it became evident that these administrative details were unnecessary to include in this policy and were better placed in a management document to assist in the administration of each of the funding programs outlined. Due to the significant changes to this policy, the current policy (marked up) and new draft have been included as an attachment (Attachment 1).

As part of the policy review, the Town's community funding programs were also reviewed. After investigation as to what other similar and neighbouring Local Governments offered as part of their Community Grants Program (Attachment 2), it was evident that the Town was offering too many funding opportunities that weren't necessarily providing the greatest benefit back to the local community.

As outlined in Table 1, the Town offers seven funding programs and it is proposed to consolidate these down to four (Table 2) and modify them to provide a more efficient and responsive Community Funding Program, with more flexibility and access to a greater pool of funds, therefore enhancing the benefits generated back to the community. There will be no change to the annual budget for Community Funding, just a change in allocation of funds across a smaller number of consolidated funding programs.

Table1: Current Community Funding Programs

Financial Assistance Programs	Offered	Closing date	Maximum per request
1. Community Organisations	Once yearly	September	\$2,000
2. Community Events	All year round	ongoing	\$1,000
3. Individual Achievement	All year round	ongoing	\$100 or \$500
4. Donations to Community Organisations	All year round	ongoing	\$500
5. Community Art	Once yearly	April	\$2,000
6. Local Schools	Once yearly	March/April	\$4,000 pool
7. Facilities	Once yearly	December	N/A

Table 2: Proposed Community Funding Programs

Financial Assistance Programs	Offered	Closing date	Maximum per request
1. Youth Achievement Grant	All year round	ongoing	\$100 or \$500
2. Facilities Grant	Once yearly or in-line with CSRFF	December or in-line with CSRFF	N/A
3. Community Organisations Support Grant	Jan & Aug	Mar & Sept	\$2,000
4. Community Development Grant			
Category 1:	All year round	Ongoing	\$2,000
Category 2:	All year round	Ongoing	\$1,000
Category 3:	All year round	Ongoing	\$250

Outlined below are the proposed funding programs to be offered from July 1 2018:

1. Financial Assistance for Facilities (no changes)

The purpose of this funding program is to provide financial assistance to organisations to enhance the provision (or replacement) of sporting/community facilities within the Town such as new facilities, building extensions and/or renovations.

2. Community Organisations Support Grant (formerly Financial Assistance to Community Organisations)

The purpose of this funding program is to provide financial assistance 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 that provide support and services to residents of the Town.

There have been minimal changes to the purpose of the grant. Allocation of funds will continue to be assessed by Administration via the relevant funding conditions, grant guidelines and selection criteria. However it is proposed that authorisation of these funding allocations will also be undertaken by Administration, to negate the need for Council to deal with minor funding programs that don't impact significantly on the Town's overall budget.

This grant will now be offered twice a year to provide more opportunity for community groups to access the funding. Applications that will no longer be considered include those for ongoing operational expenses such as personal playing equipment, i.e. cricket and baseball replacement. Local schools will be able to apply for this grant, however projects considered to be core business for educational institutions will not be funded.

3. Financial Assistance for Youth Achievement (under 25 years)

The purpose of this funding program is to provide financial assistance to individuals less than 25 years of age in recognition of excellence in sport, leisure, cultural, humanitarian, charitable and educational pursuits. This program is designed to offer travel assistance to young people who have been selected to represent their organization/group interstate or overseas. Travel within Western Australia will be assessed individually and will only be considered where air travel is involved.

Changes to this funding program are mainly around age restriction. Previously this has been open to any age group to apply for, however on investigating what other local governments offer for individual achievement, it was noted that most only provide funding for youth. It is proposed that this funding program will focus on recognising young people who excel in their chosen field, as they are generally studying and not employed on a full-time basis, therefore travel expenses may be a hindrance to them attending interstate or overseas competitions/programs if they are selected.

4. Community Development Grant

This grant program is proposed to replace Donations to Community Organisations, Financial Assistance to Local Schools, Financial Assistance for Community Art and Financial Assistance for Community Events funding programs. It would provide one all-encompassing grant that gives greater flexibility and access to funds for the recipient and is more efficient to administer.

The purpose of this grant is to support community events and programs that enhance social capital and encourage participation in local community life.

Three levels of funding are available:

1. Large events or projects (attracting 500+ community members) - funding up to \$2,000
2. Medium size events (attracting 100-499 community members) - funding up to \$1,000
3. Small community or club events (attracting up to 100 community members) - funding up to \$250.00

Examples of large and medium events and programs would include but not be limited to community festivals, concerts, film festivals, parades, art and cultural events and activities. Small community/club events or programs that would be eligible under the grant program would include inter-club events, season opener and closer events, community open days/membership drives and member education workshops designed to create sustainable clubs and community groups.

By offering this funding program year round, it will enable more flexibility for applicants to provide community engagement opportunities instead of being locked into a specific funding round which might not suit particular events or programs, particularly if they are seasonal activities.

The Community Funding Programs will be managed by Administration through each individual funding program and its relevant funding conditions, grant guidelines and selection criteria. Applications under the Community Development Grant for Large Events or Projects, would require approval by Council. An overview of each funding program along with their relevant conditions, guidelines and selection criteria is included as an attachment 3.

POLICY/STATUTORY IMPLICATIONS:

An updated Policy 2.1.15 is provided as an Attachment.

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

The review of Council Policy 2.1.15 Community Grant Programs and the programs offered under this policy supports a number of key Priority Areas of the Town's Strategic Community Plan 2017-2027 and Corporate Business Plan 2013-2018:

Our Community Life

Goal 1: A sense of community, pride and belonging

Strategy 1.1 Encourage and support participation in a range of activities and events at which communities can gather and interact.

Goal 3: An active, safe and inclusive community

Strategy 3.1 Create and improve the places where community groups can interact.

Strategy 3.2 Deliver programs supporting local clubs and community groups capacity to run their community activities.

Strategy 3.3 Encourage activity that meets the needs of people of all ages, cultures and abilities.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy and no community consultation is required.

SUMMARY:

As part of the Council Policy review, a complete review of the Town's community funding programs has been undertaken to ensure they maintain their relevance, are providing the best funding opportunities to benefit the local community and continue to be administratively sound. The Council Policy 2.1.15 - Community Funding Programs has been updated to reflect these proposed changes. A comparison of other Local Government funding programs was also undertaken.

OFFICER INVOLVEMENT:

Responsible Executive	Cam Robbins - Director Community Development
Responsible Manager	Carole Lambert - Manager Community Development
Contributors	Renee McIntosh - Senior Community Development Officer

ATTACHMENTS:

1. Policy 2.1.15 - Community Funding Programs (with and without tracked changes)
2. Summary of Community Funding Programs provided by other LGA's
3. Overview of each funding program along with their relevant conditions, guidelines and selection criteria.

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That:-

- (i) **Council Policy 2.1.15 Community Funding Programs be amended, as detailed in the above report (as attached), and the changes be incorporated into the Council Policy Manual;**
- (ii) **amendments to the Community Funding programs be approved and adopted from 1 July 2018; and**
- (iii) **Council Policy 2.1.15 Community Funding Programs be reviewed in 2020 as part of the Town's bi-annual review of policies.**

Carried 8/0

CR18.57 COUNCIL POLICY REVIEW - COMMUNITY DEVELOPMENT

SUMMARY:

This report reviews the Council's policies pertaining to the Community Development Directorate (encompassing Community Development, Library Services and the Wembley Golf Course) and recommends any updates or changes.

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. |

BACKGROUND:

In accordance with Council Policy 1.2.1, Council Policies are reviewed and updated as necessary biennially by April following ordinary Council elections. This review on a regular basis ensures policies reflect current operating practices and procedures.

The policies presented here are Council and not administrative policies. The purpose of the policies is to provide a guide to the Administration, assisting it to function in an efficient and effective manner and respond to resident's 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 Council may be requested to investigate.

Where changes have been affected, text to be deleted has been struck through and any additional text proposed has been underlined as detailed in the report attachment.

DETAILS:

Community Development

2.1.2 Access to Services and Facilities for people with Disability, Their Families and Carers

Retain - No changes.

2.1.4 Cambridge Senior Services Fees and Financial Safeguards

Retain until 30 June 2018 - Due to Council's decision to exit the provision of Home and Community Care (HACC) services on 30 June 2018 (CR17.196), this policy will no longer be relevant as of 1 July 2018. The policy can therefore be deleted on this date.

2.1.7 Events with Performing and Displayed Animals

Retain - No changes.

2.1.8 Sale of Liquor at Parks and Sports Grounds

Retain - No changes

2.1.10 Sale of Goods at Leased Council Venues

Retain - No changes

2.1.15 Community Funding Programs

Retain - A separate report reviewing the Community Funding Programs and Policy to be presented to April 2018 Council meeting.

2.1.17 Lighting

Retain - Changes to reflect Locals First Approach (CR18.35 March 2018). A 50% discount off the standard oval lighting charge to local not-for-profit sporting organisations that have contributed funds to lighting infrastructure; and a 10% discount off the standard oval lighting charge to local not-for-profit sporting organisations that have not contributed funds to lighting infrastructure.

2.1.19 Conduct of Special Events, Concerts, Parties and Large Public Events

Retain - Minor amendments.

2.1.20 Seniors Needs

Retain- Changes to this policy will be deferred until the May 2018 Council meeting, to coincide with the report on the Age-Friendly Community Plan.

2.1.21 Hire of Sporting Grounds/Reserves

Retain - Changes to reflect Locals First Approach (CR18.35 March 2018). Local not-for-profit sporting organisations provided with a 50% discount off the standard ground senior (over 18 years of age) hire charge for use of the Town's various sporting grounds.

2.1.23 Use of Active Reserves by Local Schools

Retain - No changes.

2.1.24 Public Liability Insurance Requirements for Reserve Hire

Retain - No changes

2.1.25 Quarry Amphitheatre - House Tickets

Retain - No changes.

2.1.27 Hire of Community Facilities

Retain - Changes to reflect the following Council decisions:

- Notice of Motion 12.7 - Locals First Approach: Waiver of Set-up fees for Not-for-Profit organisations; and
- Locals First Approach (CR 18.35 March 2018): Create new classification to facilitate a 50% discount off the Standard Rate for local Not-for-Profit organisations and state schools residing within the Town.

The 'Right to Refuse' clause is extended to include booking cancellation and to cover the issues of withholding information and potential social disruption.

2.1.28 Access to Community Facilities

Retain - No changes.

2.1.29 Art and Culture

Retain - Minor amendment to delete the Community Arts Development Funding to align with the revised Policy 2.1.15 - Community Funding Programs to be presented in a separate report to April 2018 Council meeting.

2.1.30 Community Awards and Recognition Program

Retain - No change.

2.1.31 Quarry Amphitheatre Bookings

Retain - Minor amendment of Quarry season release date being brought forward by one month to avoid administration awarding of approved dates over the holiday period.

2.1.32 Conduct of Commercial Group Fitness Classes on Reserves

Retain - No changes

Library Services

2.2.1 Collection Development and Management

Retain - Minor amendments

2.2.2 Library Services - General Administration

Retain - Minor amendments.

Wembley Golf Course

2.3.1 Environmental Management System

Retain - No changes.

2.3.2 Motorised Golf Buggies

Retain - No changes.

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report, although various policies have been amended. The amended policies are provided as an attachment with marked up changes.

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

The review of Council policies pertaining to Community Development supports a number of key Priority Ares of the Town's Strategic Community Plan 2017-2027.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Consultation Policy. In accordance with the assessment criteria it was rated at Level 1, for which no community consultation is required.

SUMMARY:

Council's policies have proven to be valuable throughout previous years and only minor changes have been recommended to ensure they remain relevant and up to date with recent Council decisions and the Town's operations. Once adopted, the policies will be made available on the Town's website.

Each policy will remain in place until the next review in April 2020, unless circumstances warrant a review prior to that time.

OFFICER INVOLVEMENT:

Responsible Executive	Cam Robbins
Responsible Manager	Carole Lambert
Contributors	Renee McIntosh, Diana Allen, Graham Godwin, Priya Narula, Josh Madden

ATTACHMENTS:

1. Community Development policies (as amended)
2. Library Services policies (as amended)

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That the policies relating to Community Development Directorate (Community Development, Library Services and the Wembley Golf Course) be retained, unchanged, amended or deleted as detailed in the above report (as attached), and the changes be incorporated into the Council Policy Manual.

Carried 8/0

CR18.58 UNDERGROUND POWER: ROLL OUT OF LED STREET LIGHTS

SUMMARY:

The timing of the works program for underground power is such that, unless corrective action is undertaken, parts of the new street lighting installations will have older technology, less energy efficient street lights. Council has considered previously the benefits to the Town in owning and operating street lighting premised on the use of new LED street lights and smart controllers.

Proposals are provided for Council consideration as to the manner in which LED street lighting can be achieved throughout the new underground power projects along with the complementary smart controllers.

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. |
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| <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. |

BACKGROUND:

At the Ordinary Council Meeting of 27 February 2018, Council considered a report (Item 10.1) regarding ownership of street lighting. This report discussed (in part) the benefits of LED street lighting and the current status of design and construction within the SUPP and Wembley/West Leederville projects. In this report, advice was provided that

"The SUPP and Wembley/West Leederville projects have been designed on the basis of the 22W LED for local access roads with Metal Halide and High Pressure Sodium for other areas. Advice has been given that, once the LED equivalents are in the Western Power warehouse, they will be installed in the SUPP / Wembley/West Leederville areas. There may be a timing difference in some streets in getting full LED roll out however the Town's project management are working with Western Power to achieve 100% LED roll out"

This report now seeks Council direction in regards to achieving LED street lighting throughout the SUPP and Wembley/West Leederville projects.

DETAILS:

Western Power has appointed their contractors to undertake the SUPP and Wembley/West Leederville projects on the basis of fixed price contracts.

The contractors priced the projects based on a design provided by Western Power. This design incorporated street lighting based on Western Power's standard suite of street lights at that time i.e.:

- Western Power standard 22W LED Streetlights for local access roads (approx. 50% of the total number of lights);
- 70W, 150W and 250W Metal Halides (MH) and 150W and 250W High Pressure Sodium (HPS) lights for major intersections, crossings, distributors etc. (approx. 50% of the total number of lights)

Western Power has recently completed a tender process to seek new LED lights to be used to replace their older suite of Compact Fluorescents, Metal Halide, High Pressure Sodium and Mercury Vapour lights on a like for like replacement (in terms of light output) basis. We are advised that the stocks of these new lights will not be in their warehouses until the October 2018 at the earliest. From the time that the new lights are available, Western Power have committed that all street lighting installations in the underground power projects from that point forward will be LED. This does not deal then with any new street lights installed up until that point in time.

Another aspect of this lighting installation is in regard to the light controllers. Traditionally, street lights are switched on and off by a photoelectric cell attached to the street light fitting. Advances have been made in street lighting controllers that enable better management of street lighting in terms of remote monitoring, remote control, energy measurement and dimming/ramping up street light levels (especially with LED lamps). These new generation street light controllers require an industry standard NEMA base to be installed to the light fitting and then the controllers are a 'plug and play' type process. The smart controllers are seen as a key component in the Town managing lower costs if it was to own and operate street lighting.

The current Western Power 22W LED luminaire proposed in the underground power projects does not have this NEMA base as it was "first generation" of LED lighting rolled out by Western Power prior to the need for these new technologies.

The question before Council is what to do regarding street lighting installed in the underground power projects prior to that date in terms of (a) achieving 100% LED street lighting and (b) smart controller compatible bases and controllers.

Three options have been presented to the Town by Western Power to achieve 100% LED streetlights and smart controller bases within these projects (on the premise that these are installed by Western Power under the current contracts and that smart controller bases are required).

Option 1: Retrofit

This option entails the underground power projects commence as programmed (Floreat East and Floreat North in April 2018; Floreat West and Wembley/West Leederville in July 2018). As works progress, MH and HPS lamps are installed until the time that LED equivalents are in stock and LED installation is continued from that point on.

As part of the project, Western Power's contractors then return to the MH and HPS light poles recently installed and retrofit them with new LED lights.

At this very early stage of discussion Western Power estimate about 50% of the street lights would need to be retrofitted.

Option 2: Defer street lighting works

This option entails leaving standing the old Western Power power poles with the old fittings and installing underground power around them. At the time that the new LED street lights are available, the contractor would return to these areas, install the new street lights and remove the old Western Power poles.

At this very early stage of discussion Western Power estimate about 50% of the street lights would need to be retrofitted.

Option 3: Delay the projects

This option would entail delaying the project starts by 6 months each allowing for the stock of new lights to be available and works to commence with new lights.

This would incur significant delay costs for the project given that the Contractors have been appointed and would claim for delay.

There is a further Option, being Option 4, 'do nothing'.

Option 4: Do nothing

Street lighting is rolled out as per the current design until such time that new LED luminaires are available in the Western Power warehouse. At that time, all subsequent street lights would be 100% LED. The Town accepts that for the immediate future not all of the new street lights are LED.

The implications of this decision are that it has minimal to no cost impact on the projects however upwards of 25% of the street lights installed would be MH or HPS and would be many years before they would wear out to the point that a LED light could be used to replace it. Also about 50% of the street lights installed (including first generation LED) would have 'dumb' rather than smart controller capability.

It is to be pointed out that a LED lamp assembly cannot be retrofitted to a MH or HPS luminaire if the lamp fails; the whole luminaire would need replacing. It would be many years before Western Power replaced a HPS / MH fitting with a LED fitting based on the asset condition.

Western Power has advised the Town that the costs for Option 1 could be as high as \$800,000; Option 2 \$2.8m and Option 3 in the order of \$1m. However they heavily qualified this on the basis of being an 'upper limit' of costs which should reduce once a firm direction is decided and costs with contractors resolved. (This is to be taken in context of the overall SUPP and Wembley/West Leederville project costs of \$40m). Option 4 has little or no cost impact.

These costs would also be halved if the Town decided to forego the smart controller base on the existing Western Power model of 22W LED streetlight as these luminaires would not be replaced.

Discussion

It is considered that the basic premise of having 100% LED street lighting from the underground power projects is a sound long term initiative both in terms of reduced energy costs but also reduced greenhouse gas emission footprints from street lighting.

It is also considered that the implementation of smart controllers on the street lights is a necessary step on the path of the Town being able to further reduce costs of street lighting through enabling accurate metering of energy usage and improve service levels through interactive monitoring and control of the street lights.

On that basis, it is proposed that the Town makes a decision as to how this is implemented to allow construction to proceed. It appears that Option 1 will have the lowest cost & time impact on the project to meet the objectives above.

This matter is complementary to the separate negotiations underway with Western Power for the Town to eventually take ownership of the street lighting system.

Western Power has committed to determining the minimal cost approach for the Town once a strategy has been developed.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Once a preferred Option is selected, the Town will provide a subsequent Council report firming up the additional costs needed to be funded by the Town.

At this point in time, the 4 underground power projects have a combined project value of \$42m with \$39m being directly funded by the Town and property owners. Within these budgets are contingency funding exceeding \$2m. Consideration could be given to committing the contingency towards this lighting project or the Town providing some, or all, new funding from Area Reserves to the works.

STRATEGIC DIRECTION:

LED street lighting supports the following Goals and Strategies of the Town's Strategic Community Plan 2017/2027:

OUR COUNCIL

Goal 7: Council is environmentally responsible and leads by example

Strategy 7.3 Improve our energy efficiency

COMMUNITY ENGAGEMENT:

In accordance with Policy 1.2.11 Community Engagement, consideration of this report is purely administrative in nature and not requiring community engagement.

OFFICER INVOLVEMENT:

Responsible Executive	Brett Jackson, Director Projects
Responsible Manager	Not Applicable
Contributors	Not Applicable

ATTACHMENTS:

Nil

Committee Meeting 16 April 2018

Prior to consideration of the item, Crs Carr and McAllister, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter and left the meeting at 7.23 pm. Cr McKerracher deputised.

The Administration was requested to provide further information on what savings in power consumption is the provision of LED lights going to yield on an annual basis as it might not be cost effective.

ADMINISTRATION RECOMMENDATION:

That:-

- (i) Western Power be advised to undertake design changes and construction programming to achieve 100% LED lighting on the basis of Option 1 presented in this report; and
- (ii) a subsequent report be presented on the financial impacts and funding requirements once costs are firmed up.

Moved by Mayor Shannon, seconded by Cr McKerracher

That the item be submitted to Council for determination.

Carried 4/0

Crs Carr and McAllister returned to the meeting at 7.33 pm.

FURTHER REPORT (Post Committee Meeting 16 April 2018)

At the Community & Resources Committee meeting of 16 April 2018, it was requested that further information be provided regarding potential cost benefits of implementing 100% LED street lighting in the SUPP & Wembley/West Leederville project areas.

The following table illustrates the potential of various scenarios for the information of Council. Further potential scenarios have been illustrated if the Town owns and maintains the street lighting system

Scenario Number and Description		Annual Cost to Town (\$ pa)	Annual Energy usage (kWh pa)	CO ₂ gas emitted to produce this energy (tonnes pa)
1	The current lighting design is implemented without change	\$230,000	550,000	395
2	Implementation of 100% LED (Option 1 in report)	\$155,000	250,000	180
3	50% implementation of LED (as per Option 4 in report)	\$192,000	400,000	288
4	As per scenario 2, but Town owns lights and has unmetered Synergy supplies for each light	\$120,000	250,000	180

5	As per scenario 2, but Town is able to seek aggregated contestable energy tariffs through use of smart controllers	\$ 85,000	250,000	180
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The annual costs are based on current tariff structure in place and are not adjusted for any rise and fall over the life of the system. It is noted that Western Power have not yet had their 2017/2018 and onwards pricing structure approved by the ERA.

The cost savings in scenarios 2 through 5 are largely dependent on Western Power and Synergy implementing tariffs for the new LED lights in a similar structure that they have implemented for the 22W LED streetlight.

This is not certain and subject to Regulatory approval later this year. It also presumes, where the Town owns the street lights, that the Town costs for maintenance are no higher than Western Power costs. Further savings could be achieved. The contestable energy rate is the same as currently under contract.

Scenario 5, whilst of benefit to the Town, requires further Regulatory approvals in allowing the smart controllers to act as energy meters.

Council Meeting 24 April 2018

Prior to consideration of the item, Crs Carr and McAllister, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter and left the meeting at 7.11 pm. The nature of their interest is that Cr Carr owns two properties in the affected area. Cr McAllister owns a commercial and residential property in the affected area. Crs Carr and McAllister left the meeting at 8.56 pm.

COUNCIL DECISION:

Moved by Cr Timmermanis, seconded by Cr Nelson

That:-

- (i) Western Power be advised to undertake design changes and construction programming to achieve 100% LED lighting on the basis of Option 1 presented in this report; and**
- (ii) a subsequent report be presented on the financial impacts and funding requirements once costs are firmed up.**

Suspension of Standing Orders

Moved by Cr Timmermanis, seconded by Cr Nelson

That in accordance with the provisions of Clause 10.1(h) of the Standing Orders, the operation of Clause 8.13 of the Standing Orders (Limitation of Number of Addresses) be suspended to allow open discussion.

Carried 6/0

The operation of Clause 8.13 of the Standing Orders was suspended at 9.11 pm.

Discussion ensued.

Resumption of Standing Orders

Moved by Cr Timmermanis, seconded by Cr McKerracher

That the operation of Clause 8.13 of the Standing Orders be resumed.

Carried 6/0

The operation of Clause 8.13 of the Standing Orders was resumed at 9.14 pm.

The motion was then put and carried 6/0

Crs Carr and McAllister returned to the meeting at 9.15 pm.

CR18.59 DOCUMENTS SEALED - APRIL 2018

SUMMARY:

To advise Council of documents that have been affixed with the Common Seal of the Town of Cambridge.

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. |

DETAILS:

There is no statutory requirement for the Council to give prior approval for the Seal of the Municipality to be placed on documents, however, Council Policy directs the type of documentation to which the seal may be affixed, and requires a subsequent report to Council.

A schedule of documents affixed with the Common Seal of the Town of Cambridge appears below:

Date Sealed	Document Details	Purpose	No. Copies
29 March 2018	Dedication of Lot 500 Salvado Road, Jolimont	Dedication of Lot 500 Salvado Road, Jolimont - for Road Reserve	1

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

This report is consistent with the Town's Strategic Community Plan 2017/2027 Goal 9 - Transparent, accountable governance.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is administrative.

OFFICER INVOLVEMENT:

Responsible Executive	Jason Buckley, Chief Executive Officer
Responsible Manager	Not Applicable
Contributors	Karen Exley-Mead PA to CEO

ATTACHMENTS:

Nil.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That it be noted that the Common Seal of the Town of Cambridge has been affixed to the documents as listed in the schedule as it appears in this report.

Carried 8/0

CR18.60 MODEL LITIGANT POLICY FOR CIVIL LITIGATION - MARCH 2018

SUMMARY:

The Town has adopted a Model Litigant Policy for Civil Litigation. The Council has required that a status report be provided to each Council meeting regarding the conduct of any civil litigation and the legal costs incurred.

AUTHORITY / DISCRETION

<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.

BACKGROUND:

At the Town's Ordinary Council meeting of 19 December 2017 the council adopted a Model Litigant Policy. The decision made at the meeting is detailed below:

That:-

- (i) the Town ADOPTS the Model Litigant Policy for Civil Litigation;*
- (ii) the Model Litigant Policy for Civil Litigation be effective immediately and be applied to all civil litigation currently being undertaken or responded to by the Town;*
- (iii) the Town will receive a report from Chief Executive Officer regarding the conduct of any civil litigation undertaken and the legal costs incurred by the local government at each full Town meeting.*

The Policy has been adopted and this report provides the information required to be presented monthly in clause (iii) above.

The following table provides a summary of the civil Litigation the Town is currently engaged in as at 31 March 2018:

Party	Description	Cost
Big Deal Investments Pty Ltd	Repurchase of Lot 501 Omaroo Terrace, City Beach	\$102,709

POLICY/STATUTORY IMPLICATIONS:

Council Policy 1.2.17 Model Litigant Policy for Civil Litigation applies which states "*This Policy has been endorsed by the Town to assist in maintaining proper standards in litigation*".

FINANCIAL IMPLICATIONS:

The costs of litigation are not known prior to the adoption of the Budget. Whilst there is a general provision for legal expenses in various cost centres there may not be sufficient provision allocation. The 2017/18 operating expenditure budget is approximately \$49 million and the legal costs are generally managed within this overall budget.

STRATEGIC DIRECTION:

The status report regarding the conduct of any civil litigation and the legal costs incurred is consistent with the Town's Strategic Community Plan 2017/2027 Goal 9 - Transparent, accountable governance.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is administrative.

OFFICER INVOLVEMENT:

Responsible Executive	Jason Buckley, Chief Executive Officer
Responsible Manager	Not Applicable
Contributors	Not Applicable

ATTACHMENTS:

Nil

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That the Civil Litigation status report for March 2018 be received.

Carried 8/0

CR18.61 OCCUPATION LICENCE - WEMBLEY COMMUNITY CENTRE KITCHEN FACILITIES

SUMMARY:

The Occupation Licence for the use of the kitchen facility at the Wembley Community Centre is set to expire on the 30 June 2018. The current tenant, Heart in Hospitality trading as Fresh Convenience, has requested that they be permitted to renew the licence on similar terms with the addition of a 3 year term with one 3 year option and increased access hours from 4.00am to 8pm.

This report recommends approval for Heart in Hospitality (Heart) to enter into a new Occupational Licence with the Town to operate a commercial kitchen from the kitchen facilities at the Wembley Community Centre.

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. |
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| <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. |
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| <input type="checkbox"/> | Information | For the Council/Committee to note. |

BACKGROUND:

In 2009, the Town requested quotes for the exclusive use of the Wembley Community Centre kitchen for the purpose of commercial catering. Fresh Convenience was successful in securing the kitchen premises. The management of the kitchen was governed through a Hire Agreement that stipulated the details and terms of the agreement.

In June 2014, a new Occupation Licence was entered into between the Town and Fresh Convenience based on the existing Hire Agreement for an initial two year term with a two year option. The second option was exercised by Fresh Convenience on 1 July 2016 and expired on 30 June 2018.

The initial owners of Fresh Convenience then sold the business in August 2017 to Heart in Hospitality and with the consent of the Town (CR 17.98 - Occupation Licence - Wembley Community Centre Kitchen Facilities) transferred the existing Occupation Licence of the Wembley Community Centre Kitchen to the new owners

The current tenant has advised the Town of their desire to renew the agreement so they can continue to operate their business from the Wembley Community Centre Kitchen.

DETAILS:

The Occupational License for the kitchen at the Wembley Community Centre will expire on the 30 June 2018. The proprietor has requested that the licence be renewed.

The Town has two options with respect to the license.

1. It can use expiration of the license as an opportunity to test the open market and request quotes for the use of the kitchen. The Valuation Report in 2014 from MMJ advised that there are very few commercial kitchens similar to the operation at the Wembley Community Centre and that the potential occupants for the tenancy are very limited.
2. It can enter into a new occupational license with Heart in Hospitality.

If option 2 is selected Heart have requested the following changes to the terms of the license:

- Increase in tenure - 3 year plus 3 year term instead of 2 year plus 2 year term.
- Removal of the restricted access clause (currently operating hours are restricted to 4am to 6pm Monday to Sunday including public holidays)

If the license is renewed with Heart without testing the market it is recommended that the current two plus two year term remain. This would allow Council to test the market in 2022 a period of 8 years from when the market was last tested.

Heart has requested an increase in operating hours so they may grow the business into new areas and cater for evening events. The Town has previously turned down this request because of the effect it may have on the surrounding residential area.

If Council was of the mind to increase the access hours it could change them from the existing 4am to 6pm Monday to Sunday including public holidays to 4am to 8pm Monday to Sunday including public holidays

The Town has not received any adverse comments regarding the operators, hire of the kitchen, parking or noise complaints and the arrangement has not impacted on the use of the facility. The Town has a positive working relationship with Heart in Hospitality and has no reason not to enter into a new Occupation License with the current tenants.

Given the operators agreement to pay rent at the independent market value, the limited market, it is recommended that the Town enter into a new Occupation License with the current tenants.

It should be noted that Heart does not have total exclusive use of the kitchen (the Town has negotiated access with the proprietor in case the Wembley Community Centre is required for use as an emergency recovery centre), hence the use of an occupational licence as opposed to a lease.

POLICY/STATUTORY IMPLICATIONS:

The provisions on Section 3.58 of the Local Government Act apply which require the Town to provide Local Public Notice and invite submissions, which must be considered before entering into the new Occupation Licence.

FINANCIAL IMPLICATIONS:

Under the terms of the Occupation Licence, Heart currently pays the Town an annual rent of \$31,220.60 (ex GST) plus outgoings of \$ 3,821.03 (ex GST)

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

Goal 5 Successful commercial, retail and social hubs

Strategy 5.1 Promote economic development opportunities in the Town

COMMUNITY ENGAGEMENT:

Consultation by way of local public notice is mandated by the Local Government Act 1995 and constitutes the required community consultation. Section 3.58 - advertise for 14 days and consider any submissions

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, Director Corporate and Strategic
Responsible Manager	Stuart Hobley, Manager Governance and Contracts
Contributors	Paul O'Keefe, Coordinator Property and Governance

ATTACHMENTS:

Nil

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That:-

- (i) Local Public Notice under section 3.58 (3) (a) be given, advising of the Town's intention to enter into a Occupation licence of the Wembley Community Centre Kitchen Facilities to Heart in Hospitality, for a period of two years, with a further option of an additional two years;**
- (ii) the Access Hours be from 4am to 6pm, Monday to Sunday Including Public Holidays;**
- (iii) the Chief Executive Officer be authorised to enter into an Occupation Licence Agreement with Heart in Hospitality, if no adverse submissions are received, otherwise a further report to Council is to be submitted to consider submissions;**
- (iv) Heart in Hospitality be required to pay all costs associated with the new Occupational Licence.**

Carried 8/0

CR18.62 RENEWAL OF MANAGEMENT LICENCE - WEMBLEY PLAYGROUP

SUMMARY:

The Management Licence Agreement with the Wembley Playgroup for an area at the Wembley Community Centre (WCC) expires on 30 June 2018.

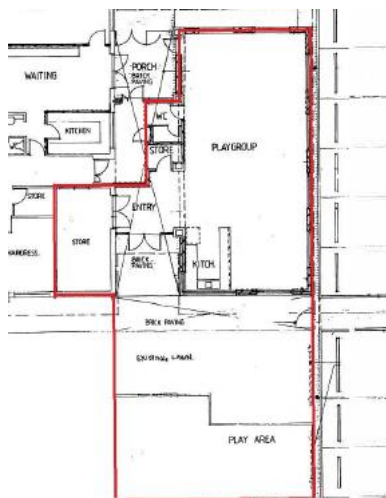
This report recommends the Management License Agreement with the Wembley Playgroup be approved for a further 3 years, with the inclusion of a new one 3 year option.

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. |
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| <input type="checkbox"/> | Information | For the Council/Committee to note. |

BACKGROUND:

The Wembley Playgroup occupies an area of approximately 110m² in the WCC comprising of an indoor playroom, kitchen, storeroom and toilet. The area opens out onto a playground of approximately 290m².



From 2002 to 2008, the Playgroup hired the area at the WCC from the Town at a cost of approximately \$11,000 per annum but had no formal hire agreement with the Town. In 2008, the Playgroup applied to Council to reduce the hire fees and Council determined that the fee would be reduced to \$3,000 per annum (inclusive of outgoings) and a Management Licence would be introduced. The licence was to be reviewed after twelve months. This agreement was based on the playgroup operating for 20 weeks at the WCC and assuming responsibility for maintenance.

In July 2009, Council reviewed the Management Licence and increased the fee to \$3,500 per annum (inclusive of outgoings) based on the usage of 24 hours per week. The Management Licence was for three years with the fee subject to indexation by CPI.

In July 2015, Council reviewed the Management Licence again and increased the fee to \$5,000 per annum (inclusive of outgoings) based on the usage of 24 hours per week. The review was conducted in collaboration with the Playgroup and the fee was based on the amount that would be charged under the Community Leasing Policy. The Management Licence was for three years with the fee subject to indexation by CPI.

DETAILS:

Wembley Playgroup is managed by a Committee and programs are coordinated and operated by volunteers who are parents of the children that attend. There are approximately 105 family groups with approximately 142 children between the ages of 0 and 4 years old enjoying the amenities each week.

The Playgroup operates nine two-hour playgroup programs from Monday to Friday plus a maximum of 4 additional hours each term to allow for committee meetings and other relevant purposes.

Whilst they are the main users of the room, they do not have sole use as it is hired out to various other user groups during evenings and weekends.

The Wembley Playgroup currently pays a fee of \$5,085.35 per annum (GST exclusive) and a Service Charge of \$1,245.91 (GST exclusive) for utilities and insurance. The annual fee is indexed by CPI and it is not proposed to increase the fees any further on renewal of the management licence, other than by the annual indexing.

It is however proposed that the new Management License includes the following change to the essential terms:-

- The term of the Management Licence is 3 years with one 3 year option (currently just a three year term)

The addition of the new three year option will give the playgroup more certainty with tenure when applying for grants in the future. In previous years they have received grants to install a new kitchen and nature scape playground which has improved the Towns facility. The Playgroup has agreed to the terms as proposed and generally complied with the terms of the license over the course of their tenure at Wembley Community Centre.

POLICY/STATUTORY IMPLICATIONS:

Local Government Act

The disposition of the property is exempt from Section 3.58 of the Local Government Act under the Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

(3) A disposition of property other than land is an exempt disposition if — (a) its market value is less than \$20 000;

The Council decision from the February 2018 Council Meeting 12.5 Transparency and Accountability was not applicable in this case as the Playgroup is a 'not for profit' organisation.

(ii) the CEO may only attend meetings with third parties to negotiate the sale, purchase, lease or licence of land (excluding not for profit) owned by the Town when independent lawyer, Michael Henderson acting on behalf of the Town attends such meetings;

FINANCIAL IMPLICATIONS:

An amount of \$6,331.26 will be allocated as income within the Wembley Community Centre cost centre in the 2018/2019 Budget. The license fee and service fee are subject to CPI increases with the next increase due on the 1 July 2018.

STRATEGIC DIRECTION:

The Community Grants Program strongly supports a number of the priority areas of the Town's 2017-2027 Strategic Plan, namely:-

Our Community Life

Goal 3 An active, safe and inclusive community

Strategy 3.1 Create and improve the places where community groups can interact;

Strategy 3.2 Deliver programs supporting local clubs and community groups' capacity to run their community activities; and

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 and does not require community consultation as this matter is administrative in nature.

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, Director Corporate and Strategic
Responsible Manager	Stuart Hobley, Manager Governance and Contracts
Contributors	Paul O'Keefe, Coordinator Property and Governance

ATTACHMENTS:

Nil

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That:-

- (i) the Wembley Playgroup Incorporated be offered a new Management Licence for the specified use of the Playgroup area at the Wembley Community Centre for a term of 3 years with one 3 year option;**
- (ii) the commencement fees be as follows:**
 - Management License Fee of \$5,085.35 per annum plus CPI (GST exclusive);**
 - Service Charge of \$1,245.91 per annum plus CPI (GST exclusive);**
- (iii) the Chief Executive Officer be authorised to enter into a new Management Licence Agreement with Wembley Playgroup.**

Carried 8/0

CR18.63 KIANDRA INVESTMENTS TRADING AS RISE PIZZA - PERMISSION TO INSTALL EXTERNAL WIND AND RAIN SCREENS

SUMMARY:

The Town has received a request from the operator of Rise Pizza at City Beach for permission to provide wind and rain screens on the edge of the alfresco decks which would be used in inclement weather and folded away when not needed.

The design is in keeping with the overall aesthetic intent of the project and almost identical to Odyssea's screens that were installed in 2017. The tenant wishes to proceed with the works at their cost.

It is recommended that Council approves this design.

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. |
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| <input type="checkbox"/> | Information | For the Council/Committee to note. |

BACKGROUND:

The original design intent of the restaurant buildings was that the alfresco decks would be used in fine weather. However, during the winter months Rise Pizza has suffered significant trading down turn during rainy days which, in their view, would not have occurred if suitable (used when needed) wind and rain screens could be deployed to allow the alfresco deck to be occupied.

The Council has previously approved wind and rain screens on the edge of the alfresco decks at Odyssea (CR17.36). At the Ordinary Council meeting held on 28 March 2017, the Council decided:

"That approval be given for the style of external screens for the alfresco decks for Odyssea and Hamptons with discussions to continue for Rise."

Hampton's operators are not interested in installing wind and rain screens as their deck is smaller compared to the other two tenancies.

DETAILS:

The proposal by the Tenant is almost identical to Odyssey's enclosure, however, there are slight differences. The enclosure façade is of the same material and style, a one (1) fixed panel and two(2) sliding door system, with sliding openings and fixed panels to match Odysseys current design and look.

On the southern and northern ends of Odyssey's alfresco deck there is a Bi-Folding system. Rise is proposing to install a one (1) fixed panel and three (3) door sliding system. The reason for this design is the extreme winds that impact the southern front corner of the building. The manufacture of the system have highly recommended against Bi-Folds in this location. The combination of fixed and sliding window panels which are stacked vertically and slide horizontally between the columns of the alfresco deck is the preferred system.

The Tenant also proposes to install a frame assembly sitting internal of the steel columns with aluminium capping installed around the columns, where Odyssea's sliding window system is bolted to the columns. This system would not interfere or obstruct the customers dining space with a fixed internal ground floor channel.

The photo image below illustrates this solution:



The cost for installation would be the responsibility of the tenant, therefore the Town has no outlay.

POLICY/STATUTORY IMPLICATIONS:

Town approval of these works is a condition of the leases in place.

FINANCIAL IMPLICATIONS:

All design and construction costs will be met directly by the Tenants. The Town is not funding any works.

STRATEGIC DIRECTION:

This proposal is most closely aligned to the following Goals and Strategies of the Town's Strategic Community Plan 2013/2023:-

Our Planned Neighbourhoods

Goal 5: Successful commercial retail and social hubs

Strategy 5.1 Facilitate commercial development within the Town

COMMUNITY ENGAGEMENT:

This matter had been assessed under the Community Engagement Policy No 1.2.11 and determined that consultation is not required as the matter is purely administrative in nature with no external impacts envisaged

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, Director Corporate and Strategic
Responsible Manager	Stuart Hobley, Manager Governance and Contracts
Contributors	Paul O'Keefe, Coordinator Property and Governance

ATTACHMENTS:

1. Wind and rain screens - Plans and Elevations
2. Wind and rain screens - Dimensions

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That landlord's approval under the lease between Kiandra Investments (trading as Rise) and the Town be provided to enable the Tenant to install external screens on the al fresco decks as per the Attachments to this report.

Carried 8/0

CR18.64 PAYMENT OF ACCOUNTS - MARCH 2018

SUMMARY:

Under the Local Government Act (Financial Management) Regulations 1996, payments of accounts made by the Town are to be submitted to Council. The report contains a summary of payments made for the month with detailed payment listings attached providing more information.

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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. |
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| <input checked="" type="checkbox"/> | Information | For the Council/Committee to note. |

DETAILS:

Regulation 13 of the Local Government (Financial Management) Regulations 1996 requires a list of accounts to be prepared and presented to Council. Below is a list of the cheques raised and Electronic Funds Transfers for the payment of accounts from the Municipal Account (and Trust Account where applicable). Included as an attachment to this report is a listing of all payments issued for the past month.

POLICY/STATUTORY IMPLICATIONS:

Payments are in accordance with Policy No. 3.2.3 "Council Bank Accounts and Payments".

FINANCIAL IMPLICATIONS:

Expenses incurred are charged to the appropriate items included in the annual budget.

STRATEGIC DIRECTION:

The presentation of details of accounts is consistent with the Town's Strategic Community Plan's goal of transparent, accountable governance.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Matrix Consultation Level - Inform - To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, and/or solutions.

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, Director Corporate and Strategic
Responsible Manager	Roy Ruitenga, Manager Finance
Contributors	Nil

ATTACHMENTS:

- Account Payment Listing

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

Moved by Cr Timmermanis, seconded by Cr Carr

That in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, the schedule of accounts, as detailed below and attached, be confirmed:

(i) CHEQUE PAYMENTS

	Date From	Date To	Details	Amount
Municipal Fund	02-March-2018	02-March-2018	054840 - 054864	\$41,886.89
Municipal Fund	03-March-2018	08-March-2018	054865 - 054885	\$32,204.93
Municipal Fund	12-March-2018	16-March-2018	054886 - 054899	\$135,314.75
Municipal Fund	17-March-2018	23-March-2018	054900 - 054935	\$50,381.26
Municipal Fund	24-March-2019	29-March-2018	054936 - 054960	\$28,236.18
				<u>\$288,024.01</u>

(ii) ELECTRONIC FUND TRANSFERS (EFT'S)

	Date From	Date To	Details	Amount
Investments	01-March-2018	31-March-2018	INV01020 - INV01027	\$11,606,057.88
Direct Bank Charges	01-March-2018	31-March-2018	SUP431 - Sup435	\$65,595.37
Accounts Payable	02-March-2018	02-March-2018	E31111 - E31121	\$354,395.67
Accounts Payable	03-March-2018	03-March-2018	E31122 - E31215	\$237,066.86
Accounts Payable	13-March-2018	14-March-2018	E31216 - E31299	\$294,817.65
Accounts Payable	20-March-2018	23-March-2018	E31300 - E31409	\$2,017,307.68
Accounts Payable	27-March-2018	28-March-2018	E31410 - E31528	\$481,038.14
Payroll	01-March-2018	31-March-2018	Pay1024 - Pay1031	\$1,376,401.93
Wembley Golf Course	01-March-2018	31-March-2018	EP000290 - EP000296	\$248,230.92
				<u>\$16,680,912.10</u>
				<u>\$16,968,936.11</u>

Carried 8/0

CR18.65 INVESTMENT SCHEDULE - MARCH 2018

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

- | | | |
|-------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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| <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. |

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 April meeting, the Reserve Bank of Australia decided to leave the cash rate unchanged at 1.50% as expected.

The global economy has strengthened over the past year with a number of advanced economies growing at an above-trend rate and unemployment rates are low. Increased rates of growth were also evident in some Asian economies and the Chinese economy continues to grow solidly. Global inflation remains low although this is expected to increase over the next couple of years. Market volatility has increased compared to last year.

With respect to the Australian economy, the Reserve Bank is forecasting economic growth to increase with business conditions remaining positive and non-mining business investment improving. Increased public infrastructure investment is also supporting the economy. Uncertainty remains with respect to household consumption with income growth slow and debt levels high. Employment growth grew strongly over the past year and is forecast to continue.

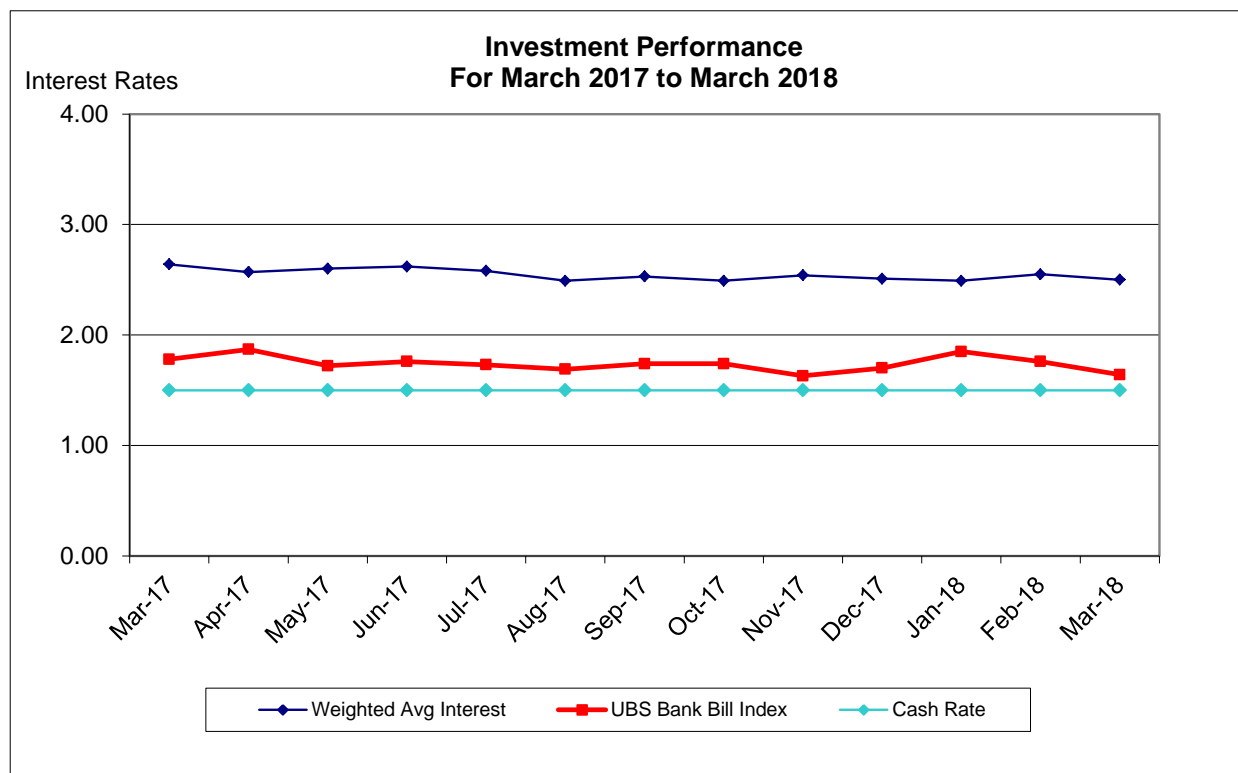
Inflation remains low but is forecast to rise as the economy strengthens. Low interest rates continue to support economic growth.

Looking forward, in terms of the Town's investment portfolio, interest rates remain much the same. The major banks rates for one to three month terms are on average 2.22%, for terms of four to six months on average 2.48% and for terms of seven months to nine months on average 2.53%. The UBS Bank Bill Index rate (an index measuring performance of interest rates over a 90 day period) was 1.64% for March 2018. The 90 days BBSW or Bank Bill Swap rate (a measure of future interest rates) was 2.03% as at 29 March 2018. As Council's investment portfolio is predominantly short term cash products, the cash rate of 1.50% for March 2018 is the more appropriate performance measure.

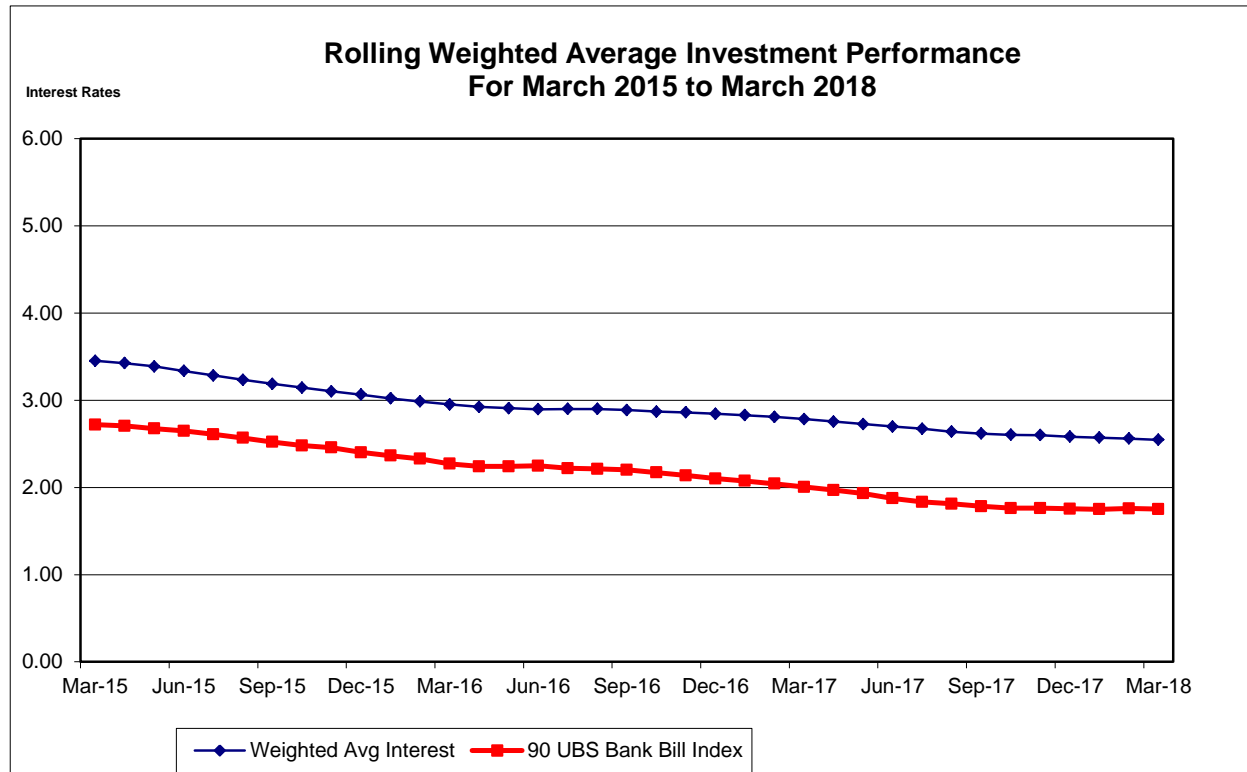
Against these interest rate indicators, the Town's investment portfolio outperformed the cash rate with a weighted average interest rate of 2.50%. The weighted average investment period of 206 days (approximately seven months) is consistent with term deposit rates (with the major Australian banks) which for this period was an average of 2.50%.

Investment Portfolio Performance for March 2018

The graphs below show the interest rate performance of the Town's investment portfolio for the 12 month period March 2017 to March 2018.

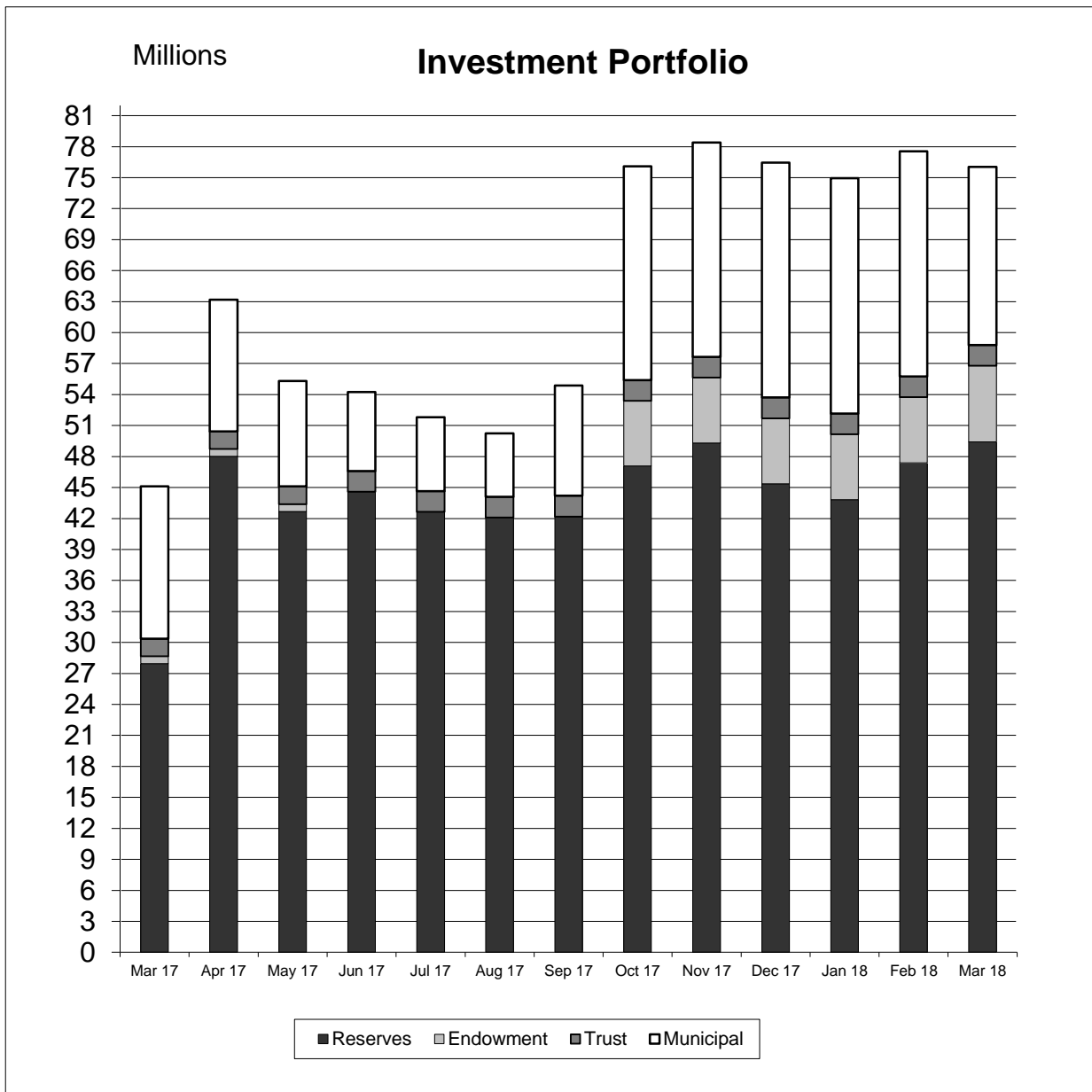


The graph below shows the rolling 12 month weighted average investment performance of the Town's investment portfolio, since March 2015.



The total investment at the end of March 2018 is \$76 million which consists of Municipal Funds of \$17.2 million, Reserve Funds of \$49.4 million, Endowment Lands Funds of \$7.4 million and Trust Funds of \$2 million.

The graph below represents the total investment portfolio of the Town from March 2017 to March 2018.



The Managed Cash Funds performance as at the end of March 2018 is as follows:

	Term (Days)	Rating	Current Interest Rate	March 2018 Income	Total Amount Invested	% of Funds Invested	Weighted Average Interest	
Floating Rate Notes								
Emerald Reverse Mortgage		"AAA"	2.22%	\$1,130	\$598,897	0.79%	0.02%	
Sub-total				\$1,130	\$598,897	0.79%	0.02%	
Term Deposits and Bank Bills								
ANZ - Term Deposit		154	"A1+"	2.56%	\$842	\$1,000,842	1.32%	0.03%
ANZ - Term Deposit		154	"A1+"	2.56%	\$842	\$1,000,842	1.32%	0.03%
BANKWEST - Term Deposit		364	"A1+"	2.45%	\$207	\$101,528	0.13%	0.00%
BANKWEST - Term Deposit		182	"A1+"	2.45%	\$1,071	\$519,269	0.68%	0.02%
BANKWEST - Term Deposit		182	"A1+"	2.45%	\$2,117	\$1,027,866	1.35%	0.03%
BANKWEST - Term Deposit		154	"A1+"	2.50%	\$2,665	\$2,050,534	2.70%	0.07%
BANKWEST - Term Deposit		273	"A1+"	2.50%	\$4,309	\$2,049,790	2.70%	0.07%
BANKWEST - Term Deposit		140	"A1+"	2.50%	\$2,153	\$1,018,663	1.34%	0.03%
BANKWEST - Term Deposit		273	"A1+"	2.55%	\$4,356	\$2,028,886	2.67%	0.07%
BANKWEST - Term Deposit		91	"A1+"	2.45%	\$1,062	\$511,542	0.67%	0.02%
BANKWEST - Term Deposit		154	"A1+"	2.50%	\$3,215	\$1,518,533	2.00%	0.05%
BANKWEST - Term Deposit		187	"A1+"	2.45%	\$3,121	\$1,517,217	2.00%	0.05%
BANKWEST - Term Deposit		166	"A1+"	2.45%	\$3,121	\$1,512,988	1.99%	0.05%
BANKWEST - Term Deposit		105	"A1+"	2.50%	\$5,318	\$2,516,268	3.31%	0.08%
BANKWEST - Term Deposit		161	"A1+"	2.55%	\$3,249	\$1,509,327	1.99%	0.05%
BANKWEST - Term Deposit		126	"A1+"	2.50%	\$2,123	\$1,004,658	1.32%	0.03%
BANKWEST - Term Deposit		150	"A1+"	2.55%	\$4,115	\$1,908,097	2.51%	0.06%
BANKWEST - Term Deposit		136	"A1+"	2.47%	\$3,147	\$1,504,466	1.98%	0.05%
NAB - Term Deposit		189	"A1+"	2.52%	\$2,203	\$1,040,934	1.37%	0.03%
NAB - Term Deposit		189	"A1+"	2.50%	\$4,363	\$2,073,429	2.73%	0.07%
NAB - Term Deposit		140	"A1+"	2.55%	\$2,718	\$2,050,358	2.70%	0.07%
NAB - Term Deposit		364	"A1+"	2.60%	\$4,416	\$2,050,575	2.70%	0.07%
NAB - Term Deposit		355	"A1+"	2.60%	\$4,416	\$2,050,290	2.70%	0.07%
NAB - Term Deposit		119	"A1+"	2.45%	\$7,445	\$3,587,613	4.72%	0.12%
NAB - Term Deposit		182	"A1+"	2.50%	\$4,272	\$2,029,183	2.67%	0.07%
NAB - Term Deposit		168	"A1+"	2.57%	\$352	\$1,000,352	1.32%	0.03%
NAB - Term Deposit		168	"A1+"	2.57%	\$352	\$1,000,352	1.32%	0.03%
NAB - Term Deposit		133	"A1+"	2.52%	\$4,507	\$2,515,056	3.31%	0.08%
NAB - Term Deposit		201	"A1+"	2.55%	\$3,249	\$1,517,920	2.00%	0.05%
NAB - Term Deposit		90	"A1+"	2.45%	\$3,121	\$1,505,336	1.98%	0.05%
AMP - Term Deposit		365	"A1"	2.60%	\$10,599	\$4,859,152	6.39%	0.17%
Westpac - Term Deposit		367	"A1+"	2.57%	\$6,548	\$3,017,532	3.97%	0.10%
Westpac - Term Deposit		362	"A1+"	2.52%	\$1,413	\$661,686	0.87%	0.02%
Westpac - Term Deposit		364	"A1+"	2.52%	\$4,281	\$2,004,419	2.64%	0.07%
Westpac - Term Deposit		364	"A1+"	2.62%	\$4,450	\$2,010,767	2.65%	0.07%
Suncorp - Term Deposit		189	"A1"	2.55%	\$2,227	\$1,040,598	1.37%	0.03%
Suncorp - Term Deposit		210	"A1"	2.45%	\$2,134	\$1,039,691	1.37%	0.03%
Suncorp - Term Deposit		182	"A1"	2.56%	\$1,824	\$1,001,824	1.32%	0.03%
Suncorp - Term Deposit		210	"A1"	2.55%	\$4,441	\$2,073,136	2.73%	0.07%
Suncorp - Term Deposit		203	"A1"	2.61%	\$4,508	\$2,050,636	2.70%	0.07%
Suncorp - Term Deposit		154	"A1"	2.50%	\$4,337	\$2,050,152	2.70%	0.07%
Suncorp - Term Deposit		193	"A1"	2.55%	\$7,125	\$3,330,683	4.38%	0.11%
Suncorp - Term Deposit		186	"A1"	2.55%	\$2,166	\$1,012,366	1.33%	0.03%
Suncorp - Term Deposit		215	"A1"	2.55%	\$3,249	\$1,517,920	2.00%	0.05%
Suncorp - Term Deposit		238	"A1"	2.50%	\$2,123	\$1,010,411	1.33%	0.03%
Term Deposit Matured in Mar				\$12,928				
Sub-total				\$162,801	\$75,403,687	99.21%	2.48%	
Total Investments				\$163,930	\$76,002,583	100.00%	2.50%	
Weighted Average		206	2.50%					

POLICY/STATUTORY IMPLICATIONS:

The general, reserves and Endowment Lands funds are invested in accordance with the guidelines set down in the Town's Policy No. 3.2.5 – Investment.

FINANCIAL IMPLICATIONS:

Interest from investments represents a significant revenue item in the Council's Budget and it is therefore important that the Council's investment performance is monitored closely. Detailed monthly reports together with detailed policy investment guidelines support this.

The Investment Schedule, as circulated, provides details of the performance of each individual investment to date. A summary of the investment performance to budget is provided below:

	Actual as at 30 June 2017	Budget 2017/2018	YTD Budget as at March 2018	Actual as at March 2018	%
General *	\$434,576	\$477,500	\$336,800	\$374,525	78.4%
Reserves	\$955,700	\$1,044,000	\$788,400	\$841,464	80.6%
Endowment Lands	\$21,813	\$154,000	\$96,000	\$78,913	51.2%
External Investments	\$1,412,089	\$1,675,500	\$1,221,200	\$1,294,902	77.3%
Endowment Lands (Internal Loans)	\$579,111	\$795,500	\$588,200	\$585,619	73.6%
Total Investments	\$1,991,200	\$2,471,000	\$1,809,400	\$1,880,521	76.1%

* Includes Bank Account Interest of \$27,308.

STRATEGIC DIRECTION:

The investment of Council funds is consistent with the Town's Strategic Community Plan, specifically:

Our Council

Goal: 11 A strong performing local government.

Strategy: 11.1 - Invest our wealth wisely so that current and future generations benefit.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is purely administrative in nature with no external impacts envisaged.

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, Director Corporate and Strategic
Responsible Manager	Roy Ruitenga, Manager Finance
Contributors	Nil

ATTACHMENTS:

1. Prudential Consolidated Investment Report - March 2018

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Carr

That the Investment Schedule as at 31 March 2018, as attached, be received.

Carried 8/0

10. COUNCIL REPORTS

10.1 MONTHLY FINANCIAL STATEMENTS, REVIEW AND VARIANCES - MARCH 2018

SUMMARY:

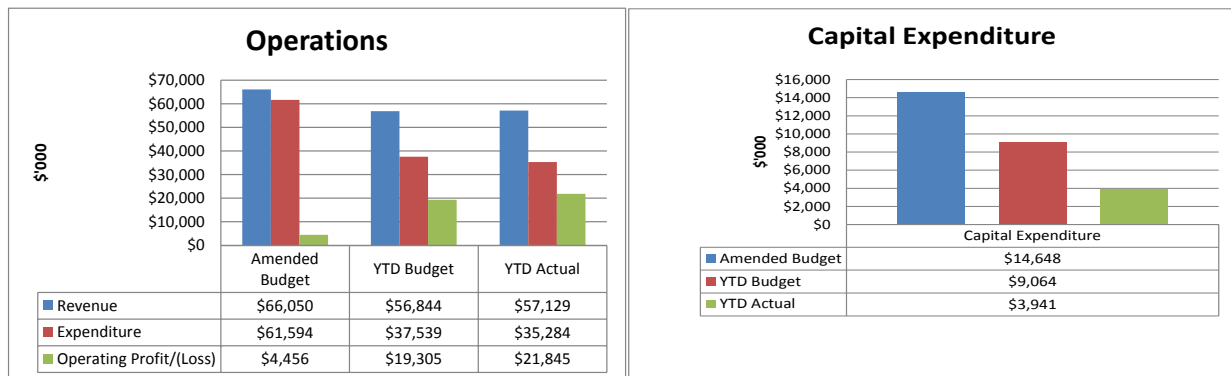
The March 2018 financial statements have been completed. Comments have been provided on the financial position compared to budget including any permanent and timing variances that have occurred during the period and their impact on financial results with respect to March 2018.

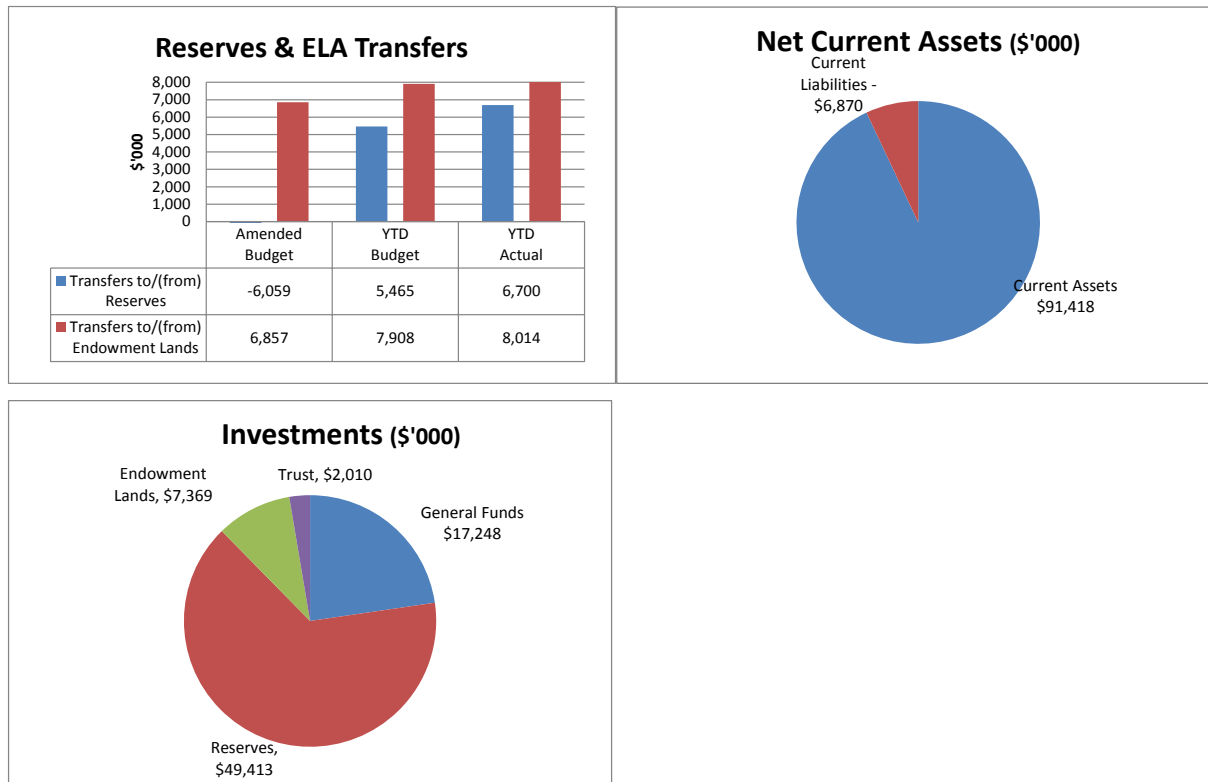
AUTHORITY / DISCRETION

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

DETAILS:

Charts of key financial indicators are provided below comparing year to date actual figures against the year to date budget.





The following observations are made and should be read in conjunction with the Statement of Financial Activity (Rate Setting Statement) in attachment 1.

Operating Revenue

Operating revenue year to date is \$56.2 million compared to budget of \$56 million, giving a favourable variance of \$204k. Significant variances follow:

Interest Earnings

Interest earnings on investments year to date are \$1.9 million compared to YTD budget of \$1.8 million, giving a favourable variance of \$87k. Both municipal interest earnings and reserve earnings contribute to the variance, which is largely due to timing difference in operating cash outflows. This includes timing differences with reserve funded projects such as the underground power project.

Fees and Charges

Fees and Charges are in-line with the YTD budget; however there are favourable and unfavourable timing variances that contribute towards this result, which include planning fees \$78k over YTD budget, Bold Park Aquatic Centre fees \$62k over YTD budget, offset by a decrease in building fees of \$73k, and parking ticket machine fees \$70k under YTD budget.

Operating Grants, Subsidies and Contributions

Operating grants, subsidies and contributions are currently \$63k over YTD budget predominantly due to clubs leased premises invoiced in advance for the June quarter, a timing variance.

Operating Expenses

Operating expenses year to date is \$35.4 million compared to budget of \$37.6 million, giving a favourable variance of \$2.2 million. Significant variances are as follows:

Materials and contracts

Actual expenditure for March YTD is \$10.1 million against year to date budget of \$12.2 million, giving a favourable variance of \$2.1 million.

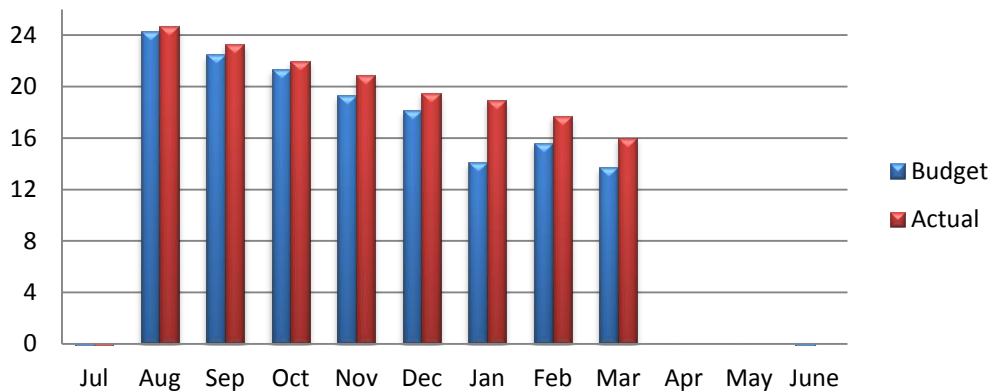
The following timing variances contribute towards this variance:

- Town Planning Scheme \$130k under budget;
- Governance Programs \$80k under YTD budget;
- Parks ground maintenance non capital works \$703k under budget;
- Other property non capital works \$196k under budget;
- Road Reserves maintenance and non-capital works \$192k under budget;
- Club leased premises building maintenance and non-capital works \$83k under budget;
- Commercial lease properties contract expenditure \$110k under YTD budget;
- Sports Ground non capital works \$64k under YTD budget;
- Waste operations and programs \$245k under YTD budget;

Net Operating Result

The net operating surplus from operations is \$16 million compared to budget of \$13.7 million, giving a favourable variance of \$2.3 million.

Net Operating Result



Capital Works Programs

The total amount of funds spent on the Town's capital works program for the period ended 31 March 2018 is \$3.9 million spent against budget of \$9.1 million, a timing variance of \$5.1 million. This includes a number of potential carry forward works as identified in the 2017/2018 budget review recently adopted by Council.

A brief overview of the capital works programs at year end shows the following timing variances:

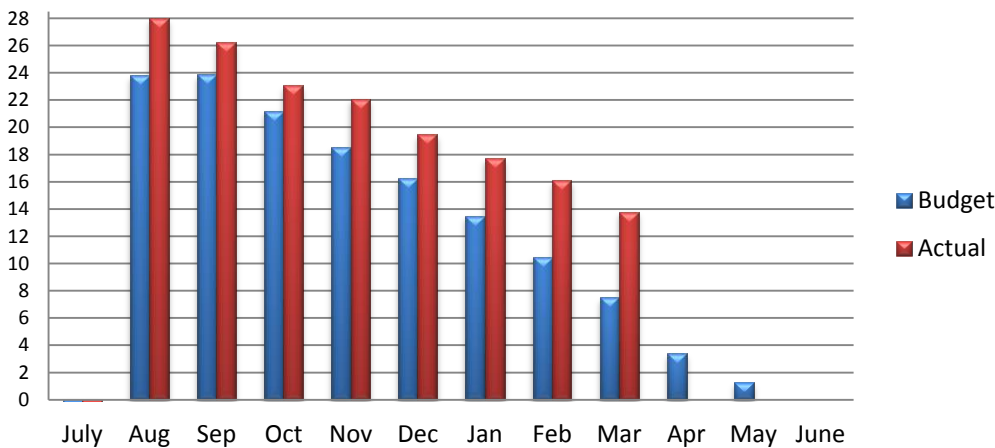
- Buildings - \$333k spent against year to date budget of \$651k;
- Furniture and Equipment - \$229k spent against year to date budget of \$1.1 million, the variance representing timing differences with respect to some key I.T. related projects;
- Plant and Equipment - \$467k against year to date budget of \$791k;
- Parks and Reserves - \$557k spent against year to date budget of \$1.7 million;
- Roads and Lanes - \$1.9 million spent against year to date budget of \$3.6 million, represent a timing difference with projects in progress;
- Drainage - \$138k spent against year to date budget of \$552k;

Cash Surplus (Closing Funds)

The cash surplus as at 31 March 2018 is \$13.8 million which is above the year to date budget of \$7.5 million, giving a \$6.3 million variance. The surplus is predominantly due to timing differences with respect to infrastructure capital works (roads and lanes, parks and reserves), and some information technology projects and to a lesser extent, capital works carried forward, which were identified in the budget review.

This surplus will decline as the year progresses, with the first cash calls for the Underground Power project due at the end of the month.

Cash Surplus (\$ millions)



Material Variances

Permanent variances above \$30k and timing variances above \$100k for specific line items are normally reported upon. As at 31 March 2018, the following material permanent variances exist:

- Other Property and Services - Legal Expenses currently \$62k over YTD budget which predominantly relates to the Omaroo Terrace, Ocean Mia land repurchase;
- Quarry Amphitheatre - Overall revenue \$60k under YTD budget. A reduced number of events such as weddings being held this financial year in comparison to previous years;

POLICY/STATUTORY IMPLICATIONS:

The Local Government Act 1995, Section 6.4 requires the preparation of financial reports. The Local Government (Financial Management) Regulations 1996, in particular Regulation 34, expands on this requirement to include a monthly financial report to be prepared identifying significant variations between actual and budget. This report complies with this requirement.

FINANCIAL IMPLICATIONS:

The variations in expenditure and revenue line items, compared to budget, may have an impact on Council funds.

STRATEGIC DIRECTION:

The management of budgeted funds is consistent with the Strategic Community Plan's goals of:

Goal 9: Transparent, accountable governance

Goal 11: A strong performing local government

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is purely administrative in nature with no external impacts envisaged.

ATTACHMENTS:

1. Monthly Financial Statements - March 2018

**COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)**

Moved by Cr Timmermanis, seconded by Cr McAllister

That the report on the Financial Statements as at 31 March 2018 be received.

Carried 8/0

10.2 WEMBLEY GOLF COURSE DRIVING RANGE AND PRO SHOP DEVELOPMENT LOAN

SUMMARY:

The Town is currently seeking to renew the Wembley Golf Course Driving Range and Pro Shop Development loan. The loan is currently a fixed interest rate loan for a term of two years with an interest rate of 2.73%, expiring on 1 July 2018. Principal of \$9 million remains, and given the current low interest rate environment, it is proposed to lock this loan in for a fixed five year term at an indicative rate of 3.66%, including a guarantee fee of 0.7%, on the same repayment basis.

BACKGROUND:

The \$11 million loan facility associated with the construction of these golf course facilities was originally established for 20 years in 2012, commencing with a short term variable interest loan facility. Subsequently, a fixed term loan was entered into on 1 July 2016 for a period of two years, maturing on 1 July 2018. A principal amount of \$9 million remains outstanding with 14 years remaining in the loan facility period.

Given this, interest rates for fixed terms for two, three, four, five, eight and fourteen year loans terms have been obtained.

Indications by the Reserve Bank of Australia are that the current low interest rate environment may be coming to an end with interest rates expected to commence slowly rising next calendar year. The major Australian banks also appear to be factoring in an increase, towards the latter half of next calendar year as per the table below:

Cash Rate Forecast Survey - Apr 2018						
Period	Apr-18	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019
Median *	1.50	1.50	1.50	1.50	1.75	1.75
Min	1.25	1.25	1.25	1.00	1.00	1.00
Max	1.50	1.50	1.75	2.00	2.00	2.25
Four Majors:						
ANZ Bank	1.50	1.50	1.50	1.50	1.50	1.75
CBA Ltd	1.50	1.50	1.50	1.75	1.75	2.00
NAB	1.50	1.50	1.50	1.75	1.75	2.00
Westpac	1.50	1.50	1.50	1.50	1.50	1.50

* 35 banks/economists surveyed.

Source: Reuters

It is therefore proposed that the loan be fixed for a five year term to take advantage of the low interest rates on offer, taking into account the Wembley Golf Course's current turnover and capacity to make repayments. Loan principal repayments will be based on a term remaining of fourteen years.

DETAILS:

The Western Australian Treasury Corporation has advised that the following local government fixed interest rates are applicable as at 12 April 2018 for the following loan terms, based on the same repayments for the current loan in place, that is monthly principal and interest repayments. Note that interest rates provided do not include the 0.7% loan guarantee fee, which has been included in a separate column to indicate the all up inclusive applicable rate.

Indicative Prices for Term (Years)	12-Apr-18 WATC Indicative Rates (%)	12-Apr-18 Include Loan Guarantee
2	2.48	3.18
3	2.65	3.35
4	2.80	3.50
5	2.96	3.66
8	3.23	3.93
14	3.43	4.13

As the table shows, there is an upward trend of rates as the term of the loan increases indicating that a gradual increase in rates is being envisaged. Given the current low interest rate environment, it is recommended that this be taken advantage of by fixing the loan at an indicative interest rate of 3.66% or a period of five years, at which time the loan facility can be re assessed.

Wembley Golf Course Pro Shop and Driving Range Loan

Based on entering into a fixed five year loan with principal payments spread across the remaining fourteen years of the loan facility, making monthly principal repayments at an indicative interest rate of 3.66% including the 0.7% guarantee fee, the expected following table indicates the expected cash outflow for the term of the loan:

	Annual Principal Repaid \$	Annual Interest Repaid \$	Total Outflows \$	Loan Principal Remaining \$
2018/2019	\$ 486,279	\$ 292,410	\$ 778,689	\$ 8,557,602
2019/2020	\$ 545,473	\$ 299,789	\$ 845,262	\$ 8,012,128
2020/2021	\$ 561,560	\$ 280,006	\$ 841,566	\$ 7,450,568
2021/2022	\$ 578,121	\$ 259,462	\$ 837,583	\$ 6,872,447
2022/2023	\$ 595,171	\$ 238,307	\$ 833,478	\$ 6,277,277
Total	\$ 2,766,604	\$ 1,369,974	\$ 4,136,578	

Note: Total outflows in the above table for the 2018/2019 financial year are lower compared to subsequent years, with only eleven repayments being made as the current loan expires in July 2018.

POLICY/STATUTORY IMPLICATIONS:

Section 6.20 of the Local Government Act 1995 provides the Council with the power to borrow only for a purpose so resolved by Council, or included in the annual budget. If not included in the budget, the Council is required to give one month's local public notice of its intention to borrow.

FINANCIAL IMPLICATIONS:

The loan principal and interest repayments will be incorporated in the 2018/2019 draft budget and financial plan and the business plan for the Wembley Golf Course Pro Shop and Driving Range loan.

Total cash outflows per year for the five year loan are estimated to be as follows:

	Annual Principal Repaid \$	Annual Interest Repaid \$	Total Outflows \$
2018/2019	\$ 486,279	\$ 292,410	\$ 778,689
2019/2020	\$ 545,473	\$ 299,789	\$ 845,262
2020/2021	\$ 561,560	\$ 280,006	\$ 841,566
2021/2022	\$ 578,121	\$ 259,462	\$ 837,583
2022/2023	\$ 595,171	\$ 238,307	\$ 833,478
Total	\$ 2,766,604	\$ 1,369,974	\$ 4,136,578

The Wembley Golf Course loan payments will be funded by the golf course from annual revenue generated and therefore has no impact on general rate revenue.

STRATEGIC DIRECTION:

Nil

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy and no community consultation is required.

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, Director Corporate and Strategic
Responsible Manager	Roy Ruitenga, Manager Finance
Contributors	Nil

ATTACHMENTS:

1. List of Alternative Loan Options Available

ADMINISTRATION RECOMMENDATION:

Moved by Cr McAllister, seconded by Cr Powell

That a loan of \$9,043,881 for the Wembley Golf Course driving range and pro shop development, expiring on 1 July 2018, be refinanced by an ABSOLUTE MAJORITY in accordance with section 6.20 of the Local Government Act 1995, for a fixed term of 5 years at the prevailing rate, (current indicative rate is 3.66%).

During discussion, Members considered the possibility of using the Town's fund as an internal loan and clarification was queried if the Treasury would impose and pay out penalty fee. Members agreed that this item be deferred for further investigation and clarification.

Moved by Cr Bradley

That the motion be put.

Lapsed for want of a seconded

COUNCIL DECISION:

Moved by Cr Timmermanis, seconded by Cr Bradley

That the item relating to Wembley Golf Course Driving Range and Pro Shop Development Loan be deferred.

Carried 6/2

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

Against: Crs Carr and McAllister

10.3 APPOINTMENT OF A SECOND DEPUTY DELEGATE TO THE WALGA CENTRAL METRO ZONE

SUMMARY:

The Town's appointees to the WALGA Central Metro Zone are presently Councillors Bradley and McAllister with Councillor McKerracher as deputy delegate. Due to the unavailability of two of the three appointees, this report recommends the Mayor be appointed as a second Deputy Delegate.

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. |

BACKGROUND:

WALGA Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters. The Town is a member of the Central Metropolitan Zone.

The Town's appointees to the WALGA Central Metro Zone are presently Councillors Bradley and McAllister with Councillor McKerracher as deputy delegate.

DETAILS:

The Town's Delegate to WALGA Zone, Cr McAllister and in turn the Deputy Delegate Cr McKerracher are unable to attend the WALGA Metro Zone meeting to be held at the Town of Claremont on Thursday 26 April 2018. It is therefore necessary to appoint an alternate member in their absence. This can be achieved through the nomination of a second Deputy Delegate.

WALGA have advised that if the Town wishes to nominate another Deputy Delegate, advice would need to be provided in writing at least 48 hours prior to the meeting indicating who the deputy delegate replacement is.

Mayor Shannon has expressed an interest and WALGA have been advised accordingly. It remains for Council to formalise this appointment, and it is suggested that this be achieved by appointing the Mayor as a second Deputy Delegate, to provide sufficient coverage for future meetings.

POLICY/STATUTORY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

Our Council

Goal 9 Transparent, accountable governance

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is administrative.

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, Acting Chief Executive Officer
Responsible Manager	Stuart Hobley, Manager Governance and Contracts
Contributors	Paul O'Keefe, Coordinator Property and Governance

ATTACHMENTS:

Nil

**COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)**

Moved by Cr Bradley, seconded by Cr McKerracher

That Mayor Keri Shannon be appointed as the second Deputy Delegate to the WALGA Central Metro Zone.

Carried 8/0

10.4 COMMUNITY INFRASTRUCTURE IDEAS - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

SUMMARY:

The Australian Local Government Association (ALGA), in conjunction with WALGA, will be advocating during the upcoming Federal election campaign for the establishment of a Community Infrastructure Fund funded by the Federal Government of \$1.2b over 4 years.

They have requested Local Governments to nominate up to three projects that could be included in this Fund and to also lobby Federal Members and Senators to advance this agenda.

If Council wishes to put forward a submission to ALGA, a suggested list of projects is within this report for Council to determine its preferences.

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 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. |

BACKGROUND:

The ALGA is lobbying for the Federal Government to create a Community Infrastructure Fund which, in their view, should be funded to the level of \$300m pa for each of four years to facilitate infrastructure in Local Government Areas.

They are seeking input from Local Governments across Australia with submissions to close on 27 April 2018. The Town received their request on 10 April 2018.

DETAILS:

The ALGA justification for this Fund centres on the following benefits:

- addressing the backlog in replacement of aging community infrastructure;
- allow the community to gain more value and use of existing infrastructure;
- enhancing social interaction, community networks and local activity;
- promoting local and regional economic development; and
- strengthening community pride and vibrancy

ALGA is using the successes of the Roads to Recovery programs in place as examples of support to Local Governments in funding needed infrastructure works.

They are seeking nominations for up to three projects from Local Governments.

It is noted that the benefits proposed by ALGA from this Fund are consistent in most areas to the Town's Community Strategic Plan.

The following list of projects has been suggested as suitable for inclusion in this submission. Council may wish to nominate other projects for this submission.

1. Perry Lakes Water - restoration of lake levels for community & environmental benefits.
2. Overpass or Underpass grade separated pedestrian crossing of Lake Monger Drive to make it safer and easier for the community to access Lake Monger.
3. New cycle ways around Lake Monger Reserve to separate leisure and commuter cyclists to enhance the use of the reserve by the general community.
4. Expand and improve walking trails throughout the Town allowing more of the community to access our significant and valued open spaces.
5. Redevelopment and provision of improved formalised and social sporting facilities in key 'regional' size reserves for both organised sport and general community use, including building facilities, playing fields and associated infrastructure - this could be Lake Monger Recreation Club precinct and/or Alderbury Reserve.
6. Key aspects of the Lake Monger Activity Plan including dog exercise facilities, improved playgrounds and amenities and community information/interpretative facility and lookout.
7. Improvements to the West Leederville Community Hub area to improve its vibrancy and attractiveness to both users of the Leederville Sporting Club and the general community.

POLICY/STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

At this time, this submission would not commit the Town to any funding needs.

STRATEGIC DIRECTION:

Establishment of such a Fund would be consistent with the Town's Strategic Community Plan 2017-2027 in making Cambridge the 'best liveable suburbs'

COMMUNITY ENGAGEMENT:

At this stage, no community engagement is necessary in consideration of this report.

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, A/CEO
Responsible Manager	Not Applicable
Contributors	Brett Jackson, Director Projects

ATTACHMENTS:

Nil

ADMINISTRATION RECOMMENDATION:

That the Town provides the Australian Local Government Association with a list of the following projects to be included in their submission for establishment of a Community Infrastructure Program:

- 1.
- 2.
- 3.

Suspension of Standing Orders

Moved by Cr Nelson, seconded by Cr Powell

That in accordance with the provisions of Clause 10.1(h) of the Standing Orders, the operation of Clause 8.13 of the Standing Orders (Limitation of Number of Addresses) be suspended to allow open discussion.

Carried 8/0

The operation of Clause 8.13 of the Standing Orders was suspended at 9.26 pm.

Discussion ensued.

Resumption of Standing Orders

Moved by Cr Timmermanis, seconded by Cr Bradley

That the operation of Clause 8.13 of the Standing Orders be resumed.

Carried 8/0

The operation of Clause 8.13 of the Standing Orders was resumed at 9.36 pm.

COUNCIL DECISION:

Moved by Cr Carr, seconded by Cr Powell

That the Town provides the Australian Local Government Association with a list of the following projects to be included in their submission for establishment of a Community Infrastructure Program:

- 1. Perry Lakes Water - restoration of lake levels for community and environmental benefits;**
- 2. Town of Cambridge Bike Plan;**
- 3. Redevelopment and provision of improved formalised and social sporting facilities in key 'regional' size reserves for both organised sport and general community use, including building facilities, playing fields and associated infrastructure - this could be Lake Monger Recreation Club precinct and/or Alderbury Reserve.**

Carried 7/1

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

Against: Cr Timmermanis

10.5 BOLD PARK AQUATIC: AWARD OF HEAT PUMP PROCUREMENT TENDER

SUMMARY:

Tenders were called for the supply of heat pumps for Bold Park Aquatic and in accordance with the delegated authority provided by Council to the Chief Executive Officer, a contract was awarded to ME Services for \$306,610 plus GST to supply and commission three x 300 kW heat pumps for the main pool and one x 60 kW unit for the leisure pool.

In accordance with the Council decision, this report on the tender award is submitted for notation.

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. |

BACKGROUND:

Council, at its meeting held on 19 December 2017, considered report CR17.182 and decided that:

- "(i) in accordance with s5.42 of the Local Government Act by an ABSOLUTE MAJORITY the Chief Executive Officer be given delegated authority to award a contract for the procurement of the electric heat pumps for the heating project at Bold Park Aquatic at an amount no greater than \$330,000 plus GST;*
- "(ii) in accordance with s5.42 of the Local Government Act by an ABSOLUTE MAJORITY the Chief Executive Officer be given delegated authority to award a contract for the procurement of the construction works for the heating project at Bold Park Aquatic at an amount no greater than \$275,000 plus GST; and*
- "(iii) in both cases, a majority of Elected Members must indicate they are in agreement with the tender recommendation prior to award of the contract and that subsequently a report is submitted to Council for notation.*

DETAILS:

Tender Recommendation and Elected Member Support

The Administration recommendation was that tender RFT01-18 "Bold Park Aquatic: Supply of Electric Heat Pumps" be awarded to ME Services at a contract price of \$306,610 plus GST.

The Contract includes the supply and commissioning of three x 300 kW electric heat pumps for the main pool and one x 60 kW unit for the leisure pool. All units can be delivered to site within 9 weeks of order.

The tender recommendation was advised to Elected Members and majority support of the tender recommendation was provided by the Mayor and Councillors.

POLICY/STATUTORY IMPLICATIONS:

The requirement to call tenders for these works comes from s3.57 of the Local Government Act and its associated regulation 11 of the Local Government (Functions and General) Regulations.

A decision to delegate the authority to award the tenders is taken in accordance with s5.42(1) of the Local Government Act.

FINANCIAL IMPLICATIONS:

The 2017/2018 Budget has identified funding of \$920,000 for this project. When the construction contract tender is awarded, Council will be advised of a revised project budget. It is expected that this revised budget will be materially below the \$920,000 original budget given the change from gas heating technology to electric heat pump technology.

STRATEGIC DIRECTION:

This project supports the following Goals and Strategies of the Town's Strategic Community Plan 2017/2027-

Our Council

Goal 10 The Town is a proactive local government that provides sustainable public assets, services and facilities

COMMUNITY ENGAGEMENT:

This matter had been assessed under the Community Engagement Policy No 1.2.11.

Community engagement is not required as the matter is purely administrative in nature.

OFFICER INVOLVEMENT:

Responsible Executive	Brett Jackson, Director Projects
Responsible Manager	Not Applicable
Contributors	Not Applicable

ATTACHMENTS:

Nil.

**COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)**

Moved by Cr McAllister, seconded by Cr Timmermanis

That this report on the contract award for RFT01-18 "Bold Park Aquatic - Supply of Electric Heat Pumps" be noted.

Carried 8/0

**10.6 PERRY LAKES WATER - AWARD OF CONSULTANCY SERVICES RFT25-17:
UPDATED REPORT**

SUMMARY:

Request for Tender RFT25-17 was issued by the Town to seek a consultancy firm to advise the Town in determining a preferred scheme to improve water levels at Perry Lakes.

New tender offers were sought from respondents to RFT25-17 based on a revised scope of works focussing on the feasibility of using water from Herdsman Main Drain.

Assessment of these new tenders and a tender recommendation is contained within a confidential attachment to 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. |
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| <input type="checkbox"/> | Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |
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| <input type="checkbox"/> | Information | For the Council/Committee to note. |

BACKGROUND:

At a Special Council meeting held on 7 March 2018 (Item 4.2 refers) Council decided that:-

- (i) *the Town enter a Memorandum of Understanding with the Water Corporation in relation to reaching an agreement to allow the Town to take water from the Herdsman Main Drain.*
- (ii) *the Town proceeds with further investigative works for the replenishment of Perry Lakes limited to using water sourced from the Herdsman Drain ("the Project");*

- (iii) *a revised tender scope be prepared by no later than 16 March 2018 incorporating the expert advice from Mr Barry Carbon;*

The proposed scope to include:

- (a) *Determine the suitability of HMD water being directly piped into Perry Lakes from water quality perspective;*
(b) *Participate with the Town in identifying all necessary regulatory approvals;*
(c) *Develop a capital and operating cost plan to +/- 10% accuracy for the works;*
- (iv) *the tenderers from RFT 25-17 be asked if they will be prepared to revise their offers based on a revised scope and submit their revised scope offer and that a report be presented to the April 2018 Council Meeting; and*
- (v) *a steering committee be established as a sub-committee of the Strategic Projects Committee to oversee the delivery of this Project with invitations to join the sub-committee issued to the experts at the confidential briefing*

This report deals with items (iii) and (iv) from that decision.

DETAILS:

Revised Tender Scope

The Administration developed a draft revised scope of works for RFT25-17 which was forwarded to Mr Carbon for comment. Mr Carbon and the Director Projects met on 23 March 2018 to review the draft and agree on a final scope.

This scope was imbedded in a revised Request for Tender document issued to GHD and Managed Recharge (the respondents to the original RFT) on 27 March 2018 and revised tenders closed on 12 April 2018.

Scoring of Tender Offers

The revised RFT set out qualitative assessment criteria of:

- Water modelling and quality analysis (10%)
- Timeline and methodology (20%)
- Engineering capability and capacity (60%)
- Regulatory support (10%)

The tender assessment is contained within the attachment to this report.

The attachment to this report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the Local Government Act 1995 which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

POLICY/STATUTORY IMPLICATIONS:

Any proposed solution for improving water levels in Perry Lakes will require compliance with relevant Health, Environmental and Planning Regulations and Statutes, which would be undertaken at the appropriate juncture.

FINANCIAL IMPLICATIONS:

A Budget of \$269,000 was approved for the design services funded from the Area Improvement Reserve. To date, \$1,140 has been spent on tendering. This consultancy can be accommodated within the approved budget.

STRATEGIC DIRECTION:

Progression of underground power programs support the following Goals and Strategies of the Town's Strategic Community Plan 2017/2027:-

Our Community Life

Goal 2 Quality local parks and open spaces for the community to enjoy; and

Strategy 2.1 Focus on activating our major public open spaces

COMMUNITY ENGAGEMENT:

In accordance with Policy 1.2.11 Community Engagement, consideration of this report is purely administrative in nature and not requiring community engagement.

OFFICER INVOLVEMENT:

Responsible Director	Brett Jackson, Director Projects
Responsible Manager	Not Applicable
Contributors	Walter Van Der Loo, Manager, Infrastructure Parks

ATTACHMENTS:

1. Tender assessment and recommendation - CONFIDENTIAL

COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr Bradley

That tender RFT25-17 Perry Lakes Water Study be awarded to GHD for the tender price of \$132,053 plus GST as per the recommendation contained in the tender assessment report.

Carried 8/0

10.7 PROPOSED TOWN OF CAMBRIDGE LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW 2018

SUMMARY:

To consider minor amendments to the *Town of Cambridge Local Government and Public Property Local Law 2018*, as requested by the Joint Standing Committee on Delegated Legislation and to seek Council approval to advertise the proposed *Town of Cambridge Local Government and Public Property Amendment Local Law 2018* for public comment.

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. 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. |

BACKGROUND:

On 12 April 2018, the Town received a letter from the Joint Standing Committee on Delegated Legislation (*the Committee*) which identified several minor corrections to be made to the *Town of Cambridge Local Government and Public Property Local Law 2017*, which was recently gazetted on 12 January 2018. The Committee has requested this matter be considered at the Council meeting to be held on 24 April 2018. Failure to do so may result in the Town's local law being disallowed by the Parliament.

After a comprehensive review of its local laws, as prescribed by the *Local Government Act 1995*, the *Town of Cambridge Local Government and Public Property Local Law 2017* was published in the Government Gazette on the 12 January 2018. As required by the legislative process prescribed in Section 3.12 of the *Local Government Act 1995*, a copy was also forwarded to the Joint Standing Committee on Delegated Legislation.

DETAILS:

The Committee considered the Town's local laws at its meeting held on 11 April 2018 and wrote to the Town on 12 April 2018. The Committee advised:

The Committee's term of reference 10.6(a) requires the Committee to consider whether a local law is within power. The Committee's preliminary view is that clauses 2.1(2), 4.3 and 9.1 of the Local Law are not within power and/or require amendment for the following reasons.

Clause 2.1 - Procedure for making determinations

Clause 2.1 of the Local Law provides:

“2.1 Determinations as to use of local government property and buildings

(1) The local government may make a determination in accordance with clause 2.2 -

- (a) setting aside specified local government property and buildings for the pursuit of all or any of the activities referred to in clause 2.7;*
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;*
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and*
- (d) as to any matter ancillary or necessary to give effect to a determination.*

(2) The determinations-

- (a) are to be taken to have been made in accordance with clause 2.2;*
- (b) may be amended or revoked in accordance with clause 2.6; and*
- (c) have effect on the commencement day.”*

Clause 2.2 of the Local Law sets out the procedure for making determinations, including local public notice of the proposed determination, consideration of any submissions received and local public notice of the final determination.

Clause 2.1(1) is taken from the WALGA template 'Public Places and Local Government Property Local Law'. Clause 2.1(2) reflects the WALGA template 'Local Government Property Local Law, except that the template provision is limited to 'the determinations in Schedule 2'.

Clause 2.1(2) of the Local Law, on the other hand, appears to apply to all determinations made by the Council.

Clause 2.1(2)(a) is of concern as it provides that determinations are taken to comply with the procedures in clause 2.2 even where the procedures have not been complied with.

Clause 2.1(2)(c) purports to make subsequent determinations have effect from 26 January 2018 (the commencement date of the Local Law).

It is the Committee's preliminary view that clauses 2.1(2)(a) and (c) undermine (and are inconsistent with) the requirement to comply with the procedures provided in clause 2.2. They are uncertain and/or purport to apply to determinations that have not yet been made. They are therefore not within power and offend the Committee's term of reference 10.6(a). Clause 2.1(2)(b) is redundant and should also be deleted.

Clause 4.3 - Decency and adequate clothing

Clause 4.3 of the Local Law provides:

“4.3 Decency and adequate clothing

A person over the age of 6 years must not on any local government property, local government building, reserve or other public place appear in public unless dressed in a bathing costume or other clothing which covers the body to prevent indecent exposure.”

In the Committee's view, clause 4.3 is inconsistent with the power in clauses 2.1(l)(c) and 2.7(2)(j) of the Local Law to make a determination providing that specified local government property may be set aside as an area on which a person may wear no clothes.

Clause 4.3 should be amended so that it is 'subject to any determination made pursuant to clause 2.7(2)(j)'. Alternatively, either clause 4.3 or clause 2.7(2)(j) could be deleted from the Local Law. If one of those options is preferred by the Town, undertaking 1(b) should be amended accordingly.

Clause 9.1 - Works in public property

Clause 9.1 of the Local Law provides:

“9.1 Works in public property

A person must not carry out any works in a thoroughfare or public place without first obtaining written approval from the local government, in accordance with regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996, unless otherwise provided for in this local law.”

In the Committee's view, the words 'unless otherwise provided for in this local law' are not within power as they purport to enable the local law to override the provisions of regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*, which:

- provides that a person must not, without lawful authority, construct anything on, over, or under a public thoroughfare or other public place that is local government property;
- sets out the requirements by which a local government may grant permission to undertake such construction on, over, or under a specified public thoroughfare or local government property.

Request for Undertakings

In order to rectify these issues, the Committee requests that the Council provide undertakings that the Town will:

1. Within 6 months, amend the Local Law to:
 - (a) Delete clause 2.1(2).
 - (b) Amend clause 4.3 to insert the words '*except where the local government" property is set aside for the wearing of no clothes under clause 2.7(2)(j)*'.
 - (c) In clause 9.1, delete the words '*unless otherwise provided for in this local law*'.
 - (d) Make all necessary consequential amendments.

2. Until the Local Law is amended in accordance with undertaking 1:
 - (a) Not enforce the Local Law in a manner contrary to undertaking 1.
 - (b) Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Town's website), ensure that it is accompanied by a copy of these undertakings.

The Committee has requested this matter be considered at the Council meeting to be held on 24 April 2018 and the Committee therefore requests that the undertakings be provided to the Committee by Friday 4 May 2018.

COMMENT:

The amendments requested by the Committee are considered to be minor and will have minimal affect on the operation of the local law. To date, the Council has not adopted any Determinations. The word changes to clause 4.3 provide clarity and remove any ambiguity if the clause is to be enforced. The deletions of the requested words in clause 9.1 will not affect the operation of the clause and will make it consistent with the regulations.

To make an amendment to the existing Town of Cambridge Local Government and Public Property Local Law, the Town must follow the process as prescribed in Section 3.12 of the *Local Government Act 1995*.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* requires that for the purposes of Section 3.12 of the *Local Government Act 1995*, the purpose and effect of any proposed local law must be included in the agenda and minutes of a meeting.

The purpose and effect of the *Town of Cambridge Local Government and Public Property Amendment Local Law 2018* are as follows:-

Purpose:

1. Delete Clause 2.1(2);
2. Amend clause 4.3 to insert the words '*except where the local government property is set aside for the wearing of no clothes under clause 2.7(2)(j)*' at the end of the clause;
3. In clause 9.1, delete the words '*unless otherwise provided for in this local law*'; and
4. In Schedule 1, under item 58, under the column of 'Nature of Offence', delete the words 'without the approval of the local government.'

Effect:

The effect of this local law is to amend the principal local law.

The purpose and effect of the principal *Town of Cambridge Local Government and Public Property Local Law 2017* are as follows:-

Purpose:

The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government and public property within the district.

Effect:

The effect of this local law is to establish the requirements with which any persons using or being on local government and public property within the district must comply.

POLICY/STATUTORY IMPLICATIONS:

Section 3.12 of the *Local Government Act 1995* details the procedure to be undertaken in making or amending a local law. The amendments to the Town's local law are a requirement of the Committee. Failure to comply with their requests will result in the Town's local law being disallowed by the Parliament. The requested amendments are not fatal to the local law and are considered minor. Notwithstanding it is essential that the amendments be made to ensure the principal local law is accurate and correct. The proposed amendments do not affect the validity or application of the remainder of the principal local law.

FINANCIAL IMPLICATIONS:

There are minimal financial implications for this report. The cost of advertising the proposed local law is approximately \$300 for each newspaper. A similar cost will be required to publish the local law in the Government Gazette.

STRATEGIC DIRECTION:

There are no significant strategic implications in making the new local law, as it will correct the Town's principal local law, as requested by the Committee.

COMMUNITY ENGAGEMENT:

In accordance with Section 3.12 and (3a) of the *Local Government Act 1995*, the Town must give State wide and local public notice of the proposed *Town of Cambridge Private Property Amendment Local Law 2018*, inviting submissions for a period of no less than six (6) weeks after the notice is given. All submissions received at the close of that time period must be presented to Council.

An advertisement will be placed in *The West Australian* newspaper (state-wide public notice) and the *Post* community newspaper (local public notice). The advertisement will also be placed on the Town's website and on the notice boards in the Town's Administration Centre and the Library.

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery - Director Planning and Development
Responsible Manager	John Giorgi, JP - Manager Health and Compliance Services
Contributors	John Giorgi, JP - Manager Health and Compliance Services

ATTACHMENTS:

Attachment No: 1 - *Town of Cambridge Local Government and Public Property Amendment Local Law 2018*.

**COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)**

Moved by Cr Timmermanis, seconded by Cr McKerracher

That:

- (i) in accordance with Section 3.12(3)(a) and (3a) of the *Local Government Act 1995*, Council commences the law-making process, for the *Town of Cambridge Local Government and Public Property Amendment Local Law 2018*, the purpose and effect of the local law being as follows:

Purpose:

The purpose of this local law is to:

1. Delete Clause 2.1(2);
2. Amend clause 4.3 to insert the words '*except where the local government property is set aside for the wearing of no clothes under clause 2.7(2)(j)*' at the end of the clause;
3. In clause 9.1, delete the words '*unless otherwise provided for in this local law*'; and
4. In Schedule 1, under item 58, under the column of 'Nature of Offence', delete the words 'without the approval of the local government.'

Effect:

The effect of this local law is to amend the principal local law;

- (ii) the Council carry out the law-making procedure under section 3.12(3) of the *Local Government Act 1995*, by giving State-wide public notice and local public notice of the proposed local law stating:
- (a) It proposes to make the *Town of Cambridge Local Government and Public Property Amendment Local Law 2018*, and a summary of its purpose and effect;
 - (b) Copies of the proposed local law may be inspected at the Town's offices; and
 - (c) Submissions about the proposed local law may be made to the local government within a period of not less than six (6) weeks after the notice is given;
- (iii) in accordance with Section 3.12((3)b) of the *Local Government Act 1995*, as soon as the notice is given, a copy of the proposed local law and notice is to be given to the Minister for Local Government;
- (iv) in accordance with Section 3.12(3)(c) of the *Local Government Act 1995*, a copy of the proposed local law be supplied to any person requesting it;
- (v) after the close of the statutory public consultation period, a report be submitted to Council on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to adopt the local law in accordance with section 3.12(4) of the Act;

(vi) the Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that the Town will:

- 1. Within 6 months, amend the *Town of Cambridge Public Places and Local Government Property Local Law 2017* to:**
 - (a) Delete clause 2.1(2).**
 - (b) Amend clause 4.3 to insert the words '*except where the local government property is set aside for the wearing of no clothes under clause 2.7(2)(j)*' at the end of the clause.**
 - (c) In clause 9.1, delete the words '*unless otherwise provided for in this local law*';**
 - (d) In Schedule 1, under item 58, under the column of 'Nature of Offence', delete the words '*without the approval of the local government*';**

- 2. Until the Local Law is amended, in accordance with undertaking in (vi) 1 above:**
 - (a) Not enforce the Local Law in a manner contrary to undertaking in (vi) 1."**
 - (b) Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Town's website), ensure that it is accompanied by a copy of these undertakings; and**

(vii) the Joint Standing Committee on Delegated Legislation be advised of the Council decision and that their undertaking, as detailed in their letter dated 12 April 2018, will be complied with.

Carried 8/0

10.8 LOCAL PLANNING STRATEGY - REVISED PROJECT SCHEDULE AND CONTRACT VARIATIONS

SUMMARY:

The next stages of the preparation of the Local Planning Strategy (LPS) were discussed at an Elected Members forum on 10 April 2018. This report presents a revised project schedule for Council's endorsement.

Secondly, this report seeks Council approval for variations to the contract with the project consultants engaged by the Town to undertake the LPS, in line with the revised project schedule presented.

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. |

BACKGROUND:

Taylor Burrell Barnett (TBB) planning consultants were appointed as project consultants for the preparation of the Town's Local Planning Strategy (LPS) in August 2016, subject to a detailed project scope and contract price.

Since that time, the scope of the LPS project has changed to incorporate additional community engagement and Elected Member consultation, resulting in a number of variations to the scope and contract price. These variations have been dealt with administratively under the terms of the Town's Policy 3.2.1 - Contracts and Procurements. However, the project has now reached a point where the remaining stages can be planned with a reasonable degree of certainty and therefore a clearer contract price can be determined.

Council previously considered similar reports on this matter on 27 June 2017 (DV17.73) and 26 September 2017 (DV17.106) where it was resolved to defer the matter until after an Elected Member forum was held so that the project scope could be clarified. The details in these previous reports (project scope and contract variations) have now been superseded by the information contained in this report.

The following reports relate to the progression of the LPS project to date:

DETAILS:

Project schedule

The following project schedule up to the submission of the draft LPS to the Western Australian Planning Commission (WAPC) for consent to advertise was presented and discussed at the Elected Members forum held on 10 April 2018. A detailed project schedule until final approval of the LPS is attached to this report.

Task	2018							
	May	June	July	Aug	Sept	Oct	Nov	Dec
Prepare LPS and engagement material								
Elected Member review and workshop and revisions								
Council adoption of draft LPS for consultation								
Consultation on draft LPS								
Review of submissions, Elected Member workshop								
Revision and finalise LPS								
Council endorse for submission to WAPC requesting consent to formally advertise								

Original contract

The original contract awarded to the project consultants was for \$148,321.85 (ex GST) with the project broken into 4 stages. Project Stages 1 and 2, and disbursements, have been completed from this original contract, with Stages 3 and 4 remaining.

Since February 2018, the project consultants have been preparing the LPS document for presentation of the draft document to Council in July 2018 for Council's adoption to advertise (Stage 3). Stage 4 will not commence until after the WAPC approves the LPS for the purpose of advertising (anticipated first half 2019).

The following table demonstrates these Stages and associated fees (ex GST).

	Stage	Fee	Remaining to be paid	Comments
<i>Original contract scope</i>				
1	Background information and analysis	\$59,873.75	-	Background document submitted August 2017 and recently revised to align with draft LPS Part 1.
2	Community & stakeholder engagement	\$33,335.50	-	Engagement undertaken during first half 2017.

3	Preparation of Local Planning Strategy	\$35,254.50	\$35,254.50	
4	Formal advertising	\$18,857.50	\$18,857.50	Formal advertising following WAPC consent to advertise - Executive and EM briefing session, advertising brochure, review of submissions, changes and final revisions to Strategy document.
	Disbursements	\$1,000	-	
	Total	\$148,321.25	\$54,112.00	

Variations to original contract - approved and proposed

As mentioned above, the scope of the project has changed with a number of additional tasks and forums required by Council. To date, the Town has approved these project variations on a case-by-case basis under the provisions of Policy 1.3.2 - Contracts and Procurements. Nine variations have been approved as detailed in the table below.

Based on the above revised project schedule, the project consultants have submitted a quotation to undertake additional tasks that were not included in the original fee. These tasks are detailed as follows:

Task 1 - Updates to LPS Background and Bushfire Hazard Assessment - \$28,340 (ex GST)

- Updates to LPS Background document to incorporate recently released 2016 census data
- Updates to retail needs analysis to reflect new data availability
- Assessment of bushfire hazard to address requirements of State Planning Policy 3.7 and recently released draft 'Planning in Bushfire Prone Areas - Local Planning Strategy' (\$23,000 ex GST). There is potential for this amount to be reduced if individual potential development sites are removed from the LPS or the site assessment is deferred under the preparation of the Local Planning Scheme subject to discussion with the Department of Planning, Heritage and Lands (eg. Water Corporation land in City Beach).

Task 2 - Preparation for community engagement - \$34,905 (ex GST)

- Preparation of consultation material
- Meeting with Department of Planning, Heritage and Lands
- Preparation and attendance Elected Members forum 12 June 2018
- Refinements to consultation material and assistance to staff

Task 3 - Community engagement period - \$8,795 (ex GST)

- Preparation and attendance at 2 open days
- Project team meetings

Task 4 - Consideration of community feedback and finalisation of LPS - \$37,140 (ex GST)

- Review of submissions and preparation of consultation report
- Preparation and attendance Elected Members forum in September 2018
- Meeting with Department of Planning, Heritage and Lands
- Final modifications and project meetings

	Stage	Fee	Remaining to be paid	Comments
<i>Variations to contract scope and fee</i>				
1	Variation 1 - Elected Member workshop 7 February 2017	\$15,075	-	
2	Variation 2 - Additional community engagement - Floreat 25 March 2017	\$6,070	-	
3	Variation 3 - Additional open day and stakeholder meetings	\$6,125	-	
4	Variation 4 - Preferred scenario and Elected Member forum - 14 November 2017	\$35,425	-	Preparation of background information, revised dwelling distribution scenarios, presentation and attendance.
5	Variation 5 - Additional tasks	\$5,000	-	Project meeting, preparation and attendance at Council meeting 27 June 2017
6	Variation 6 - Briefing and background for Elected Member forum	\$7,676	-	Meeting with Town staff and briefing of facilitator on 30 Oct 2017, in advance of EM forum on 14 Nov 2017.
7	Variation 7 - Elected Members forum - 13 February 2018	\$18,350	-	Preparation of background information, revised dwelling distribution scenarios, presentation and attendance.
8	Variation 8 - West Leederville yield analysis	\$5,350	\$1,338	Density catchment analysis for West Leederville Activity Centre Plan and LPS. Final revisions being undertaken
9	Variation 9 - Elected Members forum - 10 April 2018	\$4,910	-	Preparation of background memo, attendance and presentation.
10	<i>Task 1 - Updates to LPS Background and Bushfire Hazard Assessment</i>	\$28,340	\$28,340	<i>Refer to Report comments</i>
11	<i>Task 2 - Preparation for community engagement</i>	\$34,905	\$34,905	<i>Refer to Report comments</i>
12	<i>Task 3 - Community engagement period</i>	\$8,795	\$8,795	<i>Refer to Report comments</i>
13	<i>Task 4 - Consideration of community feedback and finalisation of LPS</i>	\$37,140	\$37,140	<i>Refer to Report comments</i>
	Subtotal of Variations (including proposed tasks)	\$218,224	\$110,518	
	Total of overall contract (including proposed tasks)	\$366,545	\$179,788	

POLICY/STATUTORY IMPLICATIONS:

A public tender process was undertaken by the Town for the original project contract during 2016. Subsequent variations to the project contract have been approved by the Town's administration.

The original scope of the tender was to provide support for the Town to develop a Local Planning Strategy, against what was, at that time, a forecast set of activities. As the project has been rolled out, further activities have been necessary to be undertaken to meet the intent of the scope.

It could be considered that the Town is still complying with the statutory requirements of the Local Government Act and Regulations, notably the Local Government (Functions and General) Regulations which deals with procurement of goods and services. Regulation 21A is relevant in this instance:

"21A. Varying a contract for the supply of goods or services

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

(a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract"

However, it could be argued that the Town may need to consider tendering for these additional services. The Local Government (Functions and General) Regulation 11 also provides for a single source supply agreement to be put in place where:

Regulation 11(2)

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier

It is not recommended that a separate tender process be undertaken for the proposed variations to the project scope and contract as this would add cost and time delays to the project and it is unlikely that a consultant will be able to demonstrate the depth of project understanding that Taylor Burrell Barnett have developed over the course of the project.

It is therefore considered essential to the project that Taylor Burrell Barnett (TBB) continues to undertake the project to ensure continuity and given their project understanding and knowledge. TBB have developed a strong awareness of the community stakeholders and their objectives.

The original tender assessment revealed TBB's hourly rates are competitive and they have provided considerable effort in progressing the project to date. The hourly rates used by TBB for the current quotations (and variations approved to date) have not changed since the tender process. TBB is also on the WALGA preferred supplier list. It is considered the quotation provided for the remaining stages of the project represents commercial value for money for the Town.

FINANCIAL IMPLICATIONS:

The 2017/18 Budget provides \$300,000 for strategic planning projects. These projects include the LPS, Heritage Review, preparation of Economic Development and Sustainability Strategies and updates to the Wembley and West Leederville Activity Centre Plans.

The existing 2017/18 Budget is sufficient to fund the following tasks within the TBB scope:

- Item 3 'Preparation of LPS' (\$35,245.50);
- Task 1 (Variation 10) LPS Background updates and Bushfire assessment (\$28,340); and

The remaining stages of the LPS project that will occur during 2018/19 however, at this stage unbudgeted funding of \$100,000 will be required to allow commitments to be made for the following tasks:

- Task 2 (Variation 11) Preparation for community consultation (\$34,905).
- Task 3 (Variation 12) Community engagement period (\$8,795);
- Task 4 (Variation 13) Consideration of community feedback and finalisation of LPS (\$37,140); and
- Item 4 'Formal Advertising' (\$18,857.50).

These tasks will span into the next financial year, however as the budget for 2018/2019 has yet to be adopted, funding is required to be approved now.

STRATEGIC DIRECTION:

This report aligns Goal 4 of the Town's Strategic Community Plan 2017-2027:

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

Specifically, the first 'Key Action' of Strategy 4.1 states:

Develop the LPS to provide for future housing requirements and a diversity of housing types.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy Level No.1.2.11 and consultation is not required as this matter is administrative in nature.

OFFICER INVOLVEMENT:

Responsible Executive	Marlaine Lavery, Director Planning and Development
Responsible Manager	Brett Cammell, Manager Planning Strategies and Economic Development
Contributors	Brett Cammell, Manager Planning Strategies and Economic Development

ATTACHMENTS:

1. Revised Local Planning Strategy project schedule

**COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)**

Moved by Cr Bradley, seconded by Cr Carr

That:

- (i) the revised project schedule, as outlined in and attached to this report, be endorsed to progress the Local Planning Strategy project;**
- (ii) the Variations 1-9 to the Local Planning Strategy contract to Taylor Burrell Barnett approved by the Town be noted;**
- (iii) an amount of \$64,000 (ex GST) be approved from the 2017/18 Budget 'Strategic Projects' for Item 3 and Variation 10, as detailed in this report;**
- (iv) by ABSOLUTE MAJORITY, unbudgeted funding of \$100,000 (ex GST) be approved for Variations 11 - 13 and for Item 4 'Formal Advertising', as detailed in this report; and**
- (v) approval be given to extend the current contract with Taylor Burrell Barnett for the tasks required to complete the Local Planning Strategy outlined in this report as a single source supply contract in accordance with Regulation 11 (2)(f) of the Local Government (Functions and General) Regulations**

Carried by an ABSOLUTE MAJORITY 8/0

10.9 DELEGATION OF AUTHORITY FOR CHIEF EXECUTIVE OFFICER: ANNUAL REVIEW

SUMMARY:

In August 2017, the Western Australian Local Government Association (WALGA) released a best practice model guide to delegations. The Town has used this tool to undertake a comprehensive review of the delegations made under the Local Government Act and all other legislation that permits a delegation to the Local Government.

This report facilitates a Council review of its delegations to the Chief Executive Officer and seeks those delegations to be reaffirmed (or otherwise) in a new Delegations Register and reaffirm its delegations made under all legislation.

BACKGROUND:

Section 5.46 of the Local Government Act 1995 requires that delegations from the Council to the Chief Executive Officer are reviewed by the Council at least once every financial year. The previous review was considered by the Council at its meeting held on 20 December 2016.

A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act other than those such as any decision requiring an absolute majority, accepting major tenders, appointing an auditor or borrowing money. A full listing of the exceptions can be found at Section 5.43 of the *Local Government Act 1995*.

The CEO may also delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than the power of delegation.

The Department of Local Government, Sports & Culture has an operational guideline which discusses the principles, concepts and approach to delegations. [LG Operational Guideline 17 Delegations](#)

In August 2017 the Western Australian Local Government Association (WALGA) released Parts 1 and 2 of the *WALGA Decision Making Practice Toolkit* dealing with decision making and delegations. The toolkit is supported by templates and is a good resource tool to supplement the DLGSC Operational Guideline. Parts 3 through to 6 are still under development. The document has been included in the attachments to this report.

DETAILS:

The work undertaken by WALGA has been comprehensive and provides an opportunity for the Town to review its approach to delegations.

The revised format for the delegations register provides Council specific information on the legislation being delegated, the function of the legislation, any conditions placed on the delegation, and the power to sub-delegate. The new standard template for all delegations includes:

Instrument of Delegation	Content Description of Content
Head of Power	The title of the legislation under which the delegation is made.
Express Power to Delegate	The specific legislation reference enabling delegation.
Express Power or Duty	The specific legislation reference for the power or duty which is delegated
Delegator	The decision maker as described in the legislation as being responsible for exercising the Express Power or Duty and which is making the decision to delegate.
Delegate	The position to which the Express Power or Duty has been delegated.
Conditions and / or Limitations	Imposed by the Delegator on the Delegate. Conditions and limitations are at the complete discretion of the Delegator. They may include however a description of when the delegation can / cannot be used or the time frame for which the delegation is valid – refer s.5.45(1)(a).
Express Power to Sub-Delegate	The specific legislation reference enabling delegation, if any. Some legislation will not include Powers to Sub-Delegate.
Compliance Links	Any Relevant Legislative, Local Law, Policy or Guideline that relates to the delegation
Record Keeping	

Delegations to Committee

Audit Committee

The Audit Committee has been delegated the power to meet with the auditor at least once every year on behalf of the Council. This is an existing power.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
1.1.1	Audit and Risk Committee	Local Govt Act 1995	s7.12A(2)	Duties to local government with respect to audit

Development Committee

It is suggested that the Development Committee be delegated authority to

1. exercise all powers and discharge all duties under the 'Deemed Provisions', Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 and Town Planning Scheme No. 1.
2. make recommendations to the Western Australian Planning Commission on subdivision applications, including recommending the imposition of subdivision conditions or the clearance of subdivision conditions (Part 10, Planning and Development Act 2005).
3. make recommendations to the Western Australian Planning Commission on development applications where the Western Australian Planning Commission is the determining authority (Cl. 28(3) of Metropolitan Region Scheme and Section 6 of Planning and Development Act 2005).

These delegations are subject to conditions that are detailed in the Delegations Register.

The justification for the proposal to delegate Development Application decisions to Development Committee is as follows:

- To allow more time at Council meetings for strategic or 'higher level' discussion;
- To improve processing times for development applications (potential to reduce processing by 7 days under current meeting schedule);
- To give more 'value' to the Committee meeting from an applicant and community's perspective - they can attend and present at the meeting knowing that a decision can be made;
- Decision making efficiency is consistent with the following statements of the Town's Strategic Corporate Plan 2017-2027:
 - Our Future Focus | Our Council | "Improve the timeliness and ease of transactions with the Town of Cambridge."
 - Focus Areas | Our Council | "Secondly, they want to see the Council as efficient and not overly bureaucratic."
- A review of applications through all of 2017 show that 98.4% (63 out of 64) applications that were passed by Committee with at least 4 votes were also passed by Council (see below). The one application where the Committee resolution differed from Councils was due to amended plans being submitted between Committee and Council that addressed the reasons for the Committee recommending the application be refused (66 Kimberley St, 19 December 2017 Council meeting). Excluding this application, all of Council resolutions were consistent with Committee's recommendations where the Committee vote was 4 or more.
- The risk of Committee making a decision that is not consistent with Council is low, based on the 2017 statistics and the conditions on the Committee's delegation.

DA statistics for the period 1 March 2017 - 19 December 2017

1	Total number of DAs determined by Council	77
2	Number of DAs passed by Committee with a unanimous vote	51
3	Number of DAs passed by Committee with 4 votes one way or another	13
4	Total DAs passed by Committee either unanimous or 4 votes (point 2 +3)	64
5	Number of occurrences where Council resolution differs from Committee's unanimous or 4 votes decision	1*

*Committee vote was 1/4 to approve, Council vote was 9/0 to approve following receipt of amended plans that addressed the Committee's reasons to recommend refusal.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
1.1.2	Planning and Development Act 2005 - Council delegated development approval functions to Committee	Planning and Development (Local Planning Schemes) Regulations 2015	Schedule 2	Deemed Provisions for Local Planning Schemes

Local Government Act

Council last reviewed its Delegations register in December 2016 and removed the following Delegations from the CEO and these have not been included in the new Delegations Register.

- 12. Closing Certain Thoroughfares to Vehicles (Exceeding 4 Weeks)
- 34. Policy Regarding Payment to Retiring Employees
- 35. Payments to Retiring Employees
- 48. Action Against Land For Unpaid Rates And Charges

As a result of the WALGA template, the following delegations are suggested to be included in the Delegations Register.

These delegations have been previously "acted through" or have been captured in other documents. "Acting through" is the process in which officers carry out a function of the local government in which they have no discretion in decision making.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
1.2.2	Perform function outside the district	Local Govt Act 1995	s3.20(1)	Perform function outside the district
1.2.3	Compensation for Damage Incurred when Performing Executive Function	Local Govt Act 1995	s3.23	Arbitration
1.2.5	Powers of Entry		s3.32 s3.33 s3.36	Notice of entry Entry under warrant Opening fences
1.2.11	Obstruction of Footpaths and Thoroughfares	Local Government (Uniform Local Provisions) Regulations 1996	reg5 (2) reg 6 reg 7A reg 7	Interfering with or taking from LG land Obstruction of public thoroughfare Obstruction of public thoroughfare Encroaching on public thoroughfare
1.2.13	Public Thoroughfares - Dangerous Excavations	(Uniform Local Provisions)	reg 11 (1) (4) (6) (8)	Dangerous Excavation in or Near Public Thoroughfare
1.2.14	Corssing - Construction Repair Removal	(Uniform Local Provisions)	reg 12(1) reg 13 (1)	Crossing from a public thoroughfare to private land
1.2.15	Private Works on, over or under Public Places	(Uniform Local Provisions)	reg 17	Private works on, over or under public places
1.2.16	Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	(Uniform Local Provisions)	reg 21(1)	Give notice to prevent damage to local government property from wind erosion sand drift
1.2.18	Tenders for Goods and Services		reg 11 reg 13	When tenders have to be publically invited Requirements when local governments invite tenders when not required to do so
1.2.20	Panels for Pre-qualified	Local	reg 24 (AB)	Pre-qualified panels

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
	Suppliers of Goods and Services	Government (Functions & General) Regulations 1997	reg 24(AC)(1b) reg 24 (AD) (3) (6) reg 24 (AH) (2) (3) (4) (5)	
1.2.22	Payments from the Municipal or trust Funds	Local Government (Financial Management) Regulations 1996	reg 11 reg 12(1)(a)	Payments procedures for making Payments from municipal fund or trust fund - restrictions on making
1.2.25	Rate Record Amendment	Local Govt Act 1995	6.39 (2)(b)	Rate record
1.2.26	Agreement as to Payment of Rates and Service Charges	Local Govt Act 1995	6.49	Agreement as to payment of rates and service charges
1.2.27	Determine Due Date for Rates and Service Charges	Local Govt Act 1995	6.50.	Rates or service charges due and payable
1.2.28	Recovery of Rates or Service Charge	Local Govt Act 1995	6.56	Rates or service charges recoverable in court
1.2.29	Recovery of Rates Debt - Require Lessee to Pay Rent	Local Govt Act 1995	6.60.	Local government may require lessee to pay rent

Building Act 2011

Delegations made under the Building Act are not required to be reviewed annually and were last considered by the Council in April 2012 after the adoption of the new Building Act. Section 127(1)(3) of the Building Act permits delegation to the Local Government and its employees.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
2.1.1	Grant a Building Permit	Building Act 2011 Building Regulations 2012	s18 s20 s22 s27(1) (3) reg 23 reg 24 reg 26	Further Information Grant of a building permit Further grounds for not granting an application Impose conditions on permit Application to extend time Extension of time Approval of new responsible person
2.1.2	Demolition Permits	Building Act 2011	s21	Grant of demolition permit

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
2.1.3	Occupation Permits or Building Approval Certificates	Building Act 2011 Building Regs 2012	s55 s58 s62(1)(3) s65(4) reg 40	Further Information Grant of Occupancy Permit Conditions imposed by permit authority Extension of period of duration Extension of period of duration of time of occupancy permit or building certificate
2.1.4	Designate Employees as Authorised Persons	Building Act 2011	s96(3) s99 (3)	Authorised persons Limitations on powers of authorised persons
2.1.5	Building Orders	Building Act 2011	s110(1) s111(1) s117(1) (2) s118(2) (3) s133(1)	A permit authority may make a building order Notice of proposed building order other than building order A permit authority may revoke a building order or notify that it remains in effect Permit authority may give effect to building order if non-compliance A permit authority may commence a prosecution for an offence against this act
2.1.6	Inspection and Copies of Building Records	Building Act 2011	s131(2)	Inspection, copies of building records
2.1.7	Referrals and Issuing Certificates	Building Act 2011	s145A	Local government functions
2.1.8	Private Pool Barriers - Alternatives Solutions	Building Act 2011	reg 51	Approvals by permit authority
2.1.9	Smoke Alarms - Alternative Solutions	Building Act 2011	reg55 reg61	Terms Used Local government approval of battery powered smoke alarms

Bush Fires Act 1954

Delegations made under the Bushfires Act are not required to be reviewed annually and were last considered by the Council in October 2009. Delegations made under the Bushfires Act are not commonly used in the Town of Cambridge, however, they may be necessary in an emergency. Section 48 of the Bushfires Act permit delegation to the Local Government, Mayor, CEO and Chief Fire Control Officer.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
3.1.1	Make Request to FES Commissioner - Control of Fire	Bush Fires Act 1954	s13(4)	Delegation by local government
3.1.2	Prohibited Burning Times - Vary	Bush Fires Act 1954	s17(7)	Prohibited burning times may be declared by minister
3.1.3	Prohibited Burning Times - Control Activities	Bush Fires Regulations 1954	reg 15	Permit to burn, form of, and apply for use after refusal
3.1.4	Restricted Burning Times - Vary and Control Activities	Bush Fires Act 1954 Bush Fires Regulations 1954	s18 () (11) s22(6) (7) reg15C	Restricted burning times may be declared by FES Commissioner Burning on exempt land and adjoining exempt land Local government may prohibited burning on certain days
3.1.5	Control of Operations Likely to Create a Bush Fire	Bush Fires Act 1954 Bush Fires Regulations 1954	s27D reg 39C reg 39D reg 39E	Requirements for carriage and deposit of incendiary material Welding and cutting apparatus, use in open air Explosives, use of Fireworks, use of
3.1.6	Burning Garden Refuse / Open Air Fires	Bush Fires Act 1954 Bush Fires Regulations 1954	s24F s24G s25 s25A reg 27(3)	Burning garden refuse during limited burning times Minister or local government may further restrict burning of garden refuse No fire to be lit in open air unless certain precautions taken Power of Minister to exempt from provisions of section 25 Permit, issue of
3.1.7	Fire-Breaks	Bush Fires Act 1954	s33	Local government may require occupier of land to plough or clear fire-breaks
3.1.8	Appoint Bush Fire Control Officer/s and Fire Weather Officer	Bush Fires Act 1954	s38	Local Government may appoint bush fire control officer
3.1.9	Control and Extinguishment of Bush Fires	Bush Fires Act 1954	s.46	Bush fire control officer or forest officer may postpone lighting fire
3.1.10	Recovery of Expenses Incurred through Contraventions of this Act	Bush Fires Act 1954	s.58	General penalty and recovery of expenses incurred
3.1.11	Prosecution of Offences	Bush Fires Act 1954	s.59 s.59A	Prosecution of offences Alternative procedure – infringement notices

Cat Act 2011

Delegations made under the Cat Act are required to be reviewed annually and were last considered by the Council in April 2013 after the adoption of the new Cat Act. Section 44 of the Cat Act permits delegation to the Local Government and its employees.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
4.1.1	Cat Registrations	Cat Act 2011	s.9 s.10 s.11	Registration Cancellation of registration Registration numbers, certificates and tags
4.1.2	Cat Control Notices	Cat Act 2011	s.26	Cat control notice may be given to cat owner
4.1.3	Approval to Breed Cats	Cat Act 2011	s.37 s.38 s.39	Approval to Breed Cats Cancellation of approval to breed cats Certificate to be given to approved cat breeder
4.1.4	Appoint Authorised Persons	Cat Act 2011	s.48	Authorised persons
4.1.5	Applications to Keep Additional Cats	Cat (Uniform Local Provisions) Regulations 2013	r.8 r.9	Application to keep additional number of cats Grant of approval to keep additional number of cats

Dog Act 1976

Delegations made under the Dog Act are required to be reviewed annually and were last considered by the Council in October 2009. Section 10AA of the Dog Act permits delegation to the Local Government and its employees.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
5.1.1	Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons	Dog Act 1976	s.10A	Payments to veterinary surgeons towards costs of sterilisation
5.1.2	Refuse or Cancel Registration	Dog Act 1976	s.15(2) s.16(3) s.17A(2) s.17(4) (6)	Registration periods and fees Registration procedure If no application for registration made Refusal or cancellation of registration
5.1.3	Kennel Establishments	Dog Act 1976	s.27	Licensing of approved kennel establishments
5.1.4	Appoint Authorised Persons	Dog Act 1976	s.29(1)	Power to seize dogs
5.1.5	Recovery of Moneys Due Under this Act	Dog Act 1976	s.29(5)	Power to seize dogs
5.1.6	Dispose of or Sell Dogs Liable to be Destroyed	Dog Act 1976	s.29(11)	Power to seize dogs
5.1.7	Declare Dangerous Dog	Dog Act 1976	s.33E(1)	Individual dog may be declared to be dangerous dog (declared)

5.1.8	Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke	Dog Act 1976	s.33F(6) s.33G(4) s.33H(1)	Owners to be notified of making of declaration Seizure and destruction Local government may revoke declaration or proposal to destroy
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Food Act 2008

Delegations made under the Food Act are not required to be reviewed annually and were last considered by the Council in December 2009 after the introduction of the new Act. Section 118 of the Food Act permits delegation to the Local Government and its employees, however, there is no power of sub delegation unless specifically authorised by the Regulations. All delegation must be made to the officer who will be responsible for the decision making.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
6.1.1	Determine Compensation	Food Act 2008	s.56(2) s.70(2) (3)	Compensation to be paid in certain circumstances Compensation
6.1.2	Prohibition Orders	Food Act 2008	s.65(1) s.66 s.67(4)	Prohibition orders Certificate of clearance to be given in certain circumstances Request for re-inspection
6.1.3	Food Business Registrations	Food Act 2008	s.110(1) (5) s.112	Registration of food business Variation of conditions or cancellation of registration of food businesses
6.1.4	Appoint Authorised Officers and Designated Officers	Food Act 2008	s.122(1) s.126(6) (7) (13)	Appointment of authorised officers Infringement Officers
6.1.5	Debt Recovery and Prosecutions	Food Act 2008	s.54	Cost of destruction or disposal of forfeited item
6.1.6	Abattoir Inspections and Fees	Food Regulations 2009	r.43 r.45	Local government may require security Withdrawal of inspection services
6.1.7	Food Businesses List – Public Access	Food Regulations 2009	r.51	Enforcement agency may make list of food

Graffiti Vandalism Act 2016 Agenda Oct 2016

Delegations made under the Graffiti Vandalism Act are not required to be reviewed annually and were last considered by the Council in October 2016 after the introduction of the new Act. Section 16 of the Graffiti Vandalism Act permits delegation to the Local Government and its employees.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
7.1.1	Give Notice Requiring Obliteration of Graffiti	Graffiti Vandalism Act 2016	s.18(2) s.19(3) (4)	Notice requiring removal of graffiti Additional powers when notice is given
7.1.2	Notices – Deal with Objections and Give Effect to Notices	Graffiti Vandalism Act 2016	s.22(3) s.24 (1)(b) (3)	Objection may be lodged Suspension of effect of notice
7.1.3	Obliterate Graffiti on Private Property	Graffiti Vandalism Act 2016	s.25(1)	Local government graffiti powers on land not local government property
7.1.4		Graffiti Vandalism Act 2016	s.28 s.29	Notice of entry Entry under warrant

Public Health Act 2015 - Agenda December 2016

At its meeting in December 2016, Council approved the following delegation:

"That Council APPROVES BY AN ABSOLUTE MAJORITY, pursuant to s5.42 of the Local Government Act 1995 and s21(1)(b)(i) of the Public Health Act 2016, to delegate the powers and functions of the Public Health Act 2016 to the Chief Executive Officer."

This delegation is included in the Register.

Health (Miscellaneous Provisions) Act 1911

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
9.1.1	Appointment of Deputy, Discharge and Powers of Duties	Health (Miscellaneous Provisions) Act 1911	s.26	Powers of local government
9.1.2	Appoint of Authorised Officers - Health (Asbestos) Regulations	Health (Asbestos) Regulations 1992	r.15D	Infringement Notices

Planning and Development Act 2005

Delegations made under the Planning and Development Act are required to be reviewed annually. The Planning and Development Act only permits delegation of Section 214 to the Local Government and its employees, however, the Planning and Development (Local Planning Scheme) Regulations 2015 permit delegation.

Delegation Register Reference	Delegations Register Title	Legislation	Legislation Reference	Legislation Title
10.1.1	Illegal Developments	Health (Miscellaneous Provisions) Act 1911	s.214(2) (3) (5)	214. Illegal development, responsible authority's powers as to
10.2.1	Local Government Functions - Planning and Development (Local Planning Scheme) Regulations and Town Planning Scheme No 1	Planning and Development (Local Planning Scheme) Regulations 2015 Town Planning Scheme No 1	See Delegations Register	See Delegations Register

Local Laws

It is intended that a review of the delegations made under the Towns Local Laws be submitted to the March 2018 Council Meeting. This would include:

- Animals Local Law
- Local Government and Public Property Local Law
- Health Local Law
- Parking Local Law
- Private Property Local Law
- Trading in Public Places Local Law
- Waste Local Law

POLICY/STATUTORY IMPLICATIONS:

There is a direct relationship between Council policies and delegated authority, as the Chief Executive Officer will be guided by Council policy when exercising any delegated authority. Relevant powers and duties are delegated to the Chief Executive Officer in accordance with section 5.42 of the Local Government Act, subject to the limitations specified in section 5.43.

Section 5.46 provides that the Chief Executive Officer is to maintain a register of delegations made.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC DIRECTION:

Our Council

Goal 9 Transparent, accountable governance

Strategy 9.1 Implement initiatives that strengthen governance skills and knowledge

COMMUNITY ENGAGEMENT:

Nil

OFFICER INVOLVEMENT:

Responsible Executive	Jason Lyon, Director Corporate and Strategic
Responsible Manager	Stuart Hobley, Manager Governance & Contracts
Contributors	Not Applicable

ATTACHMENTS:

1. Delegation of Authority Register

Committee Meeting 19 February 2018

During discussion, Members agreed that the Delegation of Authority Register should be further considered at an Elected Members Forum.

The Administration Recommendation was then voted upon and lost 1/4.

For: Cr Carr
Against: Mayor Shannon, Crs Bradley, McAllister and Timmermanis

**COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)**

That the Delegation of Authority Register be further considered by an Elected Member Forum by the end of May 2018.

FURTHER REPORT (Post Council Meeting 27 February 2018)

Since the February 2018 Council Meeting, further investigation and research has been undertaken into the power of delegation permitted to a Local Government.

The further research has encompassed a review of delegations which have been authorised in the past and also a review of other local governments delegations, which are not included in the WALGA manual.

Explanation has been sought from WALGA to explain any differences. Clarification has been provided for the following Acts:

- Control of Vehicles (Off-Road Areas) Act 1978 - Authorised persons are appointed by Council.
- Liquor Control Act 1988 - Sections 39 and 40 are 'acted through' as there is no discretion in the decision making.
- Litter Act 1979 - The CEO has power to appoint persons under the Act.
- Planning and Development Act 2005 - Sections 234 - The CEO has the power to appoint officers under Section 234.
- Strata Titles Act 1985 - A Delegation is made to the CEO in the Strata Titles Act. The CEO can instruct officers to administer the Act.
- Health Act 1911 - Officers are appointed by Council.

Recapping, the authority provided to the CEO or an Authorised Person/Officer to carry out functions, powers or duties differs between legislation. Some Acts provide an expressed power to the Council (Local Government) to delegate, some Acts provide authority directly to the CEO and other Acts provided authority to Authorised Persons/Officers through an appointment of Authorised Person/Officer.

The recommendation of this report has been amended to now include Authorised Officer appointments for the Health Act and Control of Vehicles Act. The appointment of Authorised Officers is not a delegation, however it is prudent to incorporate these appointments into this report while this review is being undertaken to ensure the Town has the power to enforce the legislation.

Commentary is also provided on the Health Act which is in a transition phase from the Health Act 1911 to the Public Health 2016 and associated Acts and Regulations.

From an operational perspective, it is important for Council to approve (or amend) the delegations presented to it. It may be prudent to undertake a further review of the delegations (peer review or other) to provide assurance, as reliance has been placed on the WALGA tool kit and officer research.

Expressed Power to Delegate

Legislation that has expressed a power to delegate to Local Government is shown in the table below. The table also includes the report reference when the delegation was last presented to Council.

Legislation	Town of Cambridge Approved Delegations	Review Required Annually	Last Reviewed
Local Government Act 1995	Yes	Yes	CR 16.208 - December 2016
Building Act 2011	Yes	No	DV 12.42 - April 2012
Bush Fires Act 1954	Yes	No	GC 09.68 - October 2009
Cat Act 2011	Yes	Yes	DV 13.113 September 2013
Dog Act 1976	Yes	Yes **	GC 09.68 - October 2009
Food Act 2008	Yes	No	DV09.129 - December 2009
Graffiti Vandalism Act 2008	Yes	No	DV 16.157 -October 2016
Public Health Act 2016	Yes	No	DV 16.209 - December 2016
Planning and Development Act 2005	No	Yes	No delegation from Council
Planning and Development (Local Planning Schemes) Regulations 2015	Subject to Review		

** In 2010 the Dog Act was amended to include an annual review.

WALGA has advised that once granted, a delegation is enduring until it is revoked. In other words, the delegation remains in place, notwithstanding that an annual review may not been carried out.

Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911

In 2016 the Western Australian State Government commenced a comprehensive reform of the public health legislation in Western Australia.

The reform of the legislation will replace the Health Act 1911 with the Public Health Act 2016 and other subsidiary legislation. The transition to the new regulatory framework is occurring in five stages over a period of five years, which commenced in 2016.

During the transition, the Health Act 1911 has been renamed the Health (Miscellaneous Provisions) Act 1911.

Local Governments will need to have powers under both Acts while the transition period is in place.

The new Public Health Act 2016 has permitted delegations to Local Government and these are included in the attached delegations register. This includes a delegation from Council to the CEO to appoint Authorised Officers. The Authorised Officers are qualified in their field (ie Environmental Health Officers) and will carry out the functions of the Act.

An appointment is still required under Section 26 of the Health (Miscellaneous Provisions) Act 1911 for the enforcement of this Act.

Until the transition is completed the Town will require powers under both Acts. It is expected that Stage 5 will be completed in late 2019-20 or 2020-21.

Authorised Persons/Officers

The Town has identified several pieces of legislation that do not grant the power of delegation to the Local Government, but permit the Local Government to appoint persons to carry out the duties of the Local Governments under the legislation.

These are identified below and it is recommended that the Town appoint persons to carry out the duties of these Acts.

Control of Vehicles (Off-Road Areas) Act 1978

This Act is used to prohibit the use of vehicles in certain places (eg sand dunes), to make provisions as to the use of vehicles otherwise than on a road and for the appointment of Authorised Officers who may issue infringement notices for persons contravening the legislation.

The main area in the Town where off-road vehicles (eg motor bikes) are prohibited are the sand dunes along the coast of City and Floreat beaches. This Act also applies to the beach areas, between the low and high water mark at spring tides of the Indian Ocean. The Town has not prescribed any permitted areas for off-road areas.

This legislation is enforced by the Town's Rangers (Authorised Officers). It is recommended that the Town appoint the following Authorised Officers to enforce the Act; Manager Health and Compliance, Coordinator Ranger Services and all Rangers;

Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911

In the past both an appointment and a delegation of section 26 of the Health Act 1911 has been made, and it was intended to include this delegation in the current delegations register. However, the Town has now been advised that the Health Act 1911 does not have the power to delegate to Local Government, however, the Local Government does have the power to appoint officers to carry out the functions of Section 26.

This function previously has been appointed to the Chief Executive Officer. It is recommended that the Town appoint and authorise the following person to be the Town's Deputy;

Chief Executive Officer, Director Planning and Development and Manager Health and Compliance

FURTHER REPORT:

Limitations on Delegation to the Planning and Development Committee - Additional Limitation

Delegation 1.1.2 Planning and Development Act 2005: - *Council delegated development approval functions to Committee*, is outlined on page 3 of the Delegations Register.

The delegation has a number of limitations, however, one of those limitations was inadvertently omitted. The revised limitations are shown below, with the inclusion of "any determination requiring an absolute majority decision of Council."

Council Conditions on this Delegation:	<ol style="list-style-type: none">1. Four or more members of the Development Committee must cast the same vote in passing a resolution in order for this delegation to have effect. <p>The following exceptions are not delegated:</p> <ol style="list-style-type: none">2. The adoption, revocation or amendment of a local planning policy (Cl. 3-6 of Deemed Provisions).3. The entering, removal or modification of a place on the Heritage List (Cl. 8 of Deemed Provisions).4. The designation, removal or modification of a Heritage Area (Cl. 9 of Deemed Provisions).5. The entering into a heritage agreement with an owner or occupier of land (Cl. 10 of Deemed Provisions).6. The issuing, revoking or varying a heritage conservation notice (Cl. 13 of Deemed Provisions).7. A recommendation to the Western Australian Planning Commission on a proposed structure plan or activity centre plan (Cl. 20 and cl. 36 of Deemed Provisions).8. The determination, revocation or amendment of a local development plan (Cl. 52, 57, 58 and 59 of Deemed Provisions).9. The dealing and disposal of land in the Scheme area (Cl. 78 of Deemed Provisions).10. The delegation of the local government's powers or duties under the Scheme (Cl. 82 of Deemed Provisions).11. Any determination requiring an absolute majority decision of Council.
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Correction

The table shown in the Further Report, outlining legislation with expressed power to delegate, indicated that:

*** In 2010 the Dog Act made amended to include an annual review*

However, the reference to 2010 should actually be 2013.

*** In 2013 the Dog Act made amended to include an annual review*

ADMINISTRATION RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr Nelson

That the Council:

- (i) APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority 2018, to the Chief Executive Officer or other Officer as shown in Attachment 1, in accordance with:**
 - (a) Section 5.42 of the Local Government Act 1995;**
 - (b) Section 127 of the Building Act 2011;**
 - (c) Section 48 of the Bush Fires Act 1954;**
 - (d) Section 44 of the Cat Act 2011;**
 - (e) Section 10AA of the Dog Act 1976;**
 - (f) Section 118 of the Food Act 2008;**
 - (g) Section 16 of the Graffiti Vandalism Act 2008;**
 - (h) Section 21 of the Public Health Act 2016; and**
 - (i) Section 214 of the Planning and Development Act 2005**
 - (j) Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015;**

- (ii) APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority, as shown in Attachment 1, to the Audit Committee, in accordance with:**
 - (a) Sections 5.16 and 5.42 of the Local Government Act 1995;**

- (iii) APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority, as shown in Attachment 1, to the Development Committee, in accordance with:**
 - (a) Sections 5.16 and 5.42 of the Local Government Act 1995; and**
 - (b) Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015;**

- (iv) REVOKES all previous delegations;**

(v) **APPOINTS, pursuant to section 26 of the Health (Miscellaneous Provisions) Act 1911 and authorises the person holding the following positions to be the Council's Deputy and exercise the powers and duties:**

- (a) **Chief Executive Officer**
- (b) **Director Planning and Sustainability**
- (c) **Manager Health and Compliance**

(vi) **APPOINTS, pursuant to section 38 (3) of the Control of Vehicles (Off-Road Areas) Act 1978, the person holding the following positions to be an Authorised Officer:**

- (a) **Manager Health and Compliance**
- (b) **Coordinator Ranger Services**
- (c) **Rangers;**

for the purposes of enforcing the provisions of the Act and Regulations; and

(vii) **the Council's Register of Delegated Authority be reviewed again before December 2018.**

During discussion, Cr McKerracher suggested that the Council's Register of Delegated Authority should be reviewed by an independent consultant and the motion be amended as follows:-

- (vii) the Council's Register of Delegated Authority be reviewed again before December 2018 by an independent consultant specialising in local government governance;
- (viii) requests the CEO submit a proposal with details of the consultant and costs for the review referred to in (vii) above to the Council by no later than 30 June 2018; and
- (ix) the proposal in (viii) above is to include a seminar for executive directors and managers, elected members and such other persons as the CEO determines on the subject of delegated authority.

In accordance with Clause 9.11 of the Standing Orders, the mover of the motion, with the consent of the seconder, agreed to alter the wording of the motion.

COUNCIL DECISION:

That the Council:

(i) **APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority 2018, to the Chief Executive Officer or other Officer as shown in Attachment 1, in accordance with:**

- (k) **Section 5.42 of the Local Government Act 1995;**
- (l) **Section 127 of the Building Act 2011;**
- (m) **Section 48 of the Bush Fires Act 1954;**
- (n) **Section 44 of the Cat Act 2011;**
- (o) **Section 10AA of the Dog Act 1976;**
- (p) **Section 118 of the Food Act 2008;**
- (q) **Section 16 of the Graffiti Vandalism Act 2008;**
- (r) **Section 21 of the Public Health Act 2016; and**
- (s) **Section 214 of the Planning and Development Act 2005**

- (t) **Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015;**
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority, as shown in Attachment 1, to the Audit Committee, in accordance with:**

 - (a) **Sections 5.16 and 5.42 of the Local Government Act 1995;**
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority, as shown in Attachment 1, to the Development Committee, in accordance with:**

 - (a) **Sections 5.16 and 5.42 of the Local Government Act 1995; and**
 - (b) **Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015;**
- (iv) **REVOKES all previous delegations;**
- (v) **APPOINTS, pursuant to section 26 of the Health (Miscellaneous Provisions) Act 1911 and authorises the person holding the following positions to be the Council's Deputy and exercise the powers and duties:**

 - (d) **Chief Executive Officer**
 - (e) **Director Planning and Sustainability**
 - (f) **Manager Health and Compliance**
- (vi) **APPOINTS, pursuant to section 38 (3) of the Control of Vehicles (Off-Road Areas) Act 1978, the person holding the following positions to be an Authorised Officer:**

 - (d) **Manager Health and Compliance**
 - (e) **Coordinator Ranger Services**
 - (f) **Rangers;**

for the purposes of enforcing the provisions of the Act and Regulations; and
- (vii) **the Council's Register of Delegated Authority be reviewed again before December 2018 by an independent consultant specialising in local government governance;**
- (viii) **requests the CEO submit a proposal with details of the consultant and costs for the review referred to in (vii) above to the Council by no later than 30 June 2018; and**
- (ix) **the proposal in (viii) above is to include a seminar for executive directors and managers, elected members and such other persons as the CEO determines on the subject of delegated authority.**

Carried by an ABSOLUTE MAJORITY 8/0

11. URGENT BUSINESS

Nil

12. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 COMMUNITY REPRESENTATIVES FOR DELEGATE TO DEVELOPMENT ASSESSMENT PANEL

Submission by Mayor Shannon

That given the refusal of the Wembley Ward councillors to nominate for the community positions on JDAP, the Town advertise seeking willing community members to represent the Wembley ward ratepayers and fill the current vacancies on Metro West JDAP.

BACKGROUND:

At the special council meeting on 24 October 2017 the Wembley Ward councillors did not nominate for the positions on the Development Assessment Panel. Crs Bradley and Timmermanis nominated with Cr Everett being nominated as a deputy for the Panel.

Cr Powell remained as deputy having been elected in 2015. However in December 2017 Cr Powell resigned from her role as a deputy DAP member effective immediately thereby leaving the Wembley Ward without a DAP member to represent the Wembley ward communities interests and concerns.

The Minister is able to appoint alternate members of the community to DAP. Pursuant to Regulation 26(4) of the *Planning and Development (Development Assessment Panels) Regulations 2011* the Minister can register as a representative of the local government a person who is an eligible voter in the district of the local government and who the Minister considers has the knowledge or experience to represent the interests of the local community of that district.

ADMINISTRATION COMMENT:

Clause 3.13(2)(c) of the Standing Orders provides that the Chief Executive Officer shall, not less than 24 hours prior to the meeting, send to each Member a report providing relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law, or for more complex issues, recommending that the matter be deferred to a later meeting to enable a report to be prepared.

POLICY:

Nil.

BUDGET:

Nil.

LAW:

The *Planning and Development (Development Assessment Panels) Regulations 2011* indicates that it is possible to appoint an 'eligible voter' of the district for which the LDAP is established. An person is an 'Eligible voter of a district' if that person is eligible under the *Local Government Act 1995* section 4.29 or 4.30 to be enrolled to vote at elections for the district.

Part 4, Division 1, regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* states:

- 1) *Whenever it is necessary to make an appointment under regulation 23(1)(a), the Minister must —*
 - a. *in writing, request the local government of the district for which the DAP is established to nominate a member of the council of the local government for appointment; and*
 - b. *unless subregulation (2) applies, appoint the person so nominated.*
- 2) *If, within 40 days after the date on which the Minister makes a request to a local government under subregulation (1) or such longer period as the Minister may allow, the local government fails to nominate a person for appointment in accordance with the request, the Minister may appoint under regulation 23(1)(a) a person who is an eligible voter of the district for which the LDAP is established.*

Subregulation (2) above is replicated within Part 4, Division 1, regulation 26 'JDAP local government member register'. Given the short notice, further advice may be required regarding the 'longer period as the Minister may allow' within subregulation (2) above.

Should Council advertise to the community seeking nominations to represent the Wembley ward ratepayers (in accordance with the Notice of Motion 12.1), the following steps will need to be followed:

1. At the conclusion of the advertising period, Council would resolve to nominate:
 - a. the representative; and
 - b. whether the representative is a member or an alternate member;
2. Following the council resolution addressing point (1), the nomination is forwarded to the DAP;
3. The Minister approves/refuses the nomination in accordance with Part 4, Division 1, Regulation 23(2), which states that the members must be appointed in writing by the Minister;
4. If approved, the nominated member (or alternate member) must complete the mandatory member training.

COUNCIL DECISION:

Moved by Mayor Shannon, seconded by Cr Bradley

That given the refusal of the Wembley Ward councillors to nominate for the community positions on JDAP, the Town advertise seeking willing community members to represent the Wembley ward ratepayers and fill the current vacancies on Metro West JDAP.

Carried 6/2

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

12.2 PAYMENT OF HIGHER DUTIES FOR ACTING CEO

Submission by Mayor Shannon

That following the decision of Council dated 10 April 2018 to appoint Mr Lyon as Acting CEO the Town approves the payment of higher duties to Mr Lyon for the duration of his appointment as acting CEO. Such payment shall be retrospectively applied to 10 April 2018.

BACKGROUND:

Under the CEO Leave Policy the Acting CEO is usually paid for the higher duties. The decision of 10 April 2018 did not address the payment of higher duties in respect of the Acting appointment and it is only appropriate that Mr Lyon be paid for such higher duties and responsibility.

ADMINISTRATION COMMENT:

Clause 3.13(2)(c) of the Standing Orders provides that the Chief Executive Officer shall, not less than 24 hours prior to the meeting, send to each Member a report providing relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law, or for more complex issues, recommending that the matter be deferred to a later meeting to enable a report to be prepared.

As this is a matter affecting the Acting Chief Executive Officer and a matter for the Council, no administration comment is provided.

This report may be considered **CONFIDENTIAL** in accordance with Section 5.23(2) of the Local Government Act 1995 which permits the meeting to be closed to the public for business relating to the following:

- (a) a matter affecting an employee or employees

Council Meeting 24 April 2018

Prior to consideration of the item, Mr Jason Lyon Acting Chief Executive Officer, in accordance with Section 5.65 of the Local Government Act 1995, declared a financial interest in this matter and left the meeting at 10.00 pm.

COUNCIL DECISION:

Moved by Mayor Shannon, seconded by Cr Timmermanis

That following the decision of Council dated 10 April 2018 to appoint Mr Lyon as Acting CEO the Town approves the payment of higher duties to Mr Lyon for the duration of his appointment as acting CEO. Such payment shall be retrospectively applied to 10 April 2018.

Carried 8/0

Mr Lyon returned to the meeting at 10.01 pm.

12.3 MINOR AMENDMENTS TO BUILDING HEIGHT POLICY AND STREETScape POLICY

Submission by Mayor Shannon

That:-

- (i) the Building Height Policy 3.3 be amended to reduce the Maximum Building Height in City Beach (excluding Windarra Sub-precinct) to 6m for the Top of external wall (hipped or gabled roof above) and 7.0m for the Top of skillion, curved or flat roof which is in accordance with the R-Codes;
- (ii) the second bullet point on Page 34 of the Streetscape policy be amended to delete 1.5m and replace it with 2.7m below street level.

BACKGROUND:

In combination with application of the reduced setbacks in City Beach and Floreat, another aspect of concern is the consistent use of wall heights of 7.5m, when such wall height was introduced to the Building Height Policy 3.3 in order to allow for developments on land where there was a significant slope in terms of the natural ground levels across the block.

SINGLE HOUSES AND GROUPED DWELLINGS

West Leederville, Wembley, Floreat and City Beach Precincts (excluding Windarra Sub-Precinct)

Maximum building heights (i)	West Leederville, Wembley and Floreat	City Beach (excluding Windarra Sub-Precinct)
Top of external wall (hipped or gabled roof above) (ii) (iii)	6.0 metres	6.5 metres
Top of skillion, curved or flat roof (iv)	7.0 metres	7.5 metres
Top of a hipped and/or gabled roof (v)	9.0 metres	9.0 metres

Instead this increased wall height in excess of the wall height allowed in the R-Codes is applied for as of right and particularly in areas like City Beach where residents seek to improve views of significance. The policy is being used for developments on land which do not have significant slope and therefore this is inconsistent with the intention of the policy.

R-Codes

Clause 7.3.1(a) of the Residential Design Codes (R-Codes) allows a local planning policy to contain provisions that amend or replace the deemed-to-comply requirements of the R-Codes for Building Height (as well as other design elements).

Design Element 5.1.6 (Building Height) is shown below:

<p>5.1.6 Building height</p> <p>P6 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:</p> <ul style="list-style-type: none"> • 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. 	<p>C6 Buildings which comply with Table 3 for category B area buildings, except where stated otherwise in the scheme, the relevant local planning policy, local structure plan or local development plan (refer Figure Series 7).</p>
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Table 3 for category B is shown below and is 0.5m less than what is provided for in Local Planning Policy 3.3 'Building Height'

Table 3: Maximum building heights

Maximum building heights (i)			
	Category		
	A	B	C
Tops of external wall (roof above) (ii)	3m	6m	9m
Top of external wall (concealed roof)	4m	7m	10m
Top of pitched roof (iii) (iv)	6m	9m	12m

i. Category B will apply unless a scheme, the relevant local planning policy, local structure plan or local development plan requires the application of category A (generally single level development) or category C (development on three levels) or an alternative standard.

Streetscape policy 3.1 – Partially Sunken Garages

Similarly we have a proliferation of two and a half storey builds in City Beach as a result of the following provision at page 34 of the Streetscape Policy 3.1:

Garage setback (Ref: R-Codes 5.2.1 - C1.1 & C1.4)

- The minimum setback for a double garage from the primary street boundary is to be in accordance with Table 4 below.

Table 4: Minimum primary street setbacks for double garages

Precinct	Density coding					
	R12.5	R15	R20	R30	R40	R40/60, R60
City Beach	7.0m	n/a	7.0m	4.0 m	n/a	n/a
Floreat	7.0m	7.0m	7.0 m	n/a	n/a	n/a
Wembley	n/a	n/a	6.0 m	5.0 m	5.0 m	4.0 m
West Leederville	n/a	n/a	6.0 m	5.0 m	5.0 m	4.0 m

Notes:- A garage may need to be set back further than the specified primary street setback to enable certain vehicle types to enter a driveway and to achieve acceptable crossover limits and gradients.

- All garages to be set back from the secondary street boundary in accordance with the minimum secondary street setbacks specified in Section 3.1.1 - Table 2 of this Policy.
- Where the ground level at the front of the garage is sunken at least 1.5m below street level, it may be set back as per the minimum primary street setback specified in Section 3.1.1 - Table 1. Refer to the 'Minimum Primary Street Setback Diagrams' under Section 3.1.1 of this Policy for clarification.

If the garage is required to be sunken at least 2.7m lower than the street level then we will have truly undercroft garages thereby reducing the bulk and scale of buildings from the street perspective.

Minor Amendment to Policy

Schedule 2, Part 2, Division 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for amending local planning policy. Subclause 5(2) states that:

"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 a minor amendment."

ADMINISTRATION COMMENT:

Clause 3.13(2)(c) of the Standing Orders provides that the Chief Executive Officer shall, not less than 24 hours prior to the meeting, send to each Member a report providing relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law, or for more complex issues, recommending that the matter be deferred to a later meeting to enable a report to be prepared.

POLICY:

Local planning policies are required to be prepared, amended and adopted in accordance with Part 2, Division 2 of the Deemed Provisions, *Planning and Development (Local Planning Schemes) Regulations 2015*.

BUDGET:

Implications of this report can be dealt with under the current operation budget for Planning.

LAW:

Amendments to Policy 3.3: Building Height

It is recommended a report can be prepared for the May Committee and Council meetings to propose amendments to the building height provisions as suggested.

The R-Codes allow the 'deemed to comply' requirements relating to building height to be replaced or amended by a local planning policy (cl. 7.3.1 of R-Codes). In this regard, the policy building height provisions are appropriate within the R-Codes framework.

The process to amend a local planning policy is outlined in Part 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Clause 5(2) of Part 2 of the Deemed Provisions enables a local government to amend a local planning policy without advertising the amendment where, in the opinion of the local government, the amendment is minor. However in this instance, it is not considered that the proposed amendment is minor as the change will affect the development potential and assessment of all lots within City Beach (excluding Windarra Precinct).

Therefore it is recommended that the proposed amendments to the Policy (if adopted by Council) be advertised for public comment as per Part 2 of the Deemed Provisions.

Amendments to Policy 3.1: Streetscapes

The setback provisions of the Tables 1 and 4 of the Policy (as well as other provisions) currently conflict with setback provisions contained in cl. 20 of the Scheme for certain Residential zoned land within City Beach and Floreat. Therefore the existing dot point 2 under Table 4 does not have any real effect in these areas of City Beach and Floreat and the proposed modification does not serve any meaningful purpose in these situations.

It is recommended a report can be prepared for the May Committee and Council meetings to consider the modification of dot point 2 under Table 4 from 1.5m to 2.7m to affect land within Wembley and West Leederville, and certain land within City Beach and Floreat not covered by cl. 20 of the Scheme.

COUNCIL DECISION:

Moved by Mayor Shannon, seconded by Cr Timmermanis

That the following amendments be endorsed for advertising and a report be submitted to Council:-

- (i) the Building Height Policy 3.3 be amended to reduce the Maximum Building Height in City Beach (excluding Windarra Sub-precinct) to 6m for the Top of external wall (hipped or gabled roof above) and 7.0m for the Top of skillion, curved or flat roof which is in accordance with the R-Codes;**
- (ii) the second bullet point on Page 34 of the Streetscape policy be amended to delete 1.5m and replace it with 2.7m below street level.**

Carried 7/1

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

Against: Cr Carr

13. CONFIDENTIAL REPORTS

Meeting Behind Closed Doors

Moved by Cr Nelson, seconded by Cr Bradley

That the following matter be regarded as confidential in accordance with Section 5.23 (2)(a) of the Local Government Act 1995.

Carried 6/2

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

At 10.14 pm, the Mayor requested all persons other than Elected Members and Council Officers to leave the Council Chamber.

13.1 PROJECT MANAGEMENT RESOURCING

COUNCIL DECISION:

Moved by Cr Timmermanis, seconded by Cr Bradley

That the item be deferred to enable further information to be obtained.

Carried 7/1

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

Moved by Cr Bradley, seconded by Cr Timmermanis

That the meeting be reopened to the public at 10.40 pm.

Carried 8/0

14. CLOSURE

There being no further business, the Mayor thanked those present for their attendance and declared the meeting closed at 10.40 pm.