



# MINUTES

## Ordinary Meeting of Council 21 December 2021

**MEETING OF COUNCIL  
21 DECEMBER 2021  
INDEX OF MINUTES**

<b>1. Opening</b>	<b>1</b>
<b>2. Attendance .....</b>	<b>1</b>
<b>3. Public Question Time.....</b>	<b>2</b>
<b>4. Petitions.....</b>	<b>6</b>
<b>5. Deputations .....</b>	<b>6</b>
<b>6. Applications for Leave of Absence.....</b>	<b>6</b>
<b>7. Confirmation of Minutes .....</b>	<b>6</b>
<b>8. Announcements by the Mayor without Discussion.....</b>	<b>7</b>
<b>9. Committee Reports .....</b>	<b>7</b>
<b>Development Committee</b>	<b>8</b>
DV21.102 Principles Report for Review of Local Planning Scheme No. 1 and Preparation of Local Planning Scheme No.2 – Parts 2 and 3 (Reserves, Zones and Zoning Table)	10
DV21.103 Lot 120 (No.56) Branksome Gardens, City Beach – Proposed Surfist Colorbond Roofing (Work Already Undertaken) and Additions to Existing Garage	19
DV21.104 Lot (No.5) Camborne Avenue, City Beach – Proposed Additions to Existing Single Dwelling - \$S31 Reconsideration	32
DV21.105 Lot 643 (No.8) Niribi Road, City Beach – Proposed Additions to Existing Single Dwelling	41
DV21.106 Lot 1519 (No.6) Dundalk Road, Floreat – Proposed Carport	50
DV21.107 Lot 1568 (No.4) Tralee Road, Floreat – Proposed Alterations to Existing Carport	56
DV21.108 Lot 432 (No.99) Evandale Street, Floreat – Proposed Garage and Associated Works	63
DV21.109 Proposed Variations to Local Law 43	71
DV21.110 Heritage Grant Program 2021/2022 – Approval of Applications	75
DV21.111 Minor Amendments to Perry Lakes Design Guidelines and Detailed Area Plan	80
DV21.112 Draft West Leederville Activity Centre Plan – Outcomes of Consultation and Endorsement	86
DV21.113 Cambridge Street Medical Precinct Urban Design Study and Local Planning Policy 2.5.2: Medical Precinct – Outcomes of Public Consultation and Final Adoption	115
DV21.114 Amendments to Local Planning Policy 3.24 Determining Natural Ground Level	129
DV21.115 Wembley Character Study – Draft Study for Community Consultation	135
DV21.116 Strategic Planning Priorities for 2021/2022 – Progress Report No: 2	143
DV21.117 Small Business Friendly Approvals Program – Action Plan	149
DV21.118 Perry Lakes Mosquito Survey 2021	155
DV21.119 Planning Delegated Decisions and Notifications – November 2021	158
DV21.120 Building Permits Approved Under Delegated Authority – November 2021	160

<b>Community and Resources Committee</b>	<b>163</b>
CR21.125 Local Roads and Community Infrastructure Program Phase Three	165
CR21.126 Lake Monger Pedestrian Crossing – Consideration of Submissions	170
CR21.127 Capital Works Program 2021-2022 – Progress Report	182
CR21.128 RFQ 2021-45 – Ocean Village Lighting	190
CR21.129 RFT 2021-19 Perry Lakes Plant Propagation and Planting	194
CR21.130 Sustainable Grants Program 2021 – Update	197
CR21.131 Community Development Grant Disbursement of Funds	201
CR21.132 RFT 2021-13 Provision of Library Management Software Replacement	204
CR21.133 Lesser Hall Occupation Licence Extension Option – Perth Tango Club	209
CR21.134 Strategic Community Plan 2022-2032 – Proposed Project Plan and Indicative Timeframes	211
CR21.135 Local Government Reforms – Town of Cambridge Submission	215
<b>10. Council Reports</b>	<b>221</b>
10.1 Payment of Accounts – November 2021	221
10.2 Investment Schedule – November 2021	224
10.3 Monthly Financial Statements, Review and Variances – November 2021	229
10.4 Empire Park, City Beach Proposed ‘Freeplay Zone’ Trial – Consideration of Submissions and Council Determination following Public Notice	235
<b>11. Motions of Which Notice has been Given</b>	<b>244</b>
11.1 Cr Bradley – Elected Member Conduct and Behaviour (Confidential)	244
<b>12. Questions of Which Due Notice has been Given</b>	<b>245</b>
Nil	
<b>13. Urgent Business</b>	<b>245</b>
Nil	
<b>14. Confidential Reports</b>	<b>246</b>
14.1 CR21.136 Mindarie Regional Council – Waste to Energy Working Group	246
14.2 City of Perth Surf Club Latent Construction Defects – Progress Report No: 10	247
14.3 Tender RFT 2021-15 Supply and Maintenance of Electric Golf Carts for the Wembley Golf Course	248
14.4 Worksafe Improvement Notices – Progress Report No: 1	249
14.5 Chief Executive Officer Recruitment Matters	250
<b>15. Closure</b>	<b>253</b>

**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, 21 DECEMBER 2021.**

---

**1. OPENING**

The Presiding Member, Mayor Keri Shannon, declared the meeting open at 6:03 pm, advising that the meeting is being recorded, and that the recording would be placed on the Town's website. The following statement was then read by the Presiding Member, Mayor Keri Shannon:

*"I would like to acknowledge the past and present traditional owners and custodians of the land on which this meeting is being held."*

**2. ATTENDANCE**

**Present:**

Mayor: Keri Shannon (Presiding Member)

Councillors: Kate Barlow  
Rod Bradley  
Xavier Carr  
Jane Cutler  
Robert Fredericks  
Alaine Haddon-Casey  
Gary Mack  
Andres Timmermanis

Officers: John Giorgi, JP, Chief Executive Officer (Until 8.55 pm)  
Brett Cammell, Director Planning and Community Services (Until 8.37 pm)  
Kelton Hincks, Director Infrastructure and Works (Until 8.37 pm)  
Roy Ruitenga, Director Corporate and Commercial Services (Until 8.37 pm)  
Denise Ribbands, Senior Governance Officer (Until 8.37 pm)  
Suella O'Brien, Senior Administration Officer Corporate Support (Until 8.37 pm)  
Sarah Gould, Rates Officer (Until 8.37 pm)

**Members of the Public:**

9 persons

**Media:**

2 persons

**Apologies:**

Nil

**Leave of Absence:**

Nil

### **3. PUBLIC QUESTION TIME**

**The record of Public Question Time is a summary of the questions and answers provided at the Council meeting in accordance with Regulation 11(e) of the *Local Government (Administration) Regulations 1996*.**

The Presiding Member, Mayor Keri Shannon, advised that with regard to Public Question Time, in accordance with Council Policy No: 031 – ‘Council Meetings – Managing Public Question Time’, if a person who has submitted a question prior to the meeting is not present at the meeting, then the question will be treated as correspondence, and the questions and the Town’s response will not be read out at tonight’s meeting. However, a response will be sent and included in the next month’s Council Minutes. The questions are available in the Chamber if anyone in the Public Gallery, or any of the elected Members wish to read the questions.

#### **QUESTIONS SUBMITTED TO 21 DECEMBER 2021 COUNCIL MEETING**

##### **Written Questions Submitted by Persons not Present at the Meeting**

Nil

##### **Written Questions Submitted by Persons Present at the Meeting**

Nil

#### **VERBAL QUESTIONS**

##### **Victor Richards, 98 Empire Avenue, CityBeach**

My questions relate to your notice of motion euphemistically known Free Play Zone at item 11.3 on the agenda of the 23 November council meeting, and the amended motion agreed to.

##### **Question 1:**

In response to a question, Mayor, you said, “the \$30,000 cost estimate provided by the Administration has been something that they have added to the motion. My motion was simply asking for some soil and some signage.” Were you saying that your notice of motion was different from what you gave to the Administration for consideration and comment, with it having been changed subsequently without your knowledge or agreement? And how do you reconcile the discrepancy between your saying “simply asking for some soil and signage”, as opposed to the full description, which includes also “install fencing to delineate the proposed area” and “ongoing safety inspections by the Town’s officers?”

##### **Response by Mayor Shannon:**

Essentially, the concept was proposing some dirt in an area that is delineated for children and obviously some signage to delineate that area. What then happened once I prepared my motion is that the Administration do a recommendation and they put their own report in and then they make additional suggestions or recommendations for the implementation of it. Some of the \$30,000 and some of the additional fencing, for example, was part of the Administration’s additional comments.

##### **Question 2:**

The approved amended motion says there is fencing to be installed, signage, soil and ranger inspections to be undertaken - and all apparently at a total cost of only \$4,000, which Administration has shown will cover less than 15% of the costs. So I put it to you that the amended motion cannot be put into effect because it is obvious that there are no where near sufficient funds have been

allocated. Is not my observation both accurate and realistic, and will know no more than \$4,000 be spent without further resolutions of the Council?

**Response provided by Mayor Shannon:**

The Administration is no longer recommending the the same extent of fencing and therefore there is a cost reduction.

**Question 3:**

A number of postings that your husband and you made on Facebook have presented the bike trail as a 'done deal', all authorised, it seems, and set to go. This promotes a false impression that bike activities on Empire Park have been fully approved by Council, which they have not, misleading people to think that the time for consultation might have passed. Therefore action on their part, redundant. Can you confirm whether the Minister for Local Government or his department has issued any instructions or requests for such similar postings to cease?

**Response by Mayor Shannon:**

I disagree with the assertion in your question

**Marie Knights, 451 Cambridge Street, Floreat**

**Question 1:**

My question relates to the Local Planning Scheme No.2, seeking some clarity from the Council with regards to this. The Council engaged a team of highly experienced experts to produce the local planning strategy document, which, as I understand, was approved by State Planning in April 2021. All that awaits is implementation and I am seeking some clarification, or perhaps an explanation as to why the Council has chosen to employ different consultants for the implementation, which does seem to have just had the effect of causing confusion?

**Response by Director Planning and Community Services**

I will take the question 'on-notice'

**Question 2:**

What process is there for evaluation of the quality of these consultants?

**Response by Director Planning and Community Services**

I will take the question 'on-notice'.

**Linda Tinney, 453 Cambridge Street, Floreat**

My question relates to the the principles report for the Review of Local Planning Scheme No: 1 and the preparation of Local Planning Scheme No.2.

**Question 1:**

A planning scheme, while lengthy, should not be subjected to eight referrals to the Development Committee, where at the whim of a councillor who has not done his due diligence prior to the entire process can be delayed for a further three months. I was present at the Planning Committee meeting last week. If this delay occurs in phase two, as we saw last week at the planning meeting due to a councillor not clarifying any points of confusion in the document produced by Urban Rise

entitled Principles Report for Review of Local Planning Scheme No.1, what is there to stop each of the next phases being delayed by months on end due to a councillor's lack of understanding of sometimes complex town planning issues?

**Response by Mayor Shannon:**

It is an adverse reflection on an elected member. It is inappropriate and you need to withdraw it.

**Question 2:**

By the way, Urban Rise did not produce the initial local planning strategy.

**Response by Mayor Shannon:**

I will take that question 'on-notice' and a response will be provided in writing.

**Jokie McKenzie, Durston Road, City Beach**

**Question 1:**

In response to my question 2 that I asked you during public question time at the 23 November Council meeting, you said the following: "Certainly, there is an area around the Town's offices that is also a potential 'free play' zone." Since you openly confirmed this, can you fully explain to ratepayers and to the Empire Park neighbourhood why a Native Bushland Habitat in a small neighbourhood park, that is maintained by our Town's staff, was selected by you for your 'Free Play' trial, when you very clearly admitted that there is an immediately suitable alternative around Town office - an alternative that would provide ample parking, is without surrounding neighbours and is immediately adjacent to the staff resources that you appear to envisage being involved?

**Response by Mayor Shannon:**

I do not believe that I said that the area around the Town's offices was an alternative to the Empire 'Free Play' zone. What has occurred is that the area around the Town's offices has been identified in other consultation with, in particular Floreat residents, as being as a possible alternative area for the kids who are currently wrecking Roscommon Nature Reserve. It was looked at in that regard.

**Question 2:**

Your initial notice of motion, as this appears in the Agenda for the 23 November 2021 Council meeting, contained three specific items, all directly pertaining to necessary safety considerations for your proposal. The first of the key items was:

3. suggested mentoring by an adult volunteer to work with the children to ensure track building is done safely, and I note that the words suggested is used - signifying that this is all it is and there is no formal or structured arrangement or agreement that children will be adequately supervised and kept safe.

4. weekly inspections of the site by the Town's officers to ensure the site isn't misused or dangerous structures have been built; and

5. monitoring by Town Rangers.

From your notice of motion and from items four and five, it appears that you definitely envisage what essentially would be a child minding involvement and role for our Town's staff. Is this really your intention, Mayor? And, if so, do you genuinely believe that it is appropriate, proper use of our Town's staff resources, particularly since it appears that a major portion of the only \$4,000 dollar approved project budgets would be spent on this staff role?

**Response by Mayor Shannon:**

No, Miss McKenzie. Currently, the Town's staff go around and actually check all the playgrounds. We have a program where we will go around and do general checking, and I think that was really what the proposal from the Director of Infrastructure was suggesting.

**Response by Director Infrastructure and Works**

That is correct. We would have our playground inspectors go over to the site weekly to have a look. If it requires more often, then we will do it more often. That is where we are at at the moment.

**Marian Bartsch, 453 Cambridge Street, Floreat**

**Question 1**

Why was there a delay voted on for three months to discuss at the previous planning meeting the principal report for review of Local Planning Scheme No: 1?

**Response by Mayor Shannon:**

The discussion at the Development Committee was such that a number of the Elected Members felt the next phase of the LPS required further explanation and articulation.

**Question 2**

As the Council is aware, we submitted a letter of support for mid density rezoning R60 on Cambridge straight up to Lissadell Street. A majority of land owners from Birkdale to Lissadell signed this letter of support, which was presented at the planning meeting and has now been lodged officially. Anyway, will the Council be more proactive in initiating a local planning scheme amendment to implement housing density change to Cambridge Street from Selby to Lissadell, as outlined in the fabulous Local Planning Strategy document that took four years to write? Or do we have to wait another four years, due to other complex issues that need to be resolved like rezoning requests from Christchurch Grammar Playing Fields and St John of God Hospital, just because one person decided he wants a perfect scheme map with all matters resolved.

**Response by Mayor Shannon:**

I am sorry but that is another adverse reflection. It was not one councillor that decided to adjourn the item to an Elected Member forum. It was a unanimous decision of the Development Committee. Presentation at an Elected Member forum allows a deeper discussion that does not occur at Committee.

**Question 3:**

Will you be more proactive in initiating a local planning scheme amendment or do we have to wait to resolve everything in the original document that was signed by the State Government? Or can we go, OK, here's some low hanging fruit. This is easy to do. It kind of fits what we need to do. It is clear strategic rationale, a medium density housing along the activity corridor, which you have expressed interest in seeing. A clear strategic direction is identified in the local planning strategy, and it is not going to change through the planning scheme review process and a group of willing and able landowners on on board to help Council bring along diversity and choice to the locality.

**Response by Mayor Shannon:**

This will be discussed at an Elected Member forum.

**Question 4:**

So you have all these professional people giving you advice like the Planning Committee and the Planning department. But then you have people who may be not across all the documents but have different points of view about rezoning that are not Town planners or architects or whatever. So whose decision is the one that is ultimate. Is it one or two councillors who are here for a few year?

**Response by Mayor Shannon:**

This is a matter for Council to decide.

**4. PETITIONS**

Nil

**5. DEPUTATIONS**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. CONFIRMATION OF MINUTES**

**Moved by Cr Barlow, seconded by Cr Carr**

**That the Minutes of the Ordinary Meeting of Council held on 23 November 2021 be confirmed.**

**Motion put and CARRIED (9/0) (Unanimous)**

**8. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

Nil

**9. COMMITTEE REPORTS**

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

Recommendations contained in the Committee Reports were adopted En-bloc, with the exception of the following items which were nominated for individual debate, require an Absolute Majority decision, or an Elected Member has disclosed an impartiality, financial or proximity interest.

<b>Development:</b>	Items DV21.102, 103, 104, 109, 113 and 115
<b>Community and Resources</b>	Items CR21.126, 128, 132 and 135
<b>Declaration of Interest:</b>	Item DV21.113 – Cr Barlow – Proximity Interest
	Item DV21.115 – Cr Mack - Impartiality Interest
	Item CR21.126 – Cr Fredericks – Impartiality Interest
	Item 14.2 – Cr Mack – Impartiality Interest
	Item 14.5 – CEO, Mr John Giorgi, JP – Financial Interest

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

**DV21.102 PRINCIPLES REPORT FOR REVIEW OF LOCAL PLANNING SCHEME NO.1 AND PREPARATION OF LOCAL PLANNING SCHEME NO. 2 – PARTS 2 AND 3 (RESERVES, ZONES AND ZONING TABLE)**

**PURPOSE OF REPORT:**

The purpose of this report is to present principles to be used to prepare Parts 2 and 3 of Local Planning Scheme No. 2 (LPS2). Adoption of the principles for the preparation of Parts 2 and 3 of the Scheme text will enable the further preparation of LPS2.

**SUMMARY:**

At the Ordinary Council Meeting held on 25 August 2020 (DV20.100), Council resolved to review Local Planning Scheme No. 1 and prepare LPS2. Further, at the Development Committee Meeting held 15 June 2021, Council resolved to endorse a report (DV21.53) relating to the proposed 'Aims and Objectives' of LPS2.

Town officers completed its review of Part 2 (Reserves) and Part 3 (Zones and use of land) of the existing Scheme and the relevant provisions of the Model Provisions. This report presents principles for the preparation of Parts 2 and 3 of LPS2. It is recommended that the suite of reserves and zones contained in LPS2 be based primarily on Schedule 1 (Model Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

It is recommended that land use permissibility is designated to be flexible in the Centre zone, to attract and facilitate successful, active commercial areas, and be somewhat restrictive in other zones in order to provide a degree of assurance as to the type of use and nature of development that can be expected in the Town.

**AUTHORITY / DISCRETION**

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	23 November 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	Senior Strategic Planning Officer, Christie Downie
Reporting Officer Interest	N/A
Attachment(s):	<ol style="list-style-type: none"> <li>1. Consultant Memorandum – Phase 2 (Reserves, Zones and Zoning Table)</li> <li>2. Draft Local Planning Scheme No. 2 Scheme Text (Parts 1 – 3)</li> <li>3. Draft Local Planning Scheme No. 2 Scheme Maps</li> <li>4. Draft Land Use Terms</li> </ol>

## **BACKGROUND:**

The Town of Cambridge Local Planning Scheme No. 1 (LPS1) was first gazetted in 1998 and prepared in a format commonly used for town planning schemes at the time. LPS1 has subsequently been amended on 39 occasions.

In October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) came into effect. The Regulations introduced the 'Model Provisions', a series of provisions which should be used as a basis in the preparation of local planning schemes throughout the state. The Regulations also introduced the 'Deemed Provisions', which are a series of standardised provisions automatically written into all local planning schemes.

Part 15, Division 1, Section 257B (3) of the *Planning and Development Act 2005* (the Act) states that if a deemed provision that has effect as part of a local planning scheme is inconsistent with provision of the scheme, the deemed provision prevails.

The Model Provisions, prescribe the format and content required for local planning schemes, which comprise six parts:

- Part 1 - Preliminary;
- Part 2 - Reserves;
- Part 3 - Zones and use of land;
- Part 4 - General development requirements
- Part 5 - Special Control Areas
- Part 6 - Terms referred to in Scheme;

At the Ordinary Council Meeting held on August 2017 (DV17.97), Council supported a report of review of the Town's LPS1 which recommended that a new Local Planning Scheme be prepared. On 29 November 2017, the Western Australian Planning Commission (WAPC) agreed with Council's recommendation contained within the report of review and noted that Council was preparing a Local Planning Strategy to inform the preparation of LPS2.

The Town has since prepared an omnibus amendment (Amendment 38) to the LPS1, which was gazetted in August 2019. The gazettal of the Amendment 38 brought the LPS1, generally, in line with the Model Provisions format; although many of the terms/definitions used, as well as zones and reserves names/types remained unchanged.

At the Ordinary Council Meeting held on 25 August 2020, Council resolved as follows:

1. *Pursuant to Part 4, Division 1, Section 19(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Part 5, Division 1, Section 72(1) of the Planning and Development Act 2005, resolves to PREPARE a new Local Planning Scheme with reference to the entirety of the Town of Cambridge and as shown on the Scheme Area Map (Attachment 2).*
2. *ENDORSES the outline project plan to prepare Local Planning Scheme No. 2 as detailed in this report.*
3. *APPROVES BY AN ABSOLUTE MAJORITY an amendment to the delegation of the exercise of its powers and duties contained in the Council's Register of Delegated Authority to the Development Committee – Division 12.2, in accordance with Sections 5.16 and 5.42 of the Local Government Act 1995 as shown in amended Attachment 3.*

On 30 April 2021, the WAPC endorsed the Town of Cambridge Local Planning Strategy, which has informed the work undertaken as part of this report; and will continue to inform the preparation of LSP2.

The first report to Council seeking support for the principles for the review of LPS1 and preparation of LPS2 was presented in June 2021 (DV21.53). This report addressed Part 1 (Preliminary) of LPS2 which primarily concerned the aims and objectives of the Scheme (referred to as 'Phase 1 Memo'). The Development Committee resolved to note the clauses that were in accordance with the Model Provisions, and support a set of aims for LPS2. The draft Local Planning Scheme No. 2 Scheme Text presented with this report (**Attachment 2**) includes Part 1, which aligns with the June 2021 resolution.

An internal Project Control Group (PCG) to guide the preparation of LPS2 has been formed. The PCG comprises Town officers, the project consultant and officers of the Department of Planning, Lands and Heritage. The PCG met on 1 September 2021 to discuss potential approaches to 'Phase 2' of the LPS2 project. The outcomes of the PCG, amongst other background research and analysis has informed the recommendations of this report.

#### DETAILS:

Parts 2 and 3 of LPS2 will be similar to Part 1 (Preliminary) of LPS1. Under the Model Provisions there are the following 12 clauses, of which 9 are standard, requiring limited or no modification. The table below sets out how Council can influence the provisions.

Clause	Matter	Ability to influence
13	Regional reserves	No. The reserves are set out in the Metropolitan Region Scheme and cannot be modified by LPS2.
14	Local reserves	Limited. A suite of local reserves and reserve objectives have been selected from the Model Provisions that most closely reflect the range of existing reserves in LPS1.
15	Additional uses for local reserves	Limited. The Town may set out additional uses that can occur within local reserves. Town administration has not identified any instances where this currently occurs, or is likely to occur in the future.
16	Zones	Limited. A suite of local zones and zone objectives have been selected from the Model Provisions that most closely reflect the range of existing zones in LPS1.
17	Zoning table	<b>Yes. Land use permissibility can be established to reflect the purpose and objectives of each zone.</b>
18	Interpreting zoning table	No. These are standard provisions that are set out in the Model Provisions.
19	Additional uses	<b>Yes. The Town can specify additional uses that, notwithstanding the zoning table, are permitted to occur on a particular site. LPS1 contains a number of additional uses.</b>
20	Restricted uses	Limited. The Town may set out restricted uses that can occur/not occur on a specific site, notwithstanding the land use permissibility established in clause 17 (Zoning table).
21	Special use zones	<b>Yes. The Town can specify land that is to be classified special use in order to accommodate future development of land where standard zoning cannot satisfactorily provide for the range of uses and forms of development that is expected.</b>
22	Non-conforming uses	No. These are standard provisions that are prescribed in the Model Provisions.

23	Changes to non-conforming use	No. These are standard provisions that are prescribed in the Model Provisions.
24	Register of non-conforming uses	No. These are standard provisions that are prescribed in the Model Provisions.

## Zones

### Clause 17 (Zoning table)

Generally, land use permissibility is proposed to be more inclusionary/flexible within the Centre zone, while being more restrictive in the Local Centre and Mixed Use zones; perhaps only marginally. This approach will allow land use with less restriction in major activity centres like West Leederville and Floreat Forum, while giving the Town a greater involvement in the determination of land use permissibility in smaller, more localised centres.

#### *Simplification of residential land use permissibility*

Notes 5 and 7 currently prohibit grouped and multiple dwellings in areas zoned R12.5 and R30 and below, respectively. These notes are aligned with certain parts of Local Law 43: Buildings on Endowment Lands & Limekilns Estate. It is intended that the continued operation of this restriction is dealt with in another part of the Scheme, likely clause 32 which deals with requirements that are '*additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies*'. The report associated with this phase of work will include more detailed discussion on this matter.

#### *Land uses exempt from development approval*

Modifications to the Deemed Provisions made in February 2021 introduced 'exempt class D uses'. Exempt class 'D' uses do not require local government development approval if the development has no works component (or approval is not required for the works component) and the conditions set out in the regulations are met. The proposed Zoning Table aligns with this part of the Deemed Provisions.

#### *Greater land use diversity in key activity centres*

Uses proposed to have a more inclusionary permissibility are those uses considered to generate interest and economic activity. These uses are appropriately located in key activity centres. Uses proposed to be made permitted or discretionary include:

1. In the Centre zone; Small Bar, Tavern, Amusement Parlour;
2. In the Local Centre zone; Medical Centre.

#### *Greater advertising of certain land uses*

A number of land use are proposed to be made 'A' uses in the respective zones. An 'A' use is a land use that the local government is required to advertise before making a determination on the land uses compatibility with surrounding land use. Uses added to this category are generally more permissible in the zone currently (i.e. 'P' or 'D').

Uses recommended to be made an 'A' use include:

1. In the Centre zone; Bulky Goods Showroom, Industry – Light.
2. In the Local Centre Zone; Cinema/Theatre, Club Premises, Restaurant/Café, Health Studio and Services Apartments.
3. In the Mixed Use zone; Club Premises, Tavern.

#### *Home Occupations*

In accordance with the Deemed Provisions, Home Occupation is exempt from requiring development approval across all zones. The land use is included in the Zoning Table and made a 'P' use across all zones.

### *Holiday Houses*

The consultant memorandum includes Holiday House in the land use terms and zoning table and recommends a 'P' use across most zones. This does not address the regulation of short stay accommodation sufficiently to reflect Council's existing resolutions on this matter (September 2018 and December 2018). As such it is recommended that the regulation of short stay accommodation is addressed separately to (but aligning with) the drafting of LPS2.

### *Adding new land use to align with the Model Provisions*

The Model Provisions contain a range of land use descriptions that are not currently described in LPS1. Land use descriptions deemed likely to occur within the Town have been added to the Zoning Table. The applicable term(s) are set out in **Attachment 4** and will be included in clause 38 of the final Scheme Text. The following land use terms have been added:

1. Residential uses; Aged or Dependant Persons Dwelling, Independent Living Complex, Home Business, Home Office, Residential Building, Holiday House.
2. Entertainment uses; Betting agency, Brewery.
3. Retail/Recreation uses; Convenience store, Home Store.
4. Accommodation uses; Residential Aged Care Facility.
5. Motor Vehicle Sales, Wash, Service uses; Motor Vehicle Repair
6. Civic and Cultural uses; Art Gallery, Exhibition Centre.

### **Clause 19 (Additional uses)**

Additional uses are applied in conjunction with the underlying zoning of the site, to result in land that may accommodate land use/s otherwise not allowed to occur in the designated zone.

The current Scheme includes eight additional use entries. These have been reviewed in light of the proposed LPS2 zones and zoning table. This has resulted in the deletion of most of the existing additional use entries, as the additional uses are capable of being approved under the proposed zone. Three additional use entries remain; a dental surgery within the Residential zone and two restaurants/cafes within the Residential zone.

The development standards associated with the retained additional uses will be reviewed in the next phase of work on LPS2. Any changes to zoning of land or the zoning table could impact the designation of additional uses. This will be monitored as this project continues.

### **Clause 21 (Special use zones)**

Special use zones are typically applied to a site to accommodate development is not well aligned to one of the standard scheme zones. The St John of God Hospital site and surrounding land is recommended to be zoned special use and be subject to conditions that align with the Medical Precinct Urban Design project that is nearing completion.

### **Scheme Maps**

Scheme Maps are being developed incrementally as the scheme review work progresses. **Attachment 3** depicts the recommended distribution of zones throughout the Town. Generally, land that is currently zoned Residential that is recommended to remain Residential is not coloured on the maps at present. This is to better highlight the areas that are recommended to be zoned differently to LPS1. Reserves are also generally not yet mapped where no change to the distribution of the reserve has been recommended.

*Density codings within activity centres*

Recommended density codings are only depicted on the draft Scheme Map where an Activity Centre (AC) code is proposed. Density codings for other areas will be recommended at a later phase of the LPS2 project. The purpose and rationale for each of the codings is discussed in the table below:

Centre	Proposed Coding	Comments
West Leederville Activity Centre, Wembley Activity Centre	R-AC0	Code to enable development provisions of the relevant precinct structure plan (activity centre plan) or local development plan to apply.
Ocean Village & Gayton Road Activity Centres	R-AC3	Development provisions of the R-Codes to guide development until a local development plan is adopted for each centre.  Future reports to Council will explore the most appropriate method to ensure that (a) a local development plan is adopted for each centre, prior to significant development; and, (b) the development outcomes expected under each local development plan.
Cambridge Street (Mixed Use, Local Centre and Residential zones)	To be confirmed.	Further reports on LPS2 will identify the most appropriate density coding for land zoned Mixed Use along Cambridge Street (generally between the Wembley Activity Centre and the Medical Precinct Special Use zone).  Coding of Local Centre and Residential properties along the remainder of the Cambridge Street corridor will also be explored in further reports to Council. Recommended codings and development requirements will be determined having regard to the Local Planning Strategy.
Special Use zone (Medical Precinct)	R-AC3	Land subject to an adopted local development plan (for St. John of God Hospital) and a local planning policy for the remainder of the zone. These instruments will guide development within the Special Use zone.  A coding of R-AC3 is recommended, which indicates a height of buildings up to 6 storeys. It is noted that an adopted local development plan, or relevant local planning policy (such as LPP2.5.2: Medical Precinct) may modify this height criteria.
West Leederville Mixed Use zone (Vincent Street West)	To be confirmed.	Further reports on LPS2 will identify the most appropriate density coding for land zoned Mixed Use at Vincent Street West.
Other various Local Centre zones	To be confirmed.	Further reports on LPS2 will identify the most appropriate density coding for land zoned Local Centre (other than those specified above). The recommended coding will have regard to the infill objectives of the Local Planning Strategy; which indicate providing for between 50-100 additional dwellings across each of the various centres.

*Zoning and Reservation of Lot 2 McClemons Road, Mount Claremont*

The Town has received a draft scheme amendment request (to LPS1) relating to the land at Lot 2 McClemons Road, Mount Claremont (known as the 'Christ Church Grammar School Playing Fields'). The amendment has not been adopted (initiated) by the Council. It is not appropriate to indicate any specific reservation and/or zoning at this point in time.

## **POLICY/STATUTORY IMPLICATIONS:**

Part 4 of the Regulations sets out the process for the preparation or adoption of a Local Planning Scheme. Part 5 of the Act relates to Local Planning Schemes.

### Delegation to Development Committee

Council has delegated to the Development Committee 'Authority to endorse guiding principles during the preparation of Local Planning Scheme No. 2' (Delegation 12.2.1, Function 4). If four or more members of the Development Committee cast the same vote, the decision will be treated as having effect. The item will appear on the Agenda for the next Ordinary Meeting of Council, however no decision of Council will be required as the item will have been resolved by the Development Committee, under delegated authority.

If however the Development Committee were of the view that a Council decision should be made on this matter, the matter should be referred to Council with a recommendation from the Development Committee.

## **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Endorsement of 'guiding principles' are not intended to prejudice or bind a future Council decision to adopt the draft local planning scheme. However a resolution on this item influences how the remainder of LPS2 is prepared.

## **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

## **STRATEGIC DIRECTION:**

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

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

- Strategy 4.1 Examine and better identify through planning and consultation those features and qualities which define our individual neighbourhoods
- Strategy 4.2 Create opportunities for greater housing choice in forms relevant to demand, lifestyle needs and location
- Strategy 4.3 Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character
- Strategy 4.4 Enhance and respect our existing streetscapes, setbacks and green spaces
- Strategy 4.5 Liaise with relevant agencies on planning, including provision for education and health facilities and service.

## **COMMUNITY ENGAGEMENT:**

Upon completion of drafting LPS2, public consultation will be undertaken in accordance with Part 4, Division 2 of the Regulations.

### **Preliminary community engagement**

The preparation of LPS2 follows the endorsement of the Town's Strategy in April 2021. The process for developing the Strategy included various opportunities for community engagement over a period of four years. The most recent consultation undertaken for the Strategy attracted 128 submissions.

While community engagement has been undertaken in the past, and the preparation of LPS2 aligns with the outcomes outlined in the Strategy, it is proposed the Town undertake preliminary engagement activities to raise awareness of the LPS2 project. In early 2022, Town officers intend to undertake the following activities:

1. Prepare and publish a webpage for the LPS2 project. This webpage will provide background information to the project and the ability for stakeholders to sign-up for email updates.
2. Prepare and send hard-copy letters to landowners of properties (and adjacent properties) likely to be subject to changes to development standards, generally inclusive of the following areas;
  - a. Cambridge Street Urban Corridor (West & East);
  - b. Floreat Activity Centre;
  - c. Gayton Road Neighbourhood Centre ('Empire Village');
  - d. Ocean Village Neighbourhood Centre; and,
  - e. The numerous 'Local Centres'.The letter will direct landowners to the Town's website to find out more information and to sign-up for future updates.
3. Publish notice of the LPS2 project and website page on the Town's website, the 'Cambridge News' section of the Post Newspaper and as part of the Town's regular email campaigns.

The content will be circulated to Elected Members prior to public distribution, as per Council Policy No: 018.

#### **ADMINISTRATION RECOMMENDATION:**

That Council:-

1. SUPPORTS, in principle, the proposed clauses 13 - 24 as set out in Attachment 2;
2. NOTES:
  - 2.1 the Consultant Memorandum contained at Attachment 1 of this report;
  - 2.2 that further reports to be received by Council may further modify clauses 13 - 24 as further preparation of Local Planning Scheme No. 2 occurs;
  - 2.3 that the regulatory framework applicable to short term rental accommodation be progressed separately to the preparation of Local Planning Scheme No. 2; and
  - 2.4 the preliminary consultation activities proposed to be undertaken in early 2022, as set out in the 'Community Engagement' section of this report.

#### **Committee Meeting 14 December 2021**

Debate ensued. Cr Timmermanis considered that, due to the primacy of the document, it should be determined by the whole of Council and not by Committee. The Administration was requested to provide further information on some of the proposed codings in the report as Cr Timmermanis said that there appeared to be a discrepancy between the Local Planning Strategy and the Local Planning Scheme. He therefore suggested that the item be further discussed at an Elected Member forum.

**COUNCIL DECISION:**

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That the item be deferred to an Elected Member Forum in March 2022 for further discussion.**

**Procedural motion put and CARRIED (9/0) (Unanimous)**

**DV21.103    LOT 120 (NO. 56) BRANKSOME GARDENS, CITY BEACH – PROPOSED SURFMIST COLORBOND ROOFING (WORK ALREADY UNDERTAKEN) AND ADDITIONS TO EXISTING GARAGE**

**PURPOSE OF REPORT:**

The purpose of this report is for Council to determine a development application for additions to an existing garage within the property's secondary street setback area, and for existing Colorbond 'Surfmist' roofing on the dwelling to remain that exceeds deemed-to-comply maximum roof reflectivity requirements.

**SUMMARY:**

**Garage Additions**

The northern side of an existing double garage, which is already located within the street setback area, is proposed to be extended 0.7m towards the secondary street (Dartmouth Avenue) boundary, resulting in a proposed street boundary setback of 1.5m in lieu of 3.75m. The remainder of the existing garage and portion of the dwelling immediately above the garage are set back 2.2m from the street boundary. Solid walls of up to approximately 2.6m in height exist along the secondary street boundary.

Buildings within the street setback area of nearby properties are not common. Properties within the immediate vicinity have generous setbacks to the street. The property across the road, which also has its traditional secondary street setback to Dartmouth, is set back between 3m and 3.5m.

The desired future character of City Beach is to maintain traditional street setbacks. Although it is not a significant addition in itself, in this instance, it is combined with tall solid walls and a double storey building within the street setback area, and as such, would further detract the traditional setback. It also has the potential to set an undesirable precedent applications of a similar nature would likely be made in the future.

**Retrospective Roofing (Works Already Commenced)**

'Surfmist' Colorbond metal sheeting has a solar reflectivity index exceeding the deemed-to-comply maximum of 40%.

While 'Surfmist' is a metal sheeting roof colour that is generally not supported, due to it having the potential to cause excessive glare, in this instance it is considered that there will not be an adverse glare impact on the adjoining properties, due to there not being any direct line of sight from major openings or outdoor living areas of the adjoining properties to the roof of the subject property.

The pitch is also reasonably low at 10 degrees (a 5% pitch or less is not required to meet this requirement), and the roof form does not significantly pitch towards the streets or neighbouring property. In addition, the existing thick vegetation at the front of the property obstructs views of the dwelling from both streets, at least at this stage.

Considering all of the above, it is recommended that the 'Surfmist' Colorbond roofing aspect of the application be approved, and the garage addition aspect be refused.

## AUTHORITY/DISCRETION:

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input type="checkbox"/>	Information	For the Council/Committee to note.

## DELEGATION:

In accordance with cl12.1.4 of the Town's Delegation Register, the Council is required to determine the application for the following reason:

*"2. The determination of a development application under Cl. 34 (2) of Local Planning Scheme No. 1."*

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

## BACKGROUND:

Address:	Lot 120 (No. 56) Branksome Gardens, City Beach
Report Date:	14 December 2021
File Reference:	DA21/0302
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Coordinator Statutory Planning, Andrew Bratley
Reporting Officer Interest:	Nil
Attachments:	1. Development Plans

Applicant:	Evolution Build, Renovate, Extend
Owner:	M Rodgers
Zoning:	Residential R12.5
Precinct:	P1 - City Beach
Development Description:	'Surfmist' Colorbond Roofing (Work Already Undertaken) and Additions to Existing Garage
Development Value:	\$7,500
Existing Land Use:	Residential – Single House
Proposed Land Use:	N/A – works associated with existing use
Land Area:	742m <sup>2</sup>
Heritage Listing:	No
Application Date:	22 October 2021
Application Process Days:	53 days

## DETAILS:

### Proposal

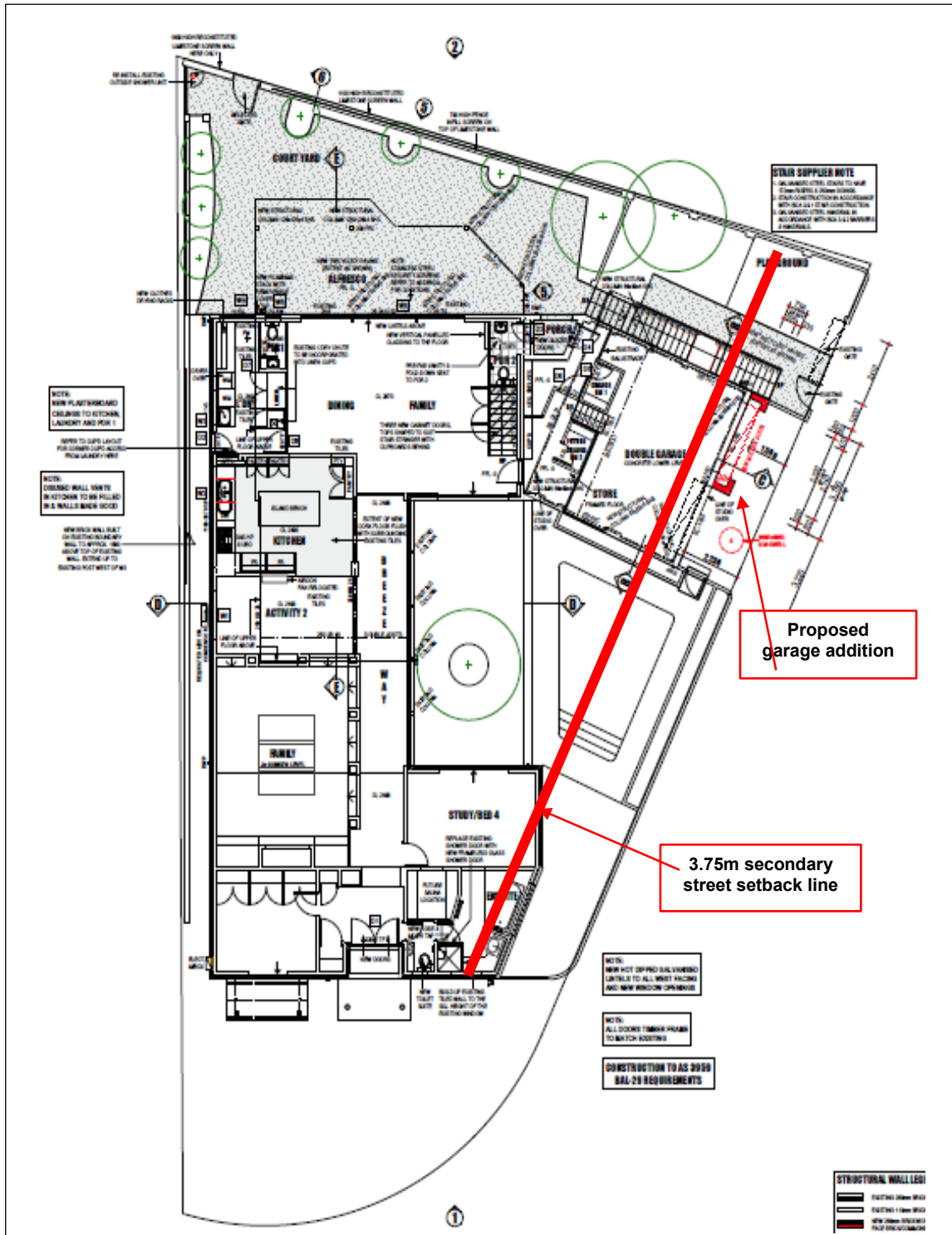
The proposal is for the northern portion of an existing double garage to be located within the 3.75m secondary street setback area.

The proposed addition will be set back 1.5m from the secondary street boundary, will have a maximum height of 2.7m above natural ground level and be 3.78m wide. The addition is being proposed so that the landowner can park their trailer undercover.

In addition, retrospective development approval is being sought for 'Surfmist' Colorbond roofing to remain on the two storey section of the dwelling located towards the western portion of the subject site. The roofing concerned has a 10 degree pitch.

The diagram below shows the extent by which the garage will encroach into the street setback area.

**Figure 1 – Plan showing the extent of the encroachment into the street setback area**



## Site History

Date of Decision/Event	Summary of Decision/Event
13 October 2015	Development approval granted by Council for a garage, gymnasium and an upper floor living area at 56 Branksome Gardens, City Beach. The approved plans show concealed roofing of up to 8.4m in height in lieu of 7.5m, and the garage being setback 3.8m from the Dartmouth Avenue boundary.
0 September 2016	<p>Development approval granted under delegated authority for various additions to the existing single dwelling.</p> <p>The approved plans show the garage, and a studio above the garage, both being setback 2.2m from the Dartmouth Avenue boundary.</p> <p>The approved elevations show 'hardiplank cladding' and 'fibre cement blue board cladding' being affixed to the upper storey of the dwelling.</p> <p>No roofing colour details are shown on the approved plans, and were not provided separately as part of the application.</p> <p>Amongst others, the following condition was included:</p> <p>"2. <i>The roof material not to be zincalume, white or off-white Colorbond.</i>"</p>
1 March 2018	<p>Development application refused under delegated authority for an existing roof belonging to the single dwelling to be changed to 'Surfmist' Colorbond (0015DA-2018).</p> <p>(i) <i>The proposed roof colour does not meet the requirements of Clause 8 of Local Law 43; and</i></p> <p>(ii) <i>The proposed roof colour could result in excessive glare for neighbouring properties and the streetscape.</i></p> <p>Subsequently, no further development application(s) was received in relation to proposed 'Surfmist' Colorbond roofing at the subject site.</p>
25 April 2018 to 24 June 2018	Somewhere between these dates light coloured (Surfmist) Colorbond roofing was installed on the two storey section of the dwelling on the subject site, despite the refusal for the surfmist roof in March 2018.

## Site Context

The subject property is located on the corner of Branksome Gardens and Dartmouth Avenue in the City Beach precinct. To the west of the property is public open space (Challenger Park).

The site is occupied by a two storey dwelling which is set back a minimum 7m from the primary street (Branksome Gardens) and set back a minimum of 2.2m from the secondary street (Dartmouth Avenue).

The immediate locality consists of a mixture of single and double storey dwellings. The streetscape has a character predominantly comprising of buildings behind the street setback area.

Refer to the aerial map below.

**Figure 2 - Aerial Map of Subject Site and Surrounding Locality**



**CONSULTATION:**

**Public Consultation**

The landowner of the subject site provided 3 submissions of non-objection from the affected nearby properties.

**STATUTORY ASSESSMENT:**

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

<i>Clause 26(1)(a) Modification of R-Codes</i>		
	<b>Required</b>	<b>Proposed</b>
Secondary Street Setback (Garage Addition)	3.75m	1.5m minimum
<p><b>Clause 34 - Variations to Site and Development Requirements</b></p> <p>"(1)(a) an application for planning approval which does not comply with a standard or requirement of this Scheme, where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; ...</p> <p>(2) Subject to sub clause (3), the Council may refuse or approve a non-complying application with or without conditions".</p>		

Local Planning Policy 3.1 – Streetscape

*“1. Consideration of a non-complying application for street setbacks as prescribed in the Scheme*

*...Council may have due regard to the criteria below when considering a non-complying application under Clause 34 of the Scheme.*

- a. The proposed development within the prescribed scheme setback area shall meet the Desired Future Character of the area;*
- b. Any building or part of the building (including a carport) in the prescribed scheme setback area shall be set back from side boundaries to preserve a streetscape of distinctly separate single residences separated by open space, and to preserve the amenity of neighbouring properties;*

**Assessment**

The Desired Future Character of the City Beach precinct encourages open frontages that are well landscaped presenting unbroken streetscape vistas that are not dominated by buildings and structures within the street setback area. There is also an expectation that fencing located within this will be visually permeable to foster the open view onto the street.

Given the property already contains significant solid fencing and a two storey building within the secondary street setback area, it is considered the garage addition will further exacerbate the dominance of structures located within the street setback area. As a result, the proposal will reduce the maintenance of the traditional street setbacks outlined in the character descriptions.

The photograph below shows the existing appearance of the property as viewed from Dartmouth Avenue, and includes a red outline of the addition's proposed location.

**Figure 3 - Photograph of the property as viewed from Dartmouth Avenue**



Having due consideration of the relevant sub-clauses of cl67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it is considered that the addition, in this particular case, will have an impact on the prevailing and desired development context due to the surrounding character of the area. The garage addition will add to the dominance of structures on the secondary street setback and as such will have a negative impact on the streetscape.

The proposed garage addition is therefore not supported.

### **Local Law 43 - Buildings on Endowment Lands & Limekilns Estate (Local Law 43) and Local Planning Policy 3.1 – Streetscape (LPP3.1)**

<b>Local Law 43 and LPP3.1 Requirement</b>	<b>Material Proposed</b>
<i>Metal roofing with a pitch of more than 5 degrees shall not be constructed with metal sheeting having a solar reflectivity index exceeding 40%.</i>	Retrospective development approval is being sought for existing metal sheeting roofing on the two storey portions of the dwelling to remain. The roofing pitches 10 degrees, with 'Surfmist' Colorbond roofing which has a solar reflectivity index that exceeds 40%.
<p><u>Clause 2B (Local Law 43)</u>  <i>"In a residential district the Council may permit land to be developed subject to such conditions as the Council deems fit:–</i></p> <p><i>a) for use for a purpose which is not permitted in that district;</i></p> <p><i>b) notwithstanding that the developments will not comply with the standard or requirement prescribed by this by-law in that district.</i></p> <p><i>if the Council is satisfied by an absolute majority that:–</i></p> <p><i>i) the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities; and</i></p> <p><i>ii) the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality".</i></p>	
<p><u>Design Principles of Cl.8 (LPP3.1)</u>  <i>Roofing materials shall not result in excessive glare upon neighbours and the streetscape due to the position, location, pitch, and finishes used.</i></p>	

### **Assessment**

The existing roof form of the dwelling mainly pitches to the east and west, however a small portion towards the centre of the site pitches north and south.

Colorbond metal sheeting in 'Surfmist' has a high solar reflectivity index of 82%, which is said to assist in improving the sustainability of dwellings by reflecting solar heat.

It is noted that the Town has spent some time researching the technicalities of roof reflectivity and has not been able to find any conclusive information on acceptability of roof colours in relation to potential nuisance. Industry information suggests solar absorbance/roof reflectivity for thermal considerations is not the same as 'specular' reflectivity, which is the visual/light reflectivity which would relate to the glare nuisance. The Town's Local Law 43 and Local Planning Policy 3.1 appear to be based on roof reflectivity as the inverse of solar absorbance.

Notwithstanding this, it is agreed that a potential glare nuisance is heavily dependent on the circumstances such as viewing angle, time of day, texture/shape of surface, source, direction of light, and length of exposure. Refer *Neurosurgia Pty Ltd and Town of Cambridge [2006] WASAT 337*.

It is also accepted that glare can come from many sources in the environment including the sun and sea. It is not expected that the Local Law and Policy provisions are expecting to eliminate all glare.

Nonetheless, it is accepted that Colorbond metal sheeting in 'Surfmist' can be highly reflective of sunlight, which can result in excessive glare to adjoining properties and the streetscape.

While 'Surfmist' Colorbond roofing is generally not supported, for this reason, in this instance it is considered that there will not be an adverse glare impact on the streetscape or adjoining properties.

In addition, in this situation, existing mature trees and thick vegetation along the adjoining portion of verge, which are not proposed to be removed and are shown in the below image, adequately obscure view of the dwelling from the street. Notwithstanding, if the existing trees and vegetation were removed, there will be minimal glare to the streetscape as the roof has a 10 degree pitch which is relatively low.

**Figure 4 – View of the roofing from Branksome Gardens**



**Figure 5 – View of the roofing from Dartmouth Avenue**



Any roof glare reflecting to the north and south will not have an adverse impact on the nearest properties at 54 and 58 Branksome Gardens, City Beach, as the dwellings here do not have any major openings or outdoor living areas that provide a direct line of sight to the roof of the subject dwelling.

The ground levels within the immediate vicinity do not slope steeply, therefore, there are no major openings or outdoor living areas on the properties to the east which look out directly onto the roofing.

Challenger Park is to the west, therefore, no dwellings will be impacted by any roof glare reflecting to the west.

No submissions were received during the public consultation period, and no complaints have been received by the Town regarding the roofing colour or any glare since it was installed in mid-2018. When the roof colour was originally refused in 2018, there was one objection relating to glare.

Considering the above, the application is considered to meet Clause 2B of Local Law 43 and the design principles of LPP3.1, as the 'Surfmist' roof colour does not have an adverse impact on the surrounding properties or streetscape, due to the position, location and pitch of the roof form, and will therefore be consistent with the orderly and proper planning of the locality.

## **CONCLUSION:**

In this situation, it is considered that there is a low risk that the proposed 'Surfmist' Colorbond roofing will have an adverse glare impact on the adjoining properties, due to the position, location and pitch of the roof form.

It is also considered that there will not be an adverse glare impact on the streetscape, as the roof form does not significantly pitch towards the streets. In addition, the existing thick vegetation at the front of the property obstructs views of the dwelling from both streets, at least at this stage.

However, the garage addition is proposed within a street setback area already dominated by high solid street fencing and a two storey building. The nature of the garage addition proposal will not be consistent with the desired future character of the City Beach Precinct. As such, the proposed development will not maintain the open appearance of the area's local character.

Considering the above, it is recommended that the 'Surfmist' Colorbond roofing aspect of the application be approved, and the garage addition aspect be refused.

#### **FINANCIAL IMPLICATIONS:**

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

#### **LEGISLATIVE CONSIDERATIONS:**

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

#### **STRATEGIC DIRECTION:**

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

#### **Our Neighbourhoods**

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

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

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

#### **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. The requirements for consultation have been satisfied under the provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

**ADMINISTRATION RECOMMENDATION:**

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council:

1. APPROVES the aspect of the application for the existing surfmist Colorbond roofing at No. 56 (Lot 120) Branksome Gardens, City Beach as shown on the attached plans stamped received 22 October 2021, subject to the following:
  - 1.1 The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval; and
  - 1.2 All stormwater shall be contained and disposed of on-site for the development, to the satisfaction of the Town.
2. REFUSES BY ABSOLUTE MAJORITY the aspect of the application to construct additions to the existing garage at No. 56 (Lot 120) Branksome Gardens, City Beach as shown on the attached plans stamped received 22 October 2021, for the following reasons:
  - 2.1 The proposal is a non-conforming application under Clause 26(1)(a) of *Local Planning Scheme No. 1*;
  - 2.2 The proposal does not satisfy Clause 67(m) and (n) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposed reduced street boundary setback will have an adverse impact on the local amenity due to the cumulative bulk of the structure, that includes solid walls within the street setback area, and will not be aligned with the Desired Future Character of the City Beach precinct under *Local Planning Policy 3.1 – Streetscape* due to the development not maintaining the traditional street setback; and
  - 2.3 The proposal does not satisfy Policy Objective 3 of the Town's *Local Planning Policy 3.1 – Streetscape*, as the proposed reduced street setback would not be respectful of the established streetscape character and amenity of the locality due to the further visual dominance the structure will have on the streetscape, and that the properties on Dartmouth Avenue predominantly do not contain structures within the primary street setback.

Standard Advice Notes to be included by the Administration

**Committee Meeting 14 December 2021**

Debate ensued.

**AMENDMENT:**

Moved by Cr Haddon-Casey, seconded by Mayor Shannon

That clause 1 of the motion be amended by inserting 'with discretion being exercised on the basis that the existing roof is not overlooked and is on a 10 degree pitch'.

Amendment put and CARRIED (5/0) (Unanimous)

Cr Timmermanis foreshadowed that should clause 2 of the motion be lost, he intended to move that the application to construct additions to the existing garage be approved.

The Presiding Member, Mayor Shannon advised that, in accordance with Clause 9.8 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the motion be divided into two separate motions.

1. APPROVES the application for the additions to the existing garage and existing surfmist Colorbond roofing at No. 56 (Lot 120) Branksome Gardens, City Beach as shown on the attached plans stamped received 22 October 2021, with discretion being exercised on the basis that the existing roof is not overlooked and is on a 10 degree pitch, subject to the following:
  - 1.1 The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval; and
  - 1.2 All stormwater shall be contained and disposed of on-site for the development, to the satisfaction of the Town.

Motion, as AMENDED, put and CARRIED (5/0) (Unanimous)

2. REFUSES BY ABSOLUTE MAJORITY the aspect of the application to construct additions to the existing garage at No. 56 (Lot 120) Branksome Gardens, City Beach as shown on the attached plans stamped received 22 October 2021, for the following reasons:
  - 2.1 The proposal is a non-conforming application under Clause 26(1)(a) of *Local Planning Scheme No. 1*;
  - 2.2 The proposal does not satisfy Clause 67(m) and (n) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposed reduced street boundary setback will have an adverse impact on the local amenity due to the cumulative bulk of the structure, that includes solid walls within the street setback area, and will not be aligned with the Desired Future Character of the City Beach precinct under *Local Planning Policy 3.1 – Streetscape* due to the development not maintaining the traditional street setback; and
  - 2.3 The proposal does not satisfy Policy Objective 3 of the Town's *Local Planning Policy 3.1 – Streetscape*, as the proposed reduced street setback would not be respectful of the established streetscape character and amenity of the locality due to the further visual dominance the structure will have on the streetscape, and that the properties on Dartmouth Avenue predominantly do not contain structures within the primary street setback.

Standard Advice Notes to be included by the Administration

Motion put and LOST (0/5) (Unanimous)

The Administration suggested that clause 1 of the motion could be amended to include approval of the garage as follows:

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council:

1. APPROVES the application for the additions to the existing garage and existing surfmist Colorbond roofing at No. 56 (Lot 120) Branksome Gardens, City Beach as shown on the attached plans stamped received 22 October 2021, with discretion being exercised on the basis that the existing roof is not overlooked and is on a 10 degree pitch, subject to the following:
  - 1.1 The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval; and
  - 1.2 All stormwater shall be contained and disposed of on-site for the development, to the satisfaction of the Town.

**PROCEDURAL MOTION:**

Moved by Cr Haddon-Casey, seconded by Cr Timmermanis

That the item be recommitted.

Motion put and CARRIED (5/0) (Unanimous)

The item was recommitted at 6.43 pm.

In accordance with Clause 9.11 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the mover of the motion, with the consent of the seconder, amended the motion accordingly.

**COUNCIL DECISION:  
(COMMITTEE RECOMMENDATION)**

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council:**

1. APPROVES the application for the additions to the existing garage and existing surfmist Colorbond roofing at No. 56 (Lot 120) Branksome Gardens, City Beach as shown on the attached plans stamped received 22 October 2021, with discretion being exercised on the basis that the existing roof is not overlooked and is on a 10 degree pitch, subject to the following:
  - 1.1 The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval; and
  - 1.2 All stormwater shall be contained and disposed of on-site for the development, to the satisfaction of the Town.

**Motion put and CARRIED (9/0) (Unanimous)**

**DV21.104 LOT 1 (NO. 5) CAMBORNE AVENUE, CITY BEACH – PROPOSED ADDITIONS TO EXISTING SINGLE DWELLING – S31 RECONSIDERATION**

**PURPOSE OF REPORT:**

The purpose of this report is for Council to reconsider a development application for additions to an existing single dwelling (originally a carport, now amended to a portico).

**SUMMARY:**

The application for development approval for a carport within the primary street setback area was refused by Council in July 2021 (refer to attachment 3).

The proposal was not considered to positively contribute to the prevailing or future development context of the City Beach Precinct.

In response to the refusal, the Applicant sought a review of the decision with the State Administrative Tribunal (SAT).

As part of the SAT process, and subsequent mediation, the Applicant has submitted amended plans to address the reasons for refusal. The carport has been removed and a portico extension is proposed instead. The existing primary street setback area fencing at the property is also being altered which will result in the primary street setback area being more open, and the entire development having less of a visual impact on the streetscape.

The SAT has invited the Council to reconsider the proposal in accordance with Section 31 of the *State Administrative Tribunal Act 2004*. Accordingly, this report to Council addresses only those matters that have been affected by the alterations made to the application submitted for further reconsideration.

It is considered that the amended addition will not occupy a significant amount of the street setback area, and due to the lightweight construction and concealed roof form it is considered the proposal will not have a strong bulk presence within the streetscape and will improve the existing unusual two-storey flat facade of the dwelling.

Accordingly, it is recommended that the application be approved.

**AUTHORITY/DISCRETION:**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input checked="" type="checkbox"/> | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

## DELEGATION:

In accordance with cl12.1.4 of the Town's Delegation Register, the Council is required to determine the application for the following reasons:

- “5. *Reconsideration of applications pursuant to Section 31 of the State Administrative Tribunal Act 2004, where the application was originally determined by resolution of Council.*”

## BACKGROUND:

Address:	Lot 1 (No. 5) Camborne Avenue, City Beach
Report Date:	7 December 2021
File Reference:	DA21/0079
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Statutory Planning Officer, Morgan Hutton
Reporting Officer Interest:	Nil
Attachments:	1. Development Plans 2. Applicant's Comments

Applicant:	Dynamic Planning and Developments
Owner:	John Ralston Hutton & Alison Ainsley Hutton
Zoning:	Residential R12.5
Precinct:	P1: City Beach
Development Description:	Additions to existing single dwelling
Development Value:	\$18,000
Existing Land Use:	Single dwelling
Proposed Land Use:	N/A – works associated with existing
Land Area:	905m <sup>2</sup>
Heritage Listing:	No
Application Date:	26 March 2021

## DETAILS:

### Proposal

The Applicant has submitted amended plans (stamped received 10 November 2021) for reconsideration which proposes a portico extension and the alteration of the front fencing to now be 'open style'.

The purpose of the proposed portico extension is to provide a degree of coverage vehicles and provide articulation to the front façade.

The underside of the portico is proposed to be timber cladding which is a Local Law 43 variation.

The following table provides a summary of the refused and amended applications and highlights where the variations being sought in the refused application have been addressed where necessary.

<b>27 July 2021 Development Application (Refused)</b>	<b>11 November 2021 Amended Application (Reconsideration)</b>
<ol style="list-style-type: none"><li>1. Double carport set back 1.5m from the primary street, in lieu of 7.5m.</li><li>2. Existing solid fencing within primary street setback area to remain.</li></ol>	<ol style="list-style-type: none"><li>1. Portico extension set back 4m from the primary street, in lieu of 7.5m.</li><li>2. Solid fencing removed and replaced with 'open style' fencing.</li></ol>

The perspective image below (figure 2) was provided by the applicant in addition to the plans (refer to attachment 1). It should be noted that the upper storey eave shown in Figure 2 is shown as being thicker than what is. The upper storey eave is not being changed.

**Figure 1 – View of the subject property from Camborne Avenue**



**Figure 2 – Street Perspective of Proposal**



### Site Context

The site is situated within the City Beach Planning Precinct, on a corner lot, and is boundary by Camborne Avenue (primary street) to the east, and Boscastle Avenue (secondary street) to the north.

The site comprises of a two storey dwelling, which includes a double garage behind the front setback. A small porch (portico) is set back on an angle between approximately 4m to 6m from the primary street. Solid fencing of approximately 2m in height exists within the primary street setback area.

The locality consists predominantly of single and two storey single dwellings, with some older nearby properties containing unenclosed carports within their primary street setback area (e.g. 3 Boscastle Avenue and 3A Camborne Avenue).



## STATUTORY ASSESSMENT:

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

<i>Clause 26(1)(a) Modification of R-Codes</i>		
	<b>Required</b>	<b>Proposed</b>
Primary Street Setback (Portico Extension)	7.5m	4m – 6m
<p><b>Clause 34 - Variations to Site and Development Requirements</b>  <i>"(1)(a) an application for planning approval which does not comply with a standard or requirement of this Scheme, where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; ...</i></p> <p><i>(2) Subject to sub clause (3), the Council may refuse or approve a non-complying application with or without conditions".</i></p> <p><b><u>Local Planning Policy 3.1 – Streetscape</u></b>  <i>"1. Consideration of a non-complying application for street setbacks as prescribed in the Scheme</i></p> <p><i>...Council may have due regard to the criteria below when considering a non-complying application under Clause 34 of the Scheme.</i></p> <ul style="list-style-type: none"> <li><i>a. The proposed development within the prescribed scheme setback area shall meet the Desired Future Character of the area;</i></li> <li><i>b. Any building or part of the building (including a carport) in the prescribed scheme setback area shall be set back from side boundaries to preserve a streetscape of distinctly separate single residences separated by open space, and to preserve the amenity of neighbouring properties;</i></li> <li><i>c. In relation to carports in the street setback area, where the dwelling is being retained and the dwelling was constructed prior to 1970 and as such is considered to form part of the historical character of the area:</i> <ul style="list-style-type: none"> <li><i>i. The existing dwelling presents to the street as single storey or the original dwelling is two-storey.</i></li> <li><i>ii. The existing garaging is sub-standard in terms of its internal dimensions, and cannot provide cover for two vehicles.</i></li> <li><i>iii. A single carport is being replaced by a double carport that is open on all sides and in accordance with Clause 3.1 C1.5 of this Policy.</i></li> <li><i>iv. If the existing dwelling is remaining, whether adequate space is available to provide covered car space(s) behind the street setback.</i></li> </ul> </li> </ul>		

## Assessment

The proposed portico extension will provide a degree of vehicle cover to the driveway, whilst not dominating the front setback area.

The portico extension is unenclosed, flat roofed (2.9m in height compared to the refused carport height of 3.25m), and will create articulation.

The neighbouring property to the south (3 Camborne Avenue) has a carport located within the primary street setback area which is located closer to the street than the proposed portico extension, which means the impact will be reduced.

The removal of the existing solid front fencing and addition of new 'open style' fencing, will open up the front garden, and allow the landscaping provided within the primary street setback area to be more visible to the street. The front fencing proposed meets the deemed-to-comply requirements.

The street setback of the dwelling and the landscaping within the street setback area will assist with reducing the visual presence and any bulk impact of the portico within the streetscape.

Having due consideration of the relevant sub-clauses of cl67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it is considered that the addition, in this particular case, will not have a significant impact on the prevailing and desired development context due to the surrounding character of the area, and will improve the existing (approved) fencing.

The proposed non-complying application is therefore supported.

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

Clause 7(a)		
	<b>General Regulation</b>	<b>Proposed</b>
Construction materials	<i>All single storey single occupancy dwelling houses and all buildings other than dwelling houses shall be constructed of brick, stone, concrete or similar material.</i>	Timber cladding to the underside of the proposed portico extension.
Clause 2B		
<i>"In a residential district the Council may permit land to be developed subject to such conditions as the Council deems fit:–</i>		
<i>a) for use for a purpose which is not permitted in that district;</i>		
<i>b) notwithstanding that the developments will not comply with the standard or requirement prescribed by this by-law in that district.</i>		
<i>if the Council is satisfied by an absolute majority that:–</i>		
<i>i) the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities; and</i>		
<i>ii) the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality".</i>		

### **Assessment**

The timber cladding is proposed to be located on the underside of the portico extension and will only be fully visible when standing close to the existing dwelling. Therefore, the timber cladding is not considered to visually impact the streetscape and will enhance the architectural quality of the proposal.

The application is considered to not detract from the objectives of Local Law 43, and it is therefore recommended that the application be approved.

### **CONCLUSION:**

With the portico extension being unenclosed, and open style fencing and landscaping within the street setback area proposed to replace the existing solid fencing, it will assist with reducing the visual presence and bulk impact of the portico within the streetscape. In addition, the flat roof form of the portico is also considered to reduce the bulk and visual presence of the portico within the streetscape.

The proposed timber cladding to the underside of the proposed portico extension is consistent with the overall intent of the Local Law and will provide an acceptable finish.

For the above reasons, it is recommended that Council sets aside its previous decision and approves the application.

## **FINANCIAL IMPLICATIONS:**

Costs may be incurred by the Town if the matter proceeds to a final hearing at the State Administrative Tribunal (SAT).

## **LEGISLATIVE CONSIDERATIONS:**

*Metropolitan Region Scheme*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
*Local Planning Scheme No. 1*  
*State Planning Policy 7.3 - Residential Design Codes Volume 1*  
*Local Planning Policies*  
*Local Law 43 - Buildings on Endowment Lands & Limekilns Estate*  
*State Administrative Tribunal Act 2004*

## **STRATEGIC DIRECTION:**

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

### **Our Neighbourhoods**

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

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

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

## **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. The requirements for consultation have been satisfied under the provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

## **COUNCIL DECISION:**

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That, pursuant to S31 of the *State Administrative Tribunal Act 2004*, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, and the provisions of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate*, Council SETS ASIDE ITS PREVIOUS DECISION AND APPROVES BY ABSOLUTE MAJORITY the application for proposed additions to the existing single dwelling at Lot 1 (No. 5) Camborne Avenue, City Beach as shown on the attached plans stamped received 10 November 2021, subject to the following conditions:**

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;**
- 2. The timber cladding shall be finished, and maintained thereafter, by the landowner to the satisfaction of the Town; and**

- 3. All stormwater shall be contained and disposed of on-site for the life of the development to the satisfaction of the Town.**

**Standard Advice Notes to be included by the Administration.**

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

**DV21.105 LOT 643 (NO. 8) NIRIBI ROAD, CITY BEACH – PROPOSED ADDITIONS TO EXISTING SINGLE DWELLING**

**PURPOSE OF REPORT:**

The purpose of this report is for Council to determine a development application for additions to the front of the existing dwelling which encroach into the street setback area, and for additions which do not comply with the deemed-to-comply provisions in relation to side lot boundary setbacks.

**SUMMARY:**

An addition to an existing bedroom and a new ensuite are proposed to be set back 0.68m in lieu of 1m from the eastern (side) lot boundary. Considering that their finished floor levels will be lower than the neighbouring property's finished ground level, that they will not be directly visible from any major openings on the neighbouring property, and will be adjacent to the neighbour's driveway, the additions will not result in building bulk having a significant impact on the neighbour's visual amenity.

The existing bedroom at the front of the dwelling is proposed to be extended 0.62m towards the street boundary, resulting in a nib wall being proposed to be set back 6.4m, and an eave being set back 6.2m, both in lieu of 7.5m from the street boundary.

Buildings within the street setback area of nearby properties are not common. However, the extent of the encroachment into the street setback area, the topography of the land (which slopes from the east to the west), and the existence of a carport within the street setback area, means that in this circumstance the eave and the nib wall will not have a significant visual impact on the streetscape and the general character of the local area.

Accordingly, it is recommended that the application be approved.

**AUTHORITY/DISCRETION:**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input checked="" type="checkbox"/> | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

**DELEGATION:**

In accordance with cl12.1.4 of the Town's Delegation Register, the Council is required to determine the application for the following reason:

- "2. *The determination of a development application under Cl. 34 (2) of Local Planning Scheme No. 1.*"

## BACKGROUND:

Address:	Lot 643 (No.8) Niribi Road, City Beach
Report Date:	14 December 2021
File Reference:	DA21/0312
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Coordinator Statutory Planning, Andrew Bratley
Reporting Officer Interest:	Nil
Attachments:	1. Development Plans

Applicant:	Inhouse Building Design
Owner:	N and D Smith
Zoning:	Residential R12.5
Precinct:	P1 - City Beach
Development Description:	Additions to Existing Single Dwelling
Development Value:	\$450,000
Existing Land Use:	Residential – Single House
Proposed Land Use:	N/A – works associated with existing use
Land Area:	738m <sup>2</sup>
Heritage Listing:	No
Application Date:	3 November 2021
Application Process Days:	41 days

## DETAILS:

### Proposal

The proposal is for additions to the front of an existing ground floor bedroom, and for a new ensuite to be constructed at the rear of the bedroom.

The bedroom is proposed to be extended forward, resulting in a nib wall being proposed to be set back 6.4m, and an eave being set back 6.2m, both in lieu of 7.5m from the street boundary.

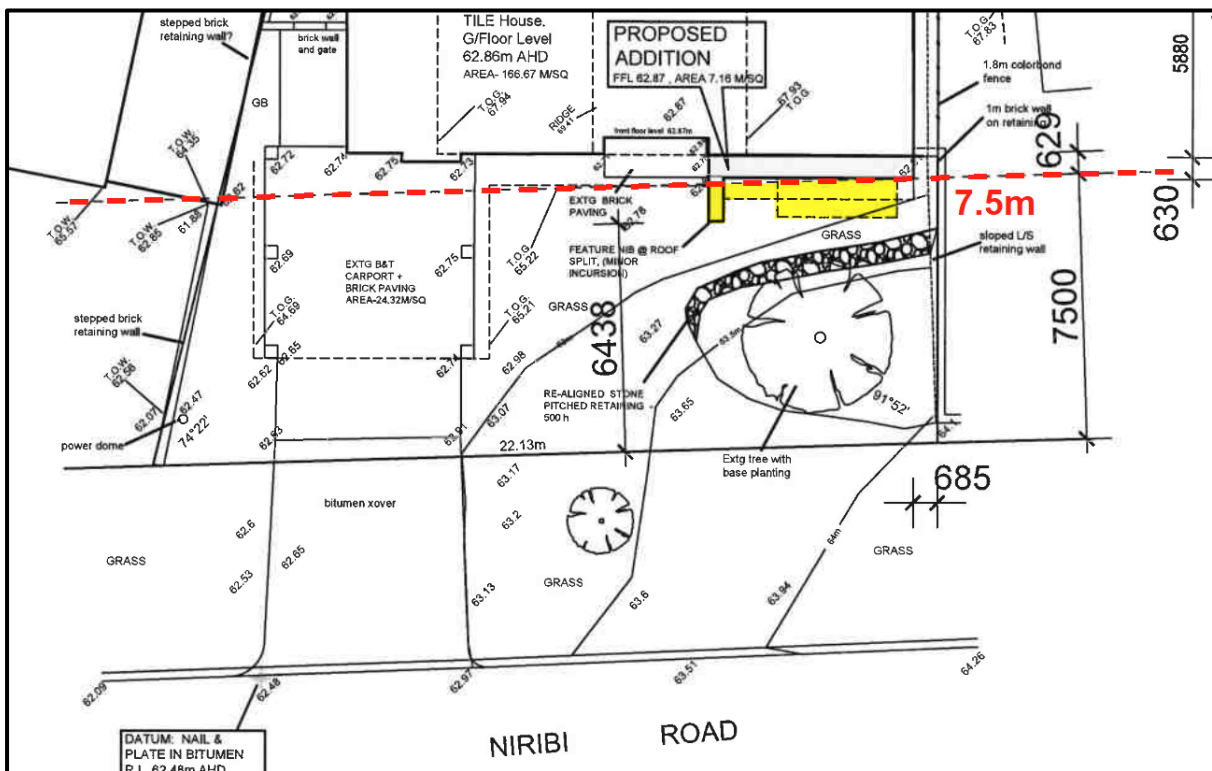
The bedroom additions and the new ensuite are proposed to be set back 0.68m in lieu of 1m from the eastern lot boundary.

An existing alfresco at the rear of the dwelling is proposed to be removed and be replaced by a new alfresco, however, as it meets the applicable deemed-to-comply provisions it does not require development approval.

No alterations are proposed to be made to the existing ground levels and/or retaining walls at the rear of the site.

The diagram below shows the extent by which the works will encroach into the street setback area.

**Figure 1 – Plan showing the extent of the encroachment into the street setback area**



**Site History**

Date of Decision/Event	Summary of Decision/Event
10 January 1979	Carport in front setback approved

Site Context

The subject property contains a two storey single dwelling and is located in the City Beach precinct.

A carport exists within the street setback area, which is proposed to remain.

The immediate locality consists of double storey dwellings that primarily sit above tiered or gradual retaining to manage the change in topography, which falls towards the north-west.

The finished ground level on 6 Niribi Road to the east is between 1.5m and 2m higher than the finished ground level on the subject site as a result on the topography of the area falling from one side to the other, as well as falling fromm the street towards the rear of the site.

The streetscape has a character predominantly comprising of buildings behind the street setback area.

Refer to the aerial map below.

**Figure 2 - Aerial Map of Subject Site and Surrounding Locality**



**CONSULTATION:**

**Public Consultation**

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

No submissions were received during the advertising period.

**STATUTORY ASSESSMENT:**

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

<i>Clause 26(1)(a) Modification of R-Codes</i>		
	<b>Required</b>	<b>Proposed</b>
Primary Street Setback (Bedroom Additions)	7.5m	6.2m to an eave and 6.4m to a nib wall
<b>Clause 34 - Variations to Site and Development Requirements</b>		
"(1)(a) an application for planning approval which does not comply with a standard or requirement of this Scheme, where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; ...		
(2) Subject to sub clause (3), the Council may refuse or approve a non-complying application with or without conditions".		

Local Planning Policy 3.1 – Streetscape

*“1. Consideration of a non-complying application for street setbacks as prescribed in the Scheme*

*...Council may have due regard to the criteria below when considering a non-complying application under Clause 34 of the Scheme.*

- a. The proposed development within the prescribed scheme setback area shall meet the Desired Future Character of the area;*
- b. Any building or part of the building (including a carport) in the prescribed scheme setback area shall be set back from side boundaries to preserve a streetscape of distinctly separate single residences separated by open space, and to preserve the amenity of neighbouring properties;*

## Assessment

The Desired Future Character of the City Beach precinct encourages open frontages that are well landscaped presenting unbroken streetscape vistas that are not dominated by buildings and structures within the street setback area.

The single storey nib wall will be 0.4m<sup>2</sup> in area, and the eave will be unenclosed apart from where it is attached to the dwelling and be 3.1m<sup>2</sup> in area. Therefore, they will occupy only a minor portion of the street setback area.

In addition, the topography of the site falls approximately 2.5m from the east to the west and slopes down from the street. This means that when viewed from either direction along Niribi Road the visual impact of the eave and the nib wall will be minimised by the existing carport within the street setback area of the subject property, and the finished ground level of the neighbouring property to the east (6 Niribi Road) being up to 2m higher than the subject property. Landscaping at the front of the subject property will also assist to some extent with minimising the visual impact of the proposed works.

Refer to the photographs below which show the property when viewed from the street, and the appearance of the property when viewed from the east and from the west along Niribi Road.

**Figure 3 - Photograph of the subject property as viewed from Niribi Road**



**Figure 4 - Photograph of the property when viewed from the east along Niribi Road**



**Figure 5 - Photograph of the property when viewed from the west along Niribi Road**



Having due consideration of the relevant sub-clauses of cl67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it is considered that the additions, in this particular case, will not have a significant impact on the prevailing and desired development context due to the surrounding character of the area. The scale of the additions means that they will not add to the dominance of structures on the primary street setback.

The proposed bedroom additions are therefore supported.

## State Planning Policy 7.3 - Residential Design Codes Volume 1

5.1.3 Lot Boundary Setbacks		
	Deemed-to-comply Requirement	Proposed
East (side) – Ensuite and master bedroom	1m	0.68m
<p><b>Design Principles (of R-Codes):</b>  <i>" P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</i></p> <ul style="list-style-type: none"> <li><i>• reduce impacts of building bulk on adjoining properties;</i></li> <li><i>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li><i>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties."</i></li> </ul>		

### Design Principles Assessment

The front addition to the existing bedroom and a new ensuite are proposed to be set back 0.32m closer to the eastern (side) lot boundary than what is permitted, being the same setback distance as what the bedroom currently is. The proposed additions do not result in a greater setback distance being required under the R-Codes than what the existing bedroom is required to be.

The finished ground level on 6 Niribi Road which adjoins the eastern lot boundary of the subject site, is between 1.5m and 2m higher than the finished ground level on the subject site. The difference in ground levels, the additions being single storey in nature, and the existence of retaining walls and solid dividing fencing means that the majority of the proposed additions will be screened from the neighbouring property.

The image below shows the difference in finished ground levels between 6 and 8 Niribi Road.

**Figure 6 – Photograph showing the difference in ground level between 6 and 8 Niribi Road**



As shown in the image above, the area adjacent to the bedroom and ensuite additions is used as a driveway, and no ground floor major openings directly face 8 Niribi Road. Considering this, the setback variation will not result in the additions having any significant impact on the neighbour in terms of building bulk, ventilation and/or direct sunlight.

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

#### **CONCLUSION:**

The single storey nature of the additions, the difference in ground levels between 6 and 8 Niribi Road (8 Niribi Road being on the lower side), and the presence of adequate screening as a result of the topography of the area sloping from east to west, mitigate the impacts of the proposed side and front setback variations, and the works are not considered to have an adverse impact on the adjoining neighbouring property.

Considering the above, it is recommended that the application be approved by Council.

#### **FINANCIAL IMPLICATIONS:**

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

#### **LEGISLATIVE CONSIDERATIONS:**

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

#### **STRATEGIC DIRECTION:**

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

#### **Our Neighbourhoods**

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

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

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

#### **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. The requirements for consultation have been satisfied under the provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

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

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council **APPROVES** the application for additions to the existing single dwelling at No. 8 (Lot 643) Niribi Road, City Beach as shown on the attached plans stamped received 3 November 2021, subject to the following:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval; and
2. All stormwater shall be contained and disposed of on-site for the development, to the satisfaction of the Town.

**Standard Advice Notes to be included by the Administration**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.106 LOT 1519 (NO. 6) DUNDALK ROAD, FLOREAT – PROPOSED CARPORT**

**PURPOSE OF REPORT:**

The purpose of this report is for Council to consider a development application for a carport located within the primary street setback area.

**SUMMARY:**

The application proposes the new carport to be set back 3.4m from the street boundary in lieu of 9m from the street boundary.

Currently, the only covered car space available on site is an undersized single garage behind the street setback area. There is no ability to provide an additional covered car parking space(s) behind the street setback area unless a large portion of the existing dwelling, built in 1958, is demolished.

It is considered that the reduced street setback to the carport will not have an adverse impact on the streetscape character or surrounding properties. There are existing carports within the front setbacks of properties in the immediate vicinity in a similar situation where older homes have been retained, including 10 and 14 Dundalk Road to the north.

The carport will not occupy a significant amount of the street setback area, and in accordance with LPP 3.1, due to the lightweight construction and concealed roof form it is considered the proposal will not have a strong bulk presence within the streetscape.

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

**AUTHORITY/DISCRETION:**

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input type="checkbox"/>	Information	For the Council/Committee to note.

**DELEGATION:**

In accordance with cl12.1.4 of the Town's Delegation Register, the Council is required to determine the application for the following reason:

"2. *The determination of a development application under Cl. 34 (2) of Local Planning Scheme No. 1.*"

## BACKGROUND:

Address:	Lot 1519 (No. 6) Dundalk Road, Floreat
Report Date:	14 December 2021
File Reference:	DA21/0297
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Statutory Planning Officer, Morgan Hutton
Reporting Officer Interest:	Nil
Attachments:	1. Development Plans

Applicant:	G Jakovich
Owner:	G Jakovich
Zoning:	Residential R12.5
Precinct:	P3 - Floreat
Development Description:	Carport
Development Value:	\$15,000
Existing Land Use:	Single House
Proposed Land Use:	N/A – works associated with existing use
Land Area:	809m <sup>2</sup>
Heritage Listing:	No
Application Date:	19 October 2021
Application Process Days:	56 days

## DETAILS:

### Proposal

The application proposes a carport to be built within the front setback area of the subject site which will be set back 3.4m in lieu of 9m from the street boundary, setback 1.85m from the side (southern) lot boundary, and be 3.1m in overall height at the front of the carport.

An existing driveway and crossover adjacent to the northern lot boundary are proposed to be removed. The verge and kerbing are to be reinstated by the applicant, and new landscaping is to be planted in place of the driveway. Approximately 57% of the street setback area will be landscaped, being 2% more than the minimum amount of landscaping required.

The dwelling located on the subject site was built in 1958, and currently the only covered car space is a single car garage behind the street setback area. The entrance to the garage is approximately 2.2m wide which is too narrow for a normal sized car to enter.

The existing garage is proposed to have its roller door removed and be replaced by a smaller door so that it is no longer used as a garage. The area immediately in front of it will then be used as a bin storage area.

### Site Context

The subject site is located within the Floreat planning precinct and is occupied by an existing single storey single house that is setback 9.2m from Dundalk Road. The lot has a 20.12m wide frontage, and the site is relatively flat.

The immediate locality consists of predominantly single storey houses with some two storey houses also existing nearby. The streetscape character of the area comprises of several examples of older houses that have sections of the existing building and newer structures (including carports) partially or fully located within the street setback area.

Below is an aerial image showing the subject property and the immediately surrounding area.

**Figure 1 – Aerial image showing the subject property**



**CONSULTATION:**

**Public Consultation**

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

One non-objection submission was received during the public consultation period.

**STATUTORY ASSESSMENT:**

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

<i>Clause 26(1)(b) Modification of R-Codes</i>			<b>Required</b>	<b>Proposed</b>
Primary Street	Setback		9m	3.4m
(Carport)				
<b>Clause 34 - Variations to Site and Development Requirements</b>				
"(1)(a) an application for planning approval which does not comply with a standard or requirement of this Scheme, where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; ...				
(2) Subject to sub clause (3), the Council may refuse or approve a non-complying application with or without conditions".				

Local Planning Policy 3.1 – Streetscape

*"1. Consideration of a non-complying application for street setbacks as prescribed in the Scheme*

*...Council may have due regard to the criteria below when considering a non-complying application under Clause 34 of the Scheme.*

- a. The proposed development within the prescribed scheme setback area shall meet the Desired Future Character of the area;*
- b. Any building or part of the building (including a carport) in the prescribed scheme setback area shall be set back from side boundaries to preserve a streetscape of distinctly separate single residences separated by open space, and to preserve the amenity of neighbouring properties;*
- c. In relation to carports in the street setback area, where the dwelling is being retained and the dwelling was constructed prior to 1970 and as such is considered to form part of the historical character of the area:*
  - a. The existing dwelling presents to the street as single storey or the original dwelling is two-storey.*
  - b. The existing garaging is sub-standard in terms of its internal dimensions, and cannot provide cover for two vehicles.*
  - c. A single carport is being replaced by a double carport that is open on all sides and in accordance with Clause 3.1 C1.5 of this policy.*
  - d. If the existing dwelling is remaining, whether adequate space is available to be provide covered car space(s) behind the street setback area."*

## **Assessment**

Currently the only covered car parking space on the property is a single garage behind the street setback area, the entrance for which is too narrow for a car to enter through. There is an inadequate amount of space available to provide an additional covered car space(s) behind the street setback area unless a large portion of the existing dwelling is demolished.

It is considered that providing covered car parking within the front setback area is a desirable outcome, as the existing dwelling and Floreat character will be retained.

The streetscape character on Dundalk Road predominately consists of dwellings that are set back a minimum 9m from the primary street boundary. However, there are quite a number of nearby properties which have carports where the existing pre-1970s house has been retained.

The front of the dwelling is articulated, resulting in it being setback between 9.2m and 11.5m from the street boundary, being a greater distance than the minimum street setback distance required. The street setback area will also contain a significant amount of landscaping.

The street setback of the dwelling and the landscaping within the street setback area will assist with reducing the visual presence and bulk impact of the carport within the streetscape. In addition, the flat roof form and lightweight construction of the carport are also considered to reduce the bulk and visual presence of the carport within the streetscape.

**Figure 2 - Approximate location of the proposed carport on the subject site**



In regards to *LPP3.1 – Streetscape*, at the August 2021 Council meeting, new provisions were adopted allowing for discretionary criteria to be applied to older homes in the City Beach and Floreat in relation to the assessment of carports within the street setback area.

The carport meets the provisions, given the dwelling that was constructed in 1958 is being retained, and it will not materially alter the appearance of the dwelling. At present, the dwelling will continue to present in its single storey form and does not contain any other buildings or structures within the street setback area.

During the consultation period, no submissions were received.

Taken into consideration all of the above, the proposed non-complying application is supported.

#### **FINANCIAL IMPLICATIONS:**

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

#### **LEGISLATIVE CONSIDERATIONS:**

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

## **STRATEGIC DIRECTION:**

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

### **Our Neighbourhoods**

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

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

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

## **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. The requirements for consultation have been satisfied under the provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

## **COUNCIL DECISION:**

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, , Council **APPROVES** the application for a carport at No. 6 (Lot 1519) Dundalk Road, Floreat, as shown on the attached plans stamped received 17 November 2021, subject to the following conditions:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;**
- 2. The carport shall remain unenclosed on all sides and shall be without a door unless the door meets the provisions of the Residential Design Codes;**
- 3. All stormwater shall be contained and disposed of on-site for the development, to the satisfaction of the Town; and**
- 4. No street tree roots are to be pruned or damaged during the construction of the crossover. The applicant is to contact the Town to have a site meeting prior to any works commencing.**

**Standard Advice Notes to be included by the Administration**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.107 LOT 1568 (NO. 4) TRALEE ROAD, FLOREAT – PROPOSED ALTERATIONS TO EXISTING CARPORT**

**PURPOSE OF REPORT:**

The purpose of this report is for Council to determine a development application for alterations to an existing carport, a portion of which is in the primary street setback area.

**SUMMARY:**

An existing pitched gable roof double carport within the property's street setback area is proposed to be widened by 1.3m. The addition will be set back the same distance from the street boundary as the existing carport, being a 5.4m setback in lieu of 9m. The carport roof is proposed to be changed from a gable roof to a hip roof, meaning that the roof will gradually increase in height towards the dwelling, up to 5.2m at its highest point.

The existing carport is the only covered car space available on site, and the alterations are proposed so that the landowners can park a caravan beneath the carport.

There is no ability to provide an additional covered car parking space(s) behind the street setback area unless a large portion of the existing dwelling, built prior to the 1970s, is demolished.

It is considered that the carport addition will not have an adverse impact on the streetscape character or surrounding properties. There are existing carports within the front setbacks of properties in the immediate vicinity in a similar situation where older homes have been retained, including on 12 Lifford Road which is immediately adjacent to the south of the subject property.

The carport, including the proposed addition, will not occupy a significant amount of the street setback area, and due to the gradual increase of its roof height it is considered that the proposal will not have a strong bulk presence within the streetscape.

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

**AUTHORITY/DISCRETION:**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input checked="" type="checkbox"/> | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

## DELEGATION:

In accordance with cl12.1.4 of the Town's Delegation Register, the Council is required to determine the application for the following reason:

*"2. The determination of a development application under Cl. 34 (2) of Local Planning Scheme No. 1."*

## BACKGROUND:

Address:	Lot 1568 (No.4) Tralee Road, Floreat
Report Date:	14 December 2021
File Reference:	DA21/0289
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Statutory Planning Officer, Luke Smith
Reporting Officer Interest:	Nil
Attachments:	1. Development Plans

Applicant:	Mr P Staples
Owner:	As above
Zoning:	Residential R12.5
Precinct:	P3 - Floreat
Development Description:	Alterations to Existing Carport
Development Value:	\$20,000
Existing Land Use:	Residential – Single House
Proposed Land Use:	N/A – works associated with existing use
Land Area:	776m <sup>2</sup>
Heritage Listing:	No
Application Date:	12 October 2021
Application Process Days:	63 days

## DETAILS:

### Proposal

The proposal is for alterations to an existing carport to the front of an existing single storey dwelling.

The carport is proposed to be widened by 1.3m to a total width of 6.8m. The purpose of which is to provide cover over an existing path from the driveway to the front door of the dwelling, and so that the landowners can park a caravan beneath the carport.

The ridge height of the carport is also proposed to be increased by 0.4m to match the roof height of the existing dwelling.

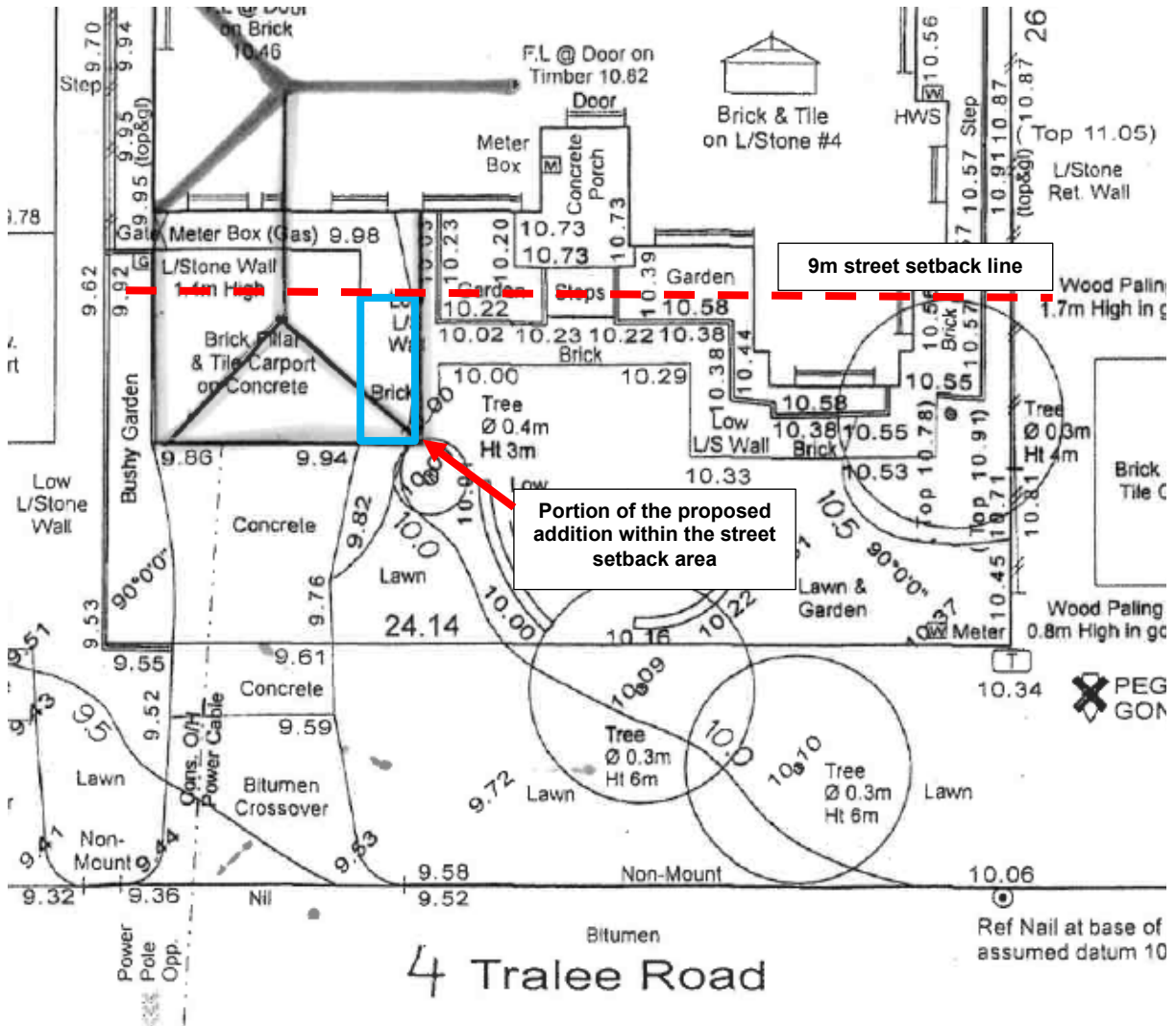
The carport's tiled roof will be changed from being gabled roofed to having a hipped roof, with have a pitch of 20 degrees, which gradually increases in height towards the roof of the dwelling.

The carport will not be extended forward of its pre-existing setback of 5.4m from the primary street.

The existing finished ground levels of the carport will be remaining unchanged.

The diagram below shows the extent by which the works will encroach into the street setback area.

**Figure 1 – Plan showing the extent of the external works within the street setback area**



**Site History**

Date of Decision/Event	Summary of Decision/Event
14 February 1972	<p>The existing carport and a front bedroom, small portions of which are within the street setback area, were approved by City of Perth.</p> <p>The approved plans show approximately 23m<sup>2</sup> in total of the street setback area containing the carport and the front bedroom. Their street setbacks have remained unchanged since.</p>

**Site Context**

The subject property contains a single storey dwelling which was constructed prior to the 1970s, and is located in the Floreat precinct. A gable roofed double carport exists within the street setback area.

Tralee Road is relatively short in length, and contains some dwellings and carports which sit forward of the 9m setback line, and others which maintain the traditional setbacks.

The finished ground level at the subject site to the south is a maximum 2.5m lower than the adjoining eastern property on the corner of Lifford Road. The slope to the rest of the street is more gradual to Donegal Road. The natural ground levels of the site change a total of 1m from the south-eastern to north-eastern corners.

Refer to the aerial map below for a streetscape profile.

**Figure 2 - Aerial Map of the subject site and surrounding locality**



**CONSULTATION:**

**Public Consultation**

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

No submissions objecting to the proposal were received by the Town during this period.

**STATUTORY ASSESSMENT:**

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

<i>Clause 26(1)(a) Modification of R-Codes</i>		
	<b>Required</b>	<b>Proposed</b>
Primary Street Setback	9m	5.4m

Clause 34 - Variations to Site and Development Requirements

"(1)(a) *an application for planning approval which does not comply with a standard or requirement of this Scheme, where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; ...*

(2) *Subject to sub clause (3), the Council may refuse or approve a non-complying application with or without conditions".*

Local Planning Policy 3.1 – Streetscape

*"1. Consideration of a non-complying application for street setbacks as prescribed in the Scheme*

*...Council may have due regard to the criteria below when considering a non-complying application under Clause 34 of the Scheme.*

- a. The proposed development within the prescribed scheme setback area shall meet the Desired Future Character of the area;*
- b. Any building or part of the building (including a carport) in the prescribed scheme setback area shall be set back from side boundaries to preserve a streetscape of distinctly separate single residences separated by open space, and to preserve the amenity of neighbouring properties;*
- c. In relation to carports in the street setback area, where the dwelling is being retained and the dwelling was constructed prior to 1970 and as such is considered to form part of the historical character of the area:*
  - i. The existing dwelling presents to the street as single storey or the original dwelling is two-storey.*
  - ii. The existing garaging is sub-standard in terms of its internal dimensions, and cannot provide cover for two vehicles.*
  - iii. A single carport is being replaced by a double carport that is open on all sides and in accordance with Clause 3.1 C1.5 of this policy.*
  - iv. If the existing dwelling is remaining, whether adequate space is available to be provide covered car space(s) behind the street setback area.*

## Assessment

Tralee Road is relatively short in length, having 4 properties along its eastern side and 6 properties along its western side, and has quite a number of properties which have carports where the existing pre-1970s house has been retained, this includes the immediately adjacent property to the south (12 Lifford Road).

The existing unenclosed carport is proposed to be widened by approximately 4m<sup>2</sup>. The street setback area is 217m<sup>2</sup>, and only approximately 11% of the street setback area will be occupied by a portion of the carport and a portion of an existing front bedroom. Therefore, the street setback area will remain as being relatively open in appearance.

The existing carport is the only covered car parking space on the property. There is an inadequate amount of space available to provide an additional covered car space(s) for the landowner's caravan behind the street setback area unless a large portion of the existing dwelling is demolished.

The carport roof is proposed to be changed from a gable roof to a hip roof, meaning that the roof will gradually increase in height towards the dwelling and therefore be less dominant compared to the existing gable roof.

Increasing the height of the carport will result in the major openings at the front of the dwelling becoming more visible, and therefore improve street surveillance from the dwelling.

Refer to the photograph below which shows the location of the proposed additions. Note: the roof will be hipped instead of gable and as such reduce the dominance of the portion of the building in the street setback area.

**Figure 3 – Subject site as viewed directly from Tralee Road.**



In regards to *LPP3.1 – Streetscape*, at the August 2021 Council meeting, new provisions were adopted allowing for discretionary criteria to be applied to older homes in the City Beach and Floreat in relation to the assessment of carports within the street setback area.

The carport addition meets the provisions given the dwelling, that was constructed prior to the 1970s is being retained, and it will not materially alter the appearance of the dwelling. At present, the dwelling will continue to present in its single storey form.

During the consultation period, no submissions were received.

Taken into consideration all of the above, the proposed non-complying application is supported.

#### **FINANCIAL IMPLICATIONS:**

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

#### **LEGISLATIVE CONSIDERATIONS:**

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

## **STRATEGIC DIRECTION:**

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

### **Our Neighbourhoods**

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

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

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

## **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. The requirements for consultation have been satisfied under the provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

## **COUNCIL DECISION:**

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council APPROVES the application for alterations to the existing carport at No. 4 (Lot 1568) Tralee Road, Floreat as shown on the attached plans stamped received 12 October 2021, 23 November 2021 and 24 November 2021, subject to the following conditions:**

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;**
- 2. The carport shall remain unenclosed on all sides and shall be without a door unless the door meets the provisions of the Residential Design Codes; and**
- 3. All stormwater shall be contained and disposed of on-site for the development, to the satisfaction of the Town.**

**Standard Advice Notes to be included by the Administration**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.108 LOT 432 (NO. 99) EVANDALE STREET, FLOREAT – PROPOSED GARAGE AND ASSOCIATED WORKS**

**PURPOSE OF REPORT:**

The purpose of this report is for Council to consider a development application for a garage and associated works within the primary street setback area of the property.

**SUMMARY:**

The development on the property is an older dwelling which is orientated towards the front corner of the property, with a pool in the front and solid privacy fencing abutting the boundary.

There is an existing single carport off Evandale Street and an existing single garage located off Rosedale Street. The proposal is for the garage off Rosedale to be extended from a single garage to a double garage.

In terms of character, even though Rosedale is technically the primary street as the main entrance is off Rosedale, Evandale Street presents as the primary street as it has the greatest distance to the dwelling from the front boundary, and a large amount of open space between the dwelling and front boundary.

As Rosedale Street presents as the secondary street and the orientation of the garage is angled to the street, the impact of the garage extension will be minimised. If Rosedale Street was subject to the secondary street setback, which it presents as, the amount of the garage addition in the setback would be minimal. The majority of the existing landscaping will also be retained which will reduce any impact from the extension.

For these reasons, it is considered the proposal will not detract from the Desired Future Character of the Floreat precinct. Accordingly, it is recommended that the application be approved.

**AUTHORITY/DISCRETION:**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input checked="" type="checkbox"/> | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

## DELEGATION:

In accordance with cl12.1.4 of the Town's Delegation Register, the Council is required to determine the application for the following reasons:

- 2. The determination of a development application under Cl. 34 (2) of Local Planning Scheme No. 1.*

## BACKGROUND:

Address:	Lot 432 (No. 99) Evandale Street, Floreat
Report Date:	14 December 2021
File Reference:	DA21/0269
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Statutory Planning Officer, Luke Smith
Reporting Officer Interest:	Nil
Attachments:	1. Development Plans 2. Applicant's Justification

Applicant:	Element Drafting & Design
Owner:	Richard Beaver & Cecily Strange
Zoning:	Residential R12.5
Precinct:	P3 - Floreat
Development Description:	Garage and Associated Works
Development Value:	\$70,000
Existing Land Use:	Dwelling (Single)
Proposed Land Use:	N/A – works associated with existing use
Land Area:	855m <sup>2</sup>
Heritage Listing:	No
Application Date:	22 September 2021
Application Process Days:	83 days

## DETAILS:

### Site Context

The property is located in the Floreat Planning Precinct and located on the southern corner of the Evandale Street/Rosedale Street intersection.

The topography of the land slopes roughly 3.5m towards the property's street boundary. The subject property and those properties nearby contain single dwellings.

An existing single carport approved in 1957 exists off Evandale Street and will remain.

**Figure 1 – Aerial image showing the subject property and those nearby**

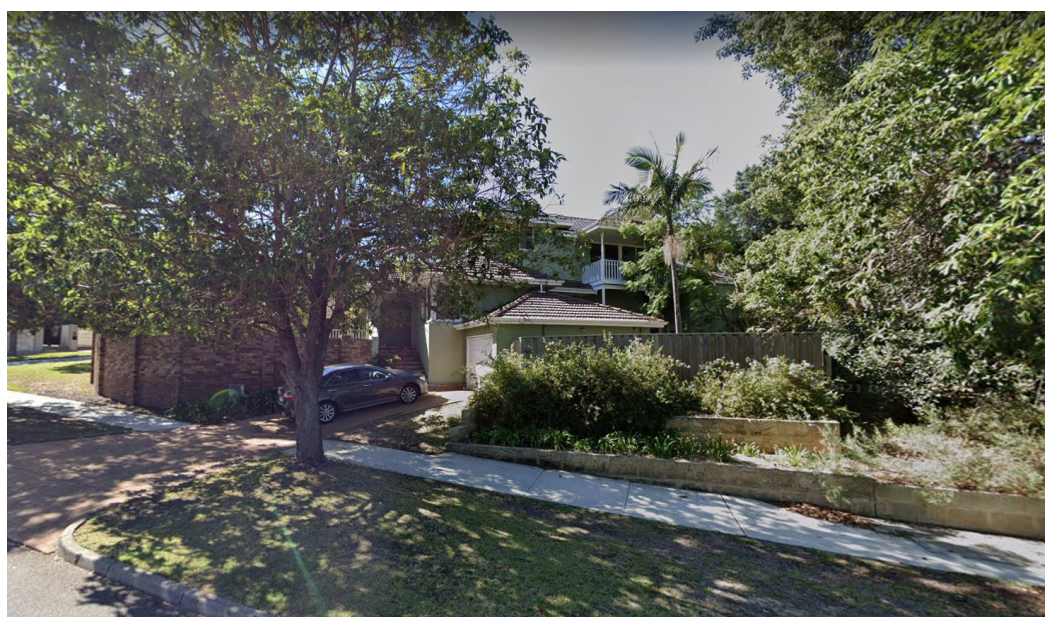


### **Proposal**

The existing single garage fronting Rosedale Street is proposed to be removed and replaced with a double garage. The double garage is proposed to be set back 3m in lieu of 9m from the property's primary street boundary. However, if Rosedale was the secondary street, it would be 3m in lieu of 4.5m and be approximately 2m<sup>2</sup> of the corner of the garage extension in the setback area.

Rosedale is the designated primary street under the planning framework because the main entrance is off Rosedale Street. However, in practice the orientation and existing location of the house and garage result in Rosedale Street boundary presenting as the secondary street. The existing garage is set back at 3.77m.

**Figure 2 – View of the subject property from Rosedale Street**



The garage will occupy a total of 29.1m<sup>2</sup> (approximately 14%) of the primary street setback area. There will be minor associated works including new paving, modifications to the solid timber fencing (reduced in length) and minor works to the approved retaining walls.

The existing vehicle access will be utilised with the new garage located in the same vicinity to the approved single garage.

Despite having a reduced setback to an existing verge tree to the south due to the utilisation of an existing crossover this will not be an issue. The Town's Parks Department expressed no concerns with using the same vehicle access.

The existing driveway will be repaved to meet the purpose of the new garage. As this repaving will not impact the existing crossover the Town's Infrastructure Department also expressed no concerns with the proposal.

## CONSULTATION:

### Public Consultation

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

No submissions were received during the public consultation period

## STATUTORY ASSESSMENT:

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

<i>Clause 26(1)(b)</i>			<i>Modification of R-Codes</i>	
			<b>Required</b>	<b>Proposed</b>
Primary (Garage)	Street	Setback	9m	3m
<p><u>Clause 34 - Variations to Site and Development Requirements</u>                      "(1)(a) <i>an application for planning approval which does not comply with a standard or requirement of this Scheme, where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; ...</i></p> <p>(2) <i>Subject to sub clause (3), the Council may refuse or approve a non-complying application with or without conditions".</i></p> <p><u>Local Planning Policy 3.1 – Streetscape</u>                      "1. <i>Consideration of a non-complying application for street setbacks as prescribed in the Scheme</i></p> <p><i>...Council may have due regard to the criteria below when considering a non-complying application under Clause 34 of the Scheme.</i></p> <p>d. <i>The proposed development within the prescribed scheme setback area shall meet the Desired Future Character of the area;</i></p> <p>e. <i>Any building or part of the building (including a carport) in the prescribed scheme setback area shall be set back from side boundaries to preserve a streetscape of distinctly separate single residences separated by open space, and to preserve the amenity of neighbouring properties;</i></p>				

## Assessment

The character of the local area generally consists of buildings with large primary street frontages, together with carports in front of older homes. The typical Floreat character.

In this case, the existing dwelling is unusually oriented to the front corner and has a large pool and open space area in front of the dwelling on the Evandale Street frontage. There is a single car bay from each side street.

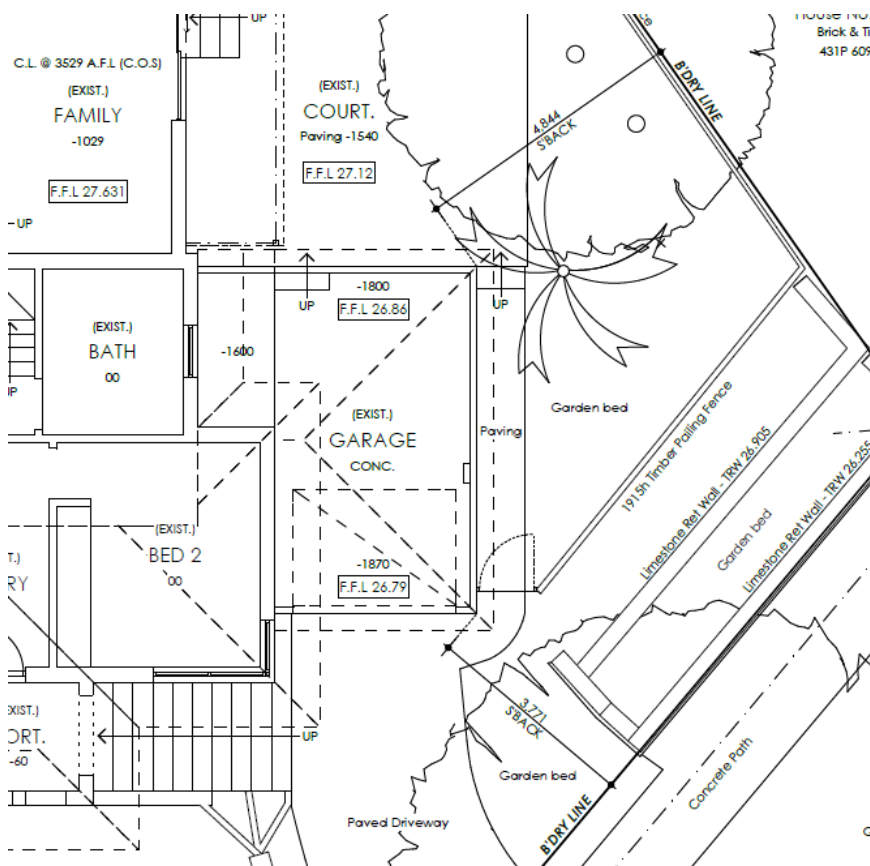
As previously discussed, Rosedale Street where the proposed addition is located, presents as the secondary street, and Evandale as the primary. For this reason, the minor 2.2m<sup>2</sup> corner of the proposed garage forward of the secondary setback line, would not significantly impact the current or desired future character of the area.

The angled orientation of the garage to the street, together with the existing fencing and landscaping and use of the existing driveway, results in the impact of the addition to the garage being minimised.

The proposed non-complying application is therefore supported.

Refer diagrams below showing existing and proposed setbacks to Rosedale Street.

### Diagram 1 - Existing garage setback (3.771m)





## **CONCLUSION:**

The impact of the addition of the new double garage is not considered to be detrimental of the desired or future character of the area. The amount of landscaping is mostly unchanged within the street setback area and the proposed development will maintain the traditional street setbacks and will not significantly increase the presence of parking structures on the primary street.

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

## **FINANCIAL IMPLICATIONS:**

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

## **LEGISLATIVE CONSIDERATIONS:**

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

## **STRATEGIC DIRECTION:**

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

### **Our Neighbourhoods**

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

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

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

## **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. The requirements for consultation have been satisfied under the provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

## **COUNCIL DECISION:**

**(COMMITTEE AND ADMINISTRATION RECOMMENDATION)**

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That, in accordance with the provisions of *Local Planning Scheme No. 1* and the authority delegated to the Town under the provisions of the *Metropolitan Region Scheme*, Council APPROVES the application for a garage and associated works at Lot 500 (No. 99) Evandale Street, Floreat, as shown on the attached plans stamped received 22 September 2021, subject to the following conditions:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;**
2. **All structures (and associated footings) shall be contained within the lot boundaries of the subject site;**
3. **All stormwater shall be contained and disposed of on-site for the life of the development to the satisfaction of the Town; and**
4. **No verge trees shall be removed, pruned or disturbed in any way without further approval of the Town.**

**Standard Advice Notes to be included by the Administration.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.109 PROPOSED VARIATIONS TO LOCAL LAW 43**

**PURPOSE OF REPORT**

The purpose of this report is for Council to determine applications which are required to be considered under cl7(b) of *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate* (Local Law 43).

**AUTHORITY/DISCRETION:**

- Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes & policies.
- Review When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
- Information For the Council/Committee to note.

**DELEGATION:**

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

**BACKGROUND:**

Report Date:	7 December 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes,
Contributing Officer:	Senior Statutory Planning Officer, Steven Laming,
Reporting Officer Interest:	Nil
Attachments:	3. Development Plans for No.78 The Boulevard, Floreat

Property	Applicant/Landowner(s)
Lot 625 (No. 78) The Boulevard, Floreat	Applicant: Peter and Carolyn Combes Landowners: Peter and Carolyn Combes
Lot 1416 (No. 4) Clanmel Road, Floreat	Applicant: Form Homes Landowners: Jennifer Davies
Lot 26 (No. 28) Boscombe Avenue, City Beach	Applicant: Neil Salvia Building Designs Landowners: Global Project Investments Pty Ltd Atf Branksome Investment Trust

**CONSULTATION:**

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

No submissions were received during the public consultation periods in relation to the Local Law 43 variations.

## STATUTORY ASSESSMENT:

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

Property Address	Material Proposed
No. 78 The Boulevard, Floreat	All external walls on the ground and first floors of the ancillary dwelling will be constructed of timber stud framing with 'Scyon Linea Board' cladding painted in off-white colour.
No. 4 Clanmel Road, Floreat	The external walls of the outbuilding will be constructed of 'Weathertex' cladding painted in off-white.
No. 28 the Boscombe Avenue, City Beach	The external walls of the dwelling include 'Timber Screening' and 'CSR Cemintel Barestone Sheeting', which has a grey cement-like appearance.
<b>Clause 2B</b> <i>"In a residential district the Council may permit land to be developed subject to such conditions as the Council deems fit:–</i> c) <i>for use for a purpose which is not permitted in that district;</i> d) <i>notwithstanding that the developments will not comply with the standard or requirement prescribed by this by-law in that district.</i>  <i>if the Council is satisfied by an absolute majority that:–</i> iii) <i>the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities; and</i> iv) <i>the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality".</i>	

#### No. 78 The Boulevard, Floreat

The two-storey ancillary dwelling will be located at the rear of the existing dwelling and its external walls will be constructed of timber stud framing with 'Scyon Linea Board' cladding painted in white.

The cladding material will contrast with the rendered brick construction of the existing dwelling, which will create a mix of materials at the rear of the site that is considered to result in a better visual outlook from the adjoining properties.

The proposed cladding is a high quality, durable and lightweight material that is commonly used in construction in the Floreat Precinct.

No concerns were received during the advertising period.

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

#### No. 4 Clanmel Road, Floreat

The outbuilding, which is single-storey and will be located at the rear of the existing dwelling, will have external walls constructed in 'Weathertex' cladding.

Due to the levels of the subject site being approximately 1m below the rear adjoining property, and there being existing high dividing fencing along the rear and side boundaries, the outbuilding will be mostly obstructed from view from the adjoining properties.

While the cladding material will add to the aesthetic of the outbuilding, it will not be highly visible to the adjoining properties.

No concerns were received during the advertising period.

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

### **28 Boscombe Avenue, City Beach**

The proposal includes 'Timber Cladding' to the ground and first floors of the dwelling on the south elevation and to the first floor on the north and west elevations. The area and percentage of each elevation the cladding occupies is as follows:

- South elevation: area of 12m<sup>2</sup>, which is 16.9% of the façade
- North elevation: area of 8.1m<sup>2</sup>, which is 11.57% of the façade
- West elevation: area of 15.1m<sup>2</sup>, which is 10.2% of the facade

The proposal also includes 'CSR Cemintel Barestone Sheeting' at the front of the dwelling, which is a feature projecting wall that frames the ground and first floor balconies.

It is considered that the 'Timber Cladding' and 'CSR Cemintel Barestone Sheeting' are acceptable, as the mix of materials will contribute to the aesthetic of dwelling when viewed from the adjoining properties and street.

The proposed materials are lightweight and high quality, and are commonly used in construction in the City Beach Precinct.

No concerns were received during the advertising period.

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

### **LEGISLATIVE CONSIDERATIONS:**

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

### **STRATEGIC DIRECTION:**

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

#### **Our Neighbourhoods**

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

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

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

**COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. The requirements for consultation have been satisfied under the provisions of *Local Planning Scheme No. 1* and *Local Planning Policy 1.2 - Public Notification of Planning Proposals*.

**COUNCIL DECISION:**

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

That Council **APPROVES BY AN ABSOLUTE MAJORITY**, in accordance with the authority delegated to the Town under *Local Law 43 - Buildings on Endowment Lands & Limekilns Estate* (Local Law 43), the following application:

1. Lot 625 (No. 78) The Boulevard, Floreat – ‘Scyon Linea Board’ cladding;
2. Lot 1416 (No. 4) Clanmel Road, Floreat – ‘Weathertex’ cladding; and
3. Lot 26 (No. 28) Boscombe Avenue, City Beach – ‘Timber Screening’ and ‘CSR Cemintel Barestone Sheeting’;

subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval; and
2. The cladding shall be finished and maintained thereafter by the landowner to the satisfaction of the Town.

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

**DV21.110 HERITAGE GRANT PROGRAM 2021/2022 – APPROVAL OF APPLICATIONS**

**PURPOSE OF REPORT:**

The purpose of this report is to present applications received for the 2021/2022 round of the Heritage Grant Program to Council for consideration for funding.

**SUMMARY:**

Six applications have been received for the 2021/2022 round of the Heritage Grant Program. A total of \$20,961 (including GST) for valid applications has been requested for conservation works that include repainting and repairs to roofs, windows, brickwork and verandahs

**AUTHORITY / DISCRETION**

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Lot 36 (No. 24) Dilkara Way, City Beach (Wright House) Lot 8 (No. 3) Kimberley Street, West Leederville Lot 6 (No. 5) Holyrood Street, West Leederville Lot 2 (No. 7) Dorking Road, City Beach (Tomich House) Lot 539 (No. 286) Cambridge Street, Wembley Lot 96 (No. 78) Cambridge Street, West Leederville (Leederville Sporting Club)
Report Date:	10 November 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	Strategic Planning Officer, Satya Bourgeot
Reporting Officer Interest:	Nil
Attachment(s):	1. Grant Evaluation and Heritage Advice Summary

**BACKGROUND:**

The Town's Heritage Grant Program was established in 2019 under Local Planning Policy 1.6: Assistance for Heritage Places (LPP1.6) to support landowners with the conservation of places entered in the Town's Heritage List, located within a Heritage Area designated under the Scheme or entered in the State Register of Heritage Places.

Funding is offered for 50% of the total costs of a project, up to a maximum contribution of \$5,500 (including GST). Eligibility and selection criteria are detailed in LPP1.6. Grants are

awarded by Council and paid once the project is completed. Successful applicants will be required to sign and submit a Heritage Grant Agreement before commencing the project.

For the purpose of the Heritage Grant Program, Conservation means:

*"the management of a place in a manner that will:*

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

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

The Heritage Grant Program previously granted \$13,500 (ex. GST) in the 2020/2021 round and \$6,458.50 (ex. GST) in the 2019/2020 round to owners conducting conservation works on heritage places.

#### **DETAILS:**

Applications for the 2021/2022 round of the Heritage Grant Program were accepted between Friday, 24 September 2021 and Friday, 29 October 2021. Six applications were received, as summarised in the table below. One application is located within the Holyrood Conservation Heritage Area. The remaining five applications are entered on the Town's Heritage List and/or the State Register of Heritage Places.

A summary of the applications, an evaluation against the LPP1.6 provisions and heritage advice is provided in **Attachment 1**.

The application from the Leederville Sporting Club at 78 Cambridge Street, West Leederville is deemed to be ineligible for funding from the Heritage Grant Program as the land/buildings forming the Club are owned by the Town. Section 2.2 'Eligibility' of LPP1.6 states that a property must be a privately owned, rateable Heritage Place to be eligible for the Heritage Grant Program.

Town administration sought independent heritage advice on the applications. This advice was supplied by Phillip Griffiths of Griffiths Architects. The heritage advice received recommended that the five remaining applications could be supported, subject to some guidance to ensure compliance with accepted conservation principles. They are also considered to meet the relevant LPP1.6 provisions and deliver a positive conservation outcome.

As it is an eligibility requirement that no property have a rates debt with the Town, all applications have been assessed accordingly and any applicants that are awarded a heritage grant by Council will be required to have any outstanding rates resolved prior to grant of funds.

In summary, it is recommended Council approve funding contributions for the applications as follows:

Heritage Place and Grant Application	Recommended Grant Contribution	
	(Ex. GST)	(Incl. GST)
<b>24 Dilkara Way, City Beach</b> Re-painting of exterior façade	\$2,000.00	\$2,200.00
<b>3 Kimberley Street, West Leederville</b> Repairs to render, eave and timber flooring of verandah	\$4,905.00	\$5,396.00
<b>5 Holyrood Street, West Leederville</b> Repair/replacement of sash windows, repair to external weatherboards	\$5,000.00	\$5,500.00
<b>7 Dorking Road, City Beach</b> Reinstatement of original façade details including windows, entryway, repair to damaged brickwork, repainting, repair and replacement of damaged roof parapet detail	\$5,000.00	\$5,500.00
<b>286 Cambridge Street, Wembley</b> Repairs to parapet wall	\$2,150.00	\$2,365.00
<b>78 Cambridge Street, West Leederville</b> Turf maintenance and repair	Nil	Nil
<b>TOTAL</b>	<b>\$19,055.00</b>	<b>\$20,961.00</b>

Following Council's determination, the applicants will be notified of the outcome. Successful applicants will be provided a grant agreement detailing the amount awarded and the standard terms of the grant.

#### **POLICY/STATUTORY IMPLICATIONS:**

The assessment and Council consideration is guided by the Heritage Grant Program provisions detailed in Local Planning Policy 1.6: Assistance for Heritage Places.

#### **RISK MANAGEMENT IMPLICATIONS:**

The assessment of grant applications and Council consideration is guided by the Heritage Grant Program provisions detailed in Local Planning Policy 1.6: Assistance for Heritage Places

**Low:** Local Planning Policy 1.6: Assistance for Heritage Places outlines the Town's commitment to support owners of heritage places to conserve places of cultural significance to the locality and the Town's community. Failure to support grant applications may compromise the capacity for landowners to undertake conservation work in a timely manner.

#### **FINANCIAL IMPLICATIONS:**

The Heritage Grant Program is funded through the Planning Heritage Grants and Assessments allocation in the 2021/2022 Budget. The heritage assessment of the grant applications was obtained for \$1,950 (ex. GST). The current balance on the Heritage Grants and Assessment budget allocation is \$22,727 (ex. GST).

If the recommended grant funding amounts are supported, a total of \$19,055 (ex. GST) will be expended. Funding is paid on completion of the project and acceptance of grant acquittal documentation. All grants are to be acquitted by the end of the 2021/2022 financial year.

## **STRATEGIC DIRECTION:**

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

### **Our Neighbourhood**

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

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

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

### **Our Council**

**Goal 12 Advocacy for the Community**

Strategy 12.3 Take actions and make decisions that adopt a locals first approach at all times.

## **COMMUNITY ENGAGEMENT:**

The 2021/2022 round of the Heritage Grant Program opened Friday, 24 September 2021 and closed Friday, 29 October 2021. Owners of eligible heritage places were advised in writing of the grant application period.

The recommendations of this report have been assessed under the Community Engagement Policy No: 019 as not requiring community consultation. The applicants will be advised of the outcome of this report.

## **COUNCIL DECISION:**

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That Council:**

1. Through the Heritage Grant Program, **APPROVES** a grant allocation of:-
  - 1.1 **\$2,200.00 (including GST) to Ms Meredith Del Basso for the proposed repainting of the exterior façade at Lot 36 (No 24) Dilkara Way, City Beach, subject to the following conditions:**
    - (a) **arrangements are made with the Town to address eligibility requirements in Local Planning Policy 1.6: Assistance for Heritage Places;**
    - (b) **the Town be advised of proposed paint colour selection prior to works commencing if paint colours are not like-for-like to existing.**
  - 1.2 **\$5,396 (including GST) to Pritchard Property (WA) Pty Ltd for the proposed repairs to render, eave and timber flooring of verandah at Lot 8 (No. 3) Kimberley Street, West Leederville, subject to the following conditions:**
    - (a) **arrangements are made with the Town to address eligibility requirements in Local Planning Policy 1.6: Assistance for Heritage Places;**

- (b) the proposed repair work, including the materials used, match the existing fabric.
- 1.3 \$5,500 (including GST) to Ms Jennifer Turner for the proposed repairs and replacement of sash windows and repairs to external weatherboards at Lot 6 (No. 5) Holyrood Street, West Leederville, subject to the following conditions:
  - (a) works to comply with façade treatment guidance in Local Planning Policy 2.5.1: Holyrood Conservation Area; and
  - (b) the Town to be advised of proposed paint colour selection prior to works commencing if paint colours are not like-for-like to existing.
- 1.4 \$5,500 (including GST) to Mr Kyle Jeavons for the proposed reinstatement of original façade details including windows, entryway, repair of damaged brickwork, repainting, repair and replacement of damaged roof and parapet detail at Lot 2 (No. 7) Dorking Road, City Beach, subject to the following conditions:
  - (a) arrangements are made with the Town to address eligibility requirements in Local Planning Policy 1.6: Assistance for Heritage Places;
  - (b) the details of the proposed materials are provided with the application for development approval to the approved by the Town.
- 1.5 \$2,365 (including GST) to Ms Kay Metaxas for the proposed repairs to the parapet wall at Lot 539 (No. 286) Cambridge Street, Wembley subject to the following conditions:
  - (a) the proposed repair work, including the materials used, match the existing fabric.
- 2. NOTES that a grant allocation of \$5,500 (including GST) is not to be awarded to the Leederville Sporting Club for the proposed turf repair and maintenance to 78 Cambridge Street, West Leederville as the property is owned by the Town and therefore ineligible for consideration.

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.111 MINOR AMENDMENTS TO PERRY LAKES DESIGN GUIDELINES AND DETAILED AREA PLAN**

**PURPOSE OF REPORT:**

The purpose of this report is to approve amendments to the Perry Lakes Design Guidelines and Detailed Area Plans (Design Guidelines). The amendments relate to the removal of the need for development applications to be assessed by the Estate Architect (currently, The Fulcrum Agency). Corresponding with the removal of the Estate Architect, it is recommended that further minor amendments be made to the Design Guidelines to improve clarity and reduce duplication.

**SUMMARY:**

The Design Guidelines became operational in 2009 following the gazettal of the Redevelopment Plan. The redevelopment of the Perry Lakes Estate was coordinated by Landcorp (now Development WA) until “completion day” on the 25 November 2016, as set out in Clause 15 of the *Perry Lakes Redevelopment Act 2005* (Redevelopment Act). At this time, the coordination of the redevelopment was transferred to the Town, enabled via amendment No. 32 to the Town’s Local Planning Scheme No. 1 (the Scheme). This amendment ‘normalised’ the Perry Lakes Redevelopment Area into the Scheme by establishing Special Control Area No. 4.

The Scheme sets out that Design Guidelines and Detailed Area Plans adopted under the Redevelopment Plan are to be treated as a ‘Local Development Plan’ (LDP) when planning decisions are made by the Town. Under the Design Guidelines, the ‘Estate Architect’ is required to assess the design quality of all new buildings within the Redevelopment Area.

As part of the normalisation process for the Perry Lakes Redevelopment Area, it is now proposed that the Design Guidelines be amended to remove reference to the Estate Architect. Assessment of design quality will then be undertaken by Town officers and the Town’s Design Review Panel (if applicable). The Estate Architect function is currently undertaken by Development WA, through architectural consultants ‘The Fulcrum Agency’.

There are four vacant lots that remain undeveloped within the Redevelopment Plan area.

Due to the limited number of vacant lots remaining at the site it is recommended the Town adopt the amendments without undertaking consultation, pursuant to Schedule 2, Part 7, Clause 59 (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions).

**AUTHORITY / DISCRETION**

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Perry Lakes Redevelopment Area
Report Date:	25 October 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	Strategic Planning Officer, Melissa Meumann
Reporting Officer Interest	Nil
Attachment(s):	1. Track Changes - Perry Lakes Design Guidelines and Detailed Area Plans 2. DevelopmentWA Letter – Removal of Estate Architect from Perry Lakes Design Guidelines and Detailed Area Plans

## **BACKGROUND:**

### **Perry Lakes Design Guidelines and Detailed Area Plans**

Under the Special Control Area No. 4 – Perry Lakes Redevelopment Area of the Scheme, the Design Guidelines adopted under the Redevelopment Scheme are to be treated as a LDP when making planning decisions.

The Design Guidelines were approved by the Western Australian Planning Commission (WAPC) on 17 September 2009 in accordance with the Redevelopment Plan. As outlined in the Design Guidelines there are four character settings within the Perry Lakes redevelopment area: the garden belt, track and field, international style and apartment. These character settings are dependent on the location of each lot within the site and seeks to mimic the original use of the site as a sport stadium and host for the 7th British Empire and Commonwealth Games in 1962.

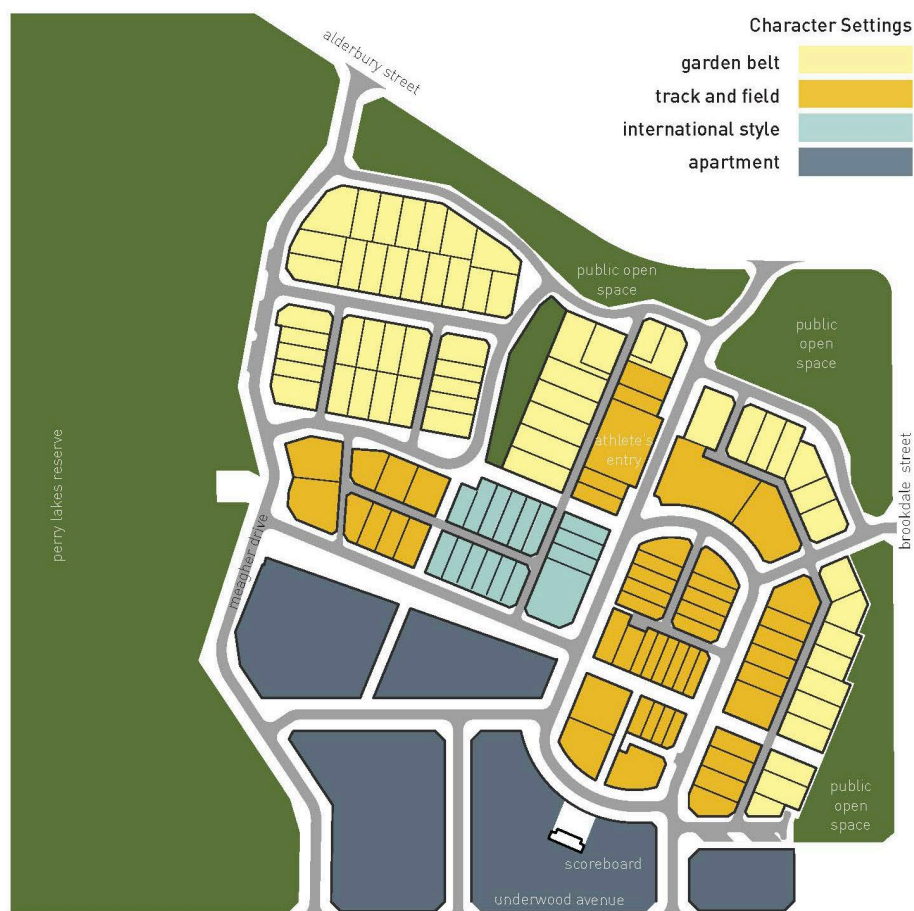
### **Perry Lakes Redevelopment Plan**

The Redevelopment Plan was approved by the Planning Minister on 10 July 2008, in accordance with the Redevelopment Act. The Act resumed the land from the Town and enabled DevelopmentWA (formerly Landcorp), to manage and enforce the Guidelines during the redevelopment of the site. Under Section 15 of the Act, the ability for the Town to enforce the planning controls for the Perry Lakes Redevelopment Area came into effect on “completion day,” on 25 November 2016.

To proceed towards determining the “completion day” for the Act and reinstate planning controls to the Town, Amendment No. 32 to the Town’s Local Planning Scheme No. 1 was required (**DV15.149**). This amendment initiated the rezoning of the Perry Lakes Redevelopment Area for residential purposes and established Special Control Area No. 4 (SCA4), enforcing the Design Guidelines and Redevelopment Plan.

The Redevelopment Plan is classified as a Structure Plan under the SCA4 of the Scheme. The Redevelopment Plan provides a framework for development at the site by establishing urban design, land use, key road networks, open space and infrastructure principles.

## Perry Lakes Character Settings



### DETAILS:

The Estate Architect is involved throughout the approval process, including requiring each lot within Perry Lakes to obtain design endorsement from the Estate Architect prior to lodging a development application with the Town.

#### *Current approval process*

The Guidelines describe six steps in the development assessment process:

1. Assess the site and familiarise yourself with the design guidelines;
2. Sketch design;
3. Design endorsement;
4. Development application approval;
5. Detail design endorsement; and,
6. Building license approval.

Prior to obtaining development and building approval by the Town, design endorsement is required from the Estate Architect. Step three of the approval process addresses the requirement of the Estate Architect to provide design endorsement for each application prior to development approval. This step ensures the application meets the requirements set out in the Design Guidelines, design guideline checklist and environmental checklist. Furthermore, step five of the approval process requires the Estate Architect to provide detailed design

endorsement after development application approval has been granted by the Town. This step ensures that the design intent from the previous design endorsement has been maintained and any conditions of approval have been sufficiently addressed.

## **Amendments**

### *Removal of Estate Architect*

The provisions of the Design Guidelines are comprehensive in expressing the desired future design outcome within the Redevelopment Area. The Redevelopment Area is also substantially redeveloped, with a (now) well defined built-form character.

Development WA, noting that the Estate is (in practice) 'fully developed' has requested that the Estate Architect requirement be removed from the Guidelines (refer **Attachment 2**). Removing reference to the Estate Architect will enable the Town to more effectively assess development proposals and continue with the normalisation of the Redevelopment Area. By removing references to the Estate Architect, Town officers will be responsible for the assessment of development applications, relating to the remaining undeveloped lots. For more significant proposals including for the last remaining vacant apartment lot, design advice will also be obtained from the Town's Design Review Panel. The Design Review Panel will provide independent and expert technical design advice to ensure each proposal is compliant with the Design Guidelines.

### *Removal of Design Guideline Checklist*

The Design Guidelines include a 'Design Guideline Checklist', required to be submitted when lodging a development application for the assessment of the Estate Architect. It is recommended that the Design Guidelines checklist be removed as a majority of the checklist is already reflected in criteria within the Design Guidelines (namely the 'General Provisions' section). To improve clarity, the Design Guidelines have been amended to include specific design elements previously outlined in the checklist which should be incorporated into the Design Guidelines (**Attachment 1**).

### *Removal of development application forms*

The Design Guidelines contains two forms (form 1 and form 2). These forms pre-date the Deemed Provisions, which set out the forms for development approval under a local planning scheme. The forms contained in the Design Guidelines are redundant and are recommended to be removed.

### *Environmental Checklist*

The environmental checklist outlines mandatory and additional sustainability requirements to achieve more development within Perry Lakes. To improve the clarity of the checklist and update the sustainability requirements, it is recommended that minor amendments be made. These amendments include incorporating more well-known and modern terminology, such as by referring to the 'WELS' branded star rating system for water appliances and fittings and replacing the '1 in 1 year event' wording with '100% Annual Exceedance Probability (AEP)'. These amendments also further clarify the use of water-wise plants and encourage the use of the suggested species list within the Design Guidelines. Regarding the installation of rainwater tanks, it is recommended that rainwater tanks be permitted for outdoor use in addition to indoor use, and the checklist be amended accordingly. Allowing for outdoor uses including garden irrigation, to utilise rainwater tanks will assist in promoting more water-wise practises.

### *Summary*

The proposed amendments allow for a more clear and concise document and reduce duplication. The amendment to remove reference to the Estate Architect will enable more timely assessment of development applications by the Town. Town officers will be responsible for ensuring the design quality of the remaining buildings within the estate are appropriately assessed and implemented; in accordance with the amended Design Guidelines and the now well-defined character of the estate.

### *Advertising of amendments*

Given that the majority of lots in the Redevelopment Area are developed, a limited number of lots will be directly affected by these amendments. Pursuant to clause 59(4) of the Deemed Provisions, advertising of amendments to a LPD is not required if the local government considers the amendments to be minor in nature. Due to the limited number of vacant lots remaining within the estate, the amendments are considered to be minor.

### **Conclusion**

As the majority of Redevelopment Area has been redeveloped it is recommended that Council amend the Design Guidelines, as shown in **Attachment 1**.

### **POLICY/STATUTORY IMPLICATIONS:**

Schedule Part 6 of the deemed provisions *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the requirements for amending a LDP.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The proposed amendments to the Guidelines are considered to be 'minor' in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **FINANCIAL IMPLICATIONS:**

The Town will incur minor costs associated with the assessment of development applications by Town officers and/or the Town's Design Review Panel. These costs are accounted for in the 2021/2022 Budget.

### **STRATEGIC DIRECTION:**

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

### **Our Neighbourhoods**

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

Strategy 4.1 Examine and better identify through planning and consultation those features and qualities which define our individual neighbourhoods.

Strategy 4.2 Create opportunities for greater housing choice in forms relevant to demand, lifestyle needs and location.

- Strategy 4.3 Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character.
- Strategy 4.4 Enhance and respect our existing streetscapes, setbacks and green spaces.
- Strategy 4.5 Liaise with relevant agencies on planning, including provision for education and health facilities and service.

### **COMMUNITY ENGAGEMENT:**

The recommendation of this report has been assessed against the Community Engagement Policy No: 019 and Community Engagement Framework. Community engagement on the proposed amendments is not recommended.

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

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That Council:**

- 1. AMENDS 'Perry Lakes Design Guidelines and Detailed Area Plan' Local Development Plan as shown in Attachment 1;**
- 2. Pursuant to Schedule 2, Part 7, Clause 59(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DOES NOT ADVERTISE the amendments to the Local Development Plan as they are considered to be minor; and**
- 3. PUBLISHES a public notice of the amended Local Development Plan on the Town's website.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.112 DRAFT WEST LEEDERVILLE ACTIVITY CENTRE PLAN – OUTCOMES OF CONSULTATION AND ENDORSEMENT**

**PURPOSE OF REPORT:**

This report presents the outcomes of the formal advertising of the revised draft West Leederville Activity Centre Plan (WLACP), undertaken in April 2020 and recommends that the WLACP be modified in response to the submissions received and submitted to the Western Australian Planning Commission (WAPC) for assessment.

**SUMMARY:**

The WLACP was advertised during May and June 2020 and the Town received a total of 82 submissions. There were 5 key themes from the survey responses and submissions, which related to:

1. Building Height;
2. Bonus Height;
3. Open Space;
4. Setbacks; and
5. Traffic.

In addition, common concerns included built form transition and setbacks, traffic and pedestrian safety associated with Cambridge Street, traffic and parking generally, amenity impacts and support for active street frontages and retail/entertainment focused development.

In order to address the submissions, a number of modifications are proposed (as set out in **Attachment 2**), summarised as follows:

1. The height limit of properties at the eastern residential interface of Precinct 1, along Cambridge Street are reduced to 4 storeys from 6 storeys to allow for more gradual built form transition to existing lower rise residential development;
2. 115-119 Cambridge Street (the Coles site) is designated as a 'Landmark Site' in the WLACP with additional requirements to guide its development, including the requirement for the preparation of a Local Development Plan (LDP). The LDP is to set out requirements for building height and setback, parking, access, pedestrian connections through the site and public benefit contributions;
3. The height limit of properties to the west of Kerr Street in Precinct 2, with the exception of those along Railway Parade, are reduced to 4 storeys from 6 storeys to better protect the existing residential amenity of the area;
4. The height limit of properties along Railway Parade in Precinct 3 are increased from 8 to 10 storeys to offset the height reductions in Precinct 1 and 2 and to capitalise on the fewer development impacts of additional building height along Railway Parade, within Precinct 3; and,
5. An additional guiding principle is added to the provisions of Precinct 4 for the conservation of the Town's heritage places.

Since the conclusion of the advertising period, the Town has analysed the submissions and recommends that the WLACP be modified to address key concerns raised. Should Council support the modifications, the WLACP can then be submitted to the WAPC for assessment.

It is also open to Council to receive the submissions and submit the WLACP without modification to the WAPC for assessment, or for Council to support the modifications and re-advertise the WLACP for public comment

**AUTHORITY / DISCRETION:**

- Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes & policies.
- Review When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
- Information For the Council/Committee to note.

Address/Property Location:	West Leederville Activity Centre
Report Date:	26 October 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	Strategic Planning Officer, Satya Bourgeot
Reporting Officer Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> <li>1. Draft West Leederville Activity Centre Plan (as advertised)</li> <li>2. Schedule of Modifications</li> <li>3. Consultation material (survey, brochure)</li> <li>4. Schedule of Submissions (Survey)</li> <li>5. Schedule of Submissions (Written)</li> <li>6. Schedule of Submissions (External Agencies)</li> <li>7. Submission for 115-119 Cambridge Street (Coles Site)</li> <li>8. Confidential advice relating to 115-119 Cambridge Street.</li> </ol>

**BACKGROUND:**

On 28 April 2020, Council considered the draft WLACP for the purpose of advertising (DV20.41) and resolved that Council:

1. *SUPPORTS the preparation of the revised draft West Leederville Activity Centre Plan as shown in Attachment 2;*
2. *ADVERTISES the draft West Leederville Activity Centre Plan in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Local Planning Policy 1.2: Public Notification of Planning Proposals and the following:*
  - 2.1. *notice to public service agencies; and*
  - 2.2. *display a copy of the West Leederville Activity Centre Plan in the Town of Cambridge Administration Centre office windows for public inspection with clear instruction to download the documentation from the Town's website.*

Public advertising was undertaken as outlined in the Consultation section of this report. Since the public advertising period concluded, changes to the Strategic Planning Framework have

been implemented by the State Government and further proposals advertised for comment, these are outlined below.

### *State Government planning instruments*

In late 2020, the State Government consulted on, and/or adopted, the following planning instruments which impact the preparation of activity centre plans and change the terminology to Precinct Structure Plans:

1. Draft State Planning Policy 4.2: Activity Centres (SPP4.2) - consultation ended February 2021;
2. *Planning and Development (Local Planning Schemes) Regulations 2015* - advertised and adopted in December 2020, Part 1 gazetted in February 2021 and Part 2 gazetted in July 2021; and
3. State Planning Policy 7.2: Precinct Design (SPP7.2) – gazetted February 2021

As part of the transitional provisions of SPP7.2, if a local government has an activity centre plan, structure plan, scheme amendment or local development plan underway, recently advertised or approved, it will comply with the new policy in the following circumstances:

- i. Where a plan has already been endorsed over an area
- ii. Where a plan has already been advertised
- iii. When a plan is underway, the Western Australian Planning Commission will need to determine whether it is progressed far enough to be compliant with the new policy.

As the draft WLACP has already been advertised, it is deemed to comply with SPP7.2 and does not require any modification to address the new framework.

### *Subiaco East Master Plan*

On 28 October 2020, the Minister for Planning and Transport announced that the Subi East Master Plan (The Master Plan) had been finalised. The Master Plan sets out the vision and key site layout, land use, open space, movement and building height objectives for the future redevelopment of the area, which is directly south of the WLACP area. The Master Plan will also inform preparation of statutory planning framework, such as design guidelines on building design, setbacks, solar access and car parking etc.

### *Local Planning Strategy*

On 30 April 2021, the Town's Local Planning Strategy (LPS) was endorsed by the WAPC. The LPS provides strategic direction for future town planning and development, and seeks to address the Town's requirement to develop options to meet housing targets under the State Government's *Directions 2031, Perth and Peel @ 3.5 Million* and the Central Sub-regional Planning Framework.

This report was presented to the Development Committee on 16 November 2021. At the Ordinary Council meeting on 23 November 2021 (DV21.97), Council resolved:

1. *That Council DEFERS the item relating to the Draft West Leederville Activity Centre Plan to an Elected Member Forum to be held on 7 December 2021.*

An Elected Member Forum was held 7 December where the matters the subject of this report were discussed.

## **CONSULTATION:**

In accordance with the Regulations and Local Planning Policy 1.2: Public Notification of Planning Proposals, the draft WLACP was advertised for a period of 32 days from Friday 22 May 2020 to Monday 22 June 2020. Extensions of time were granted to 6 respondents, with the latest submission received on Wednesday, 19 August 2020.

The methods of consultation included:

- a) A letter to landowners and occupiers within a 100 metre radius of the WLACP area, notifying them of the draft WLACP and the submission period;
- b) A referral notice requesting comment from public authorities;
- c) A Public Notice published in the Post Newspaper Saturday, 23 May 2020 edition
- d) A notice on the Town's website;
- e) An online survey (also available as an accessible PDF version to download, print and submit via hardcopy);
- f) Instructions for submitting a non-survey submission by email or letter;
- g) A dedicated consultation page on the Town's website, including downloadable copy of the documentation, an information brochure, and a link to the online survey;
- h) A Public Notice sign displayed in front of the former Youth Centre on Cambridge Street (86 Cambridge Street) during the advertising period;
- i) Notice to the Cambridge and West Leederville relevant ratepayer and resident associations;
- j) A feature in the Cambridge News (eNewsletter and Post Newspaper) Saturday 30 May 2020 edition;
- k) Posts on the Town's social media platforms (Facebook and Twitter) advising of the public advertising period and inviting comment; and
- l) A display at the Town of Cambridge Administration building and an information brochure (available online and in hard copy).

## **Submissions**

A total of 82 submissions were received, consisting of:

1. 64 survey responses;
2. Nine non-survey submissions; and
3. Nine referral responses from public authorities.

Of the total of 73 survey and submission respondents, 36 (49.3%) identified as property owners and/or occupiers within the WLACP area. This included four respondents (5.5%) that identified as business owners. 37 (50.7%) were identified as being from outside the WLACP area.

The responses to survey submissions and submissions that were made through other means (email, letters etc), comprised a total of 73 submissions and these will be discussed in detail below, followed by the referral responses. The online survey (**Attachment 3**) consisted of 23 questions, structured into the following sections:

1. Submitter Details
2. Precinct 1 – Cambridge High Street
3. Precinct 2 – Kimberley Street to Abbotsford Street Residential Area
4. Precinct 3 – Southport Street
5. Precinct 4 – Leederville Hub
6. Building Height
7. Transport Movement and Access
8. General Comments

The survey included optional quantitative (agree/disagree) and qualitative questions.

**DETAILS:**

A schedule of submissions that includes verbatim survey and non-survey responses is attached to this report (**Attachment 4 and 5**), which are accompanied by an officer response. A schedule of referral agency submissions is contained within **Attachment 6**. The Administration have analysed the responses and key planning concerns raised during consultation are addressed in further detail under the relevant sections of this report.

In the online survey, respondents were asked the following questions for each of the four Precincts in the draft WLACP:

1. **What are you most supportive of regarding the proposed requirements for the Precinct?**
2. **What issues, concerns or suggestions do you have regarding the proposed requirements for the Precinct?**

The diagram below indicates the four Precincts in the Activity Centre Plan (ACP) area.



- Activity Centre Plan boundary
- Precinct 1 – Cambridge High Street
- Precinct 2 – Kimberley Street to Abbotsford Street
- Precinct 3 – Southport Street
- Precinct 4 – Leederville Hub
- Train Station

**Precinct 1: Cambridge High Street**

Concern:	Increase in density		
Total responses	Supportive	Neutral	Not Supportive
29	13 (44.8%)	0	16 (55.2%)

The majority of respondents were not supportive of the estimated dwelling yield of 350 – 450 dwellings for Precinct 1. Concern was also raised about the dwelling mix that was likely to be supplied through development in the precinct and that there would be too many one or two bedroom dwellings and not enough three or more bedroom dwellings.

The concern regarding the estimated dwelling yield is acknowledged. These estimates align with the Local Planning Strategy (LPS) which plans for approximately 1,800 – 2,300 dwellings throughout the WLACP area.

With regard to the dwelling mix, section 4.1.7 of the draft WLACP stipulates that developments that contain more than 10 dwellings are to provide a minimum of:

- a) 20% single bedroom dwellings;
- b) 40% two bedroom dwellings; and
- c) 20% three or more bedroom dwellings.

The R-Codes contains dwelling mix criteria that ensure, particularly in larger buildings, a diversity of accommodation types are provided. In light of this, no modification is recommended to the density diversity measures in Precinct 1.

<b>Concern:</b>	Active street frontages			
	<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
	27	25 (92.6%)	0	2 (7.4%)

There was widespread support from respondents for the proposed active street frontages in Precinct 1. Residents and property owners inside and outside the ACP area were supportive of the potential contribution to the public realm and to the ‘vibrancy’ of West Leederville.

To further reinforce the desired outcomes and importance of Active Street Frontages in the WLACP, it is recommended that the provision 4.1.1 be modified as follows:

1. 4.1.1(c) – *“Developments shall provide multiple ground level tenancies and be designed to maintain a fine grain pattern of development, limited wide building frontages with a single use or tenancy. All ground floor tenancies shall obtain their main public pedestrian entry directly from and level with the Active Street interface.”*
2. 4.1.1(d) – *“Development shall be designed to reinforce the significance of the Active Street with a high standard of details, materials and finishes and a high level of visual engagement between the street and indoor activity.”*

<b>Concern:</b>	Retail/dining/local convenience-focused development			
	<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
	26	23 (88.5%)	0	3 (11.5%)

The proposed land uses for Precinct 1 also had widespread support and responses were generally favourable about Precinct 1 being the focal point of the activity centre.

Precinct 1 had the most widespread support from online survey respondents, particularly for the retail and entertainment activation of the High Street. Several suggestions were also made to reinforce the public realm of the Precinct via pedestrian zones and connections, cycling infrastructure and functional public open spaces, and these matters are addressed under the Transport and Movement heading.

### ***Precinct 2: Kimberley Street to Abbotsford Street residential area***

Building height was raised by submitters within this precinct and this is addressed under the ‘building height’ heading below. In addition to the questions 1 and 2, the online survey included an additional question about Precinct 2:

**1. What do you think about the residential zoning of Precinct 2? Should Precinct 2 remain primarily residential?**

<b>Concern:</b>	Primarily residential zoning		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
44	32 (72.7%)	5 (11.4%)	7 (15.9%)

Respondents in Precinct 2 raised support for remaining primarily residential in its zoning, however several submissions also noted that commercial zonings such as the restaurant/wine were valued in the area and should be replicated.

The support for a primarily residential zoning is noted. Precinct 2 is currently zoned Residential under Local Planning Scheme No. 1 (the Scheme) which prohibits commercial, retail and entertainment uses. Section 4.1.2 of the draft WLACP makes provision for mixed use development where at ground-level and providing activation of the street.

Based on the survey responses above, it is not recommended that provisions relating to land use within Precinct 2 be modified. Concerns relating to the proposed building heights in this Precinct are addressed in the 'Building Heights' section of this report, below.

***Precinct 3: Southport Street***

<b>Concern:</b>	Commercial-focused development		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
29	23 (79.3%)	4 (13.8%)	2 (6.9%)

Respondents raised support for the commercial-focused development in Precinct 3. Some expressed concern that office space alone would not be viable and that other uses were required to provide adequate activation throughout the day and night. The draft WLACP suggests that mixed use development (which could comprise a mixture of residential and commercial, or commercial and hospitality uses) would be suitable for Precinct 3. As such, no modification to the commercial-focused development in Precinct 3 is recommended.

<b>Concern:</b>	Increase in density		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
27	18 (66.7%)	1 (3.7%)	8 (29.6%)

Overall, respondents were most favourable to increased density in Precinct 3 compared to all other Precincts in the draft WLACP.

Several respondents indicated support for Leederville Station Link and greater pedestrian/cyclist permeability from Leederville Station to the rest of the WLACP area. The Leederville Station Link (or Leederville Link) project began as a joint study between the Town of Cambridge and the City of Vincent in 2011 and proposed a transit connection created over the Mitchell Freeway between Leederville and West Leederville. Several options were explored and both the City of Vincent and Department of Transport provided in-principle support, however the grant funding application to the National Stronger Regions Fund was not successful and the Leederville Link project has been deferred pending the completion of the West Leederville Activity Centre.

It is noted that the Ordinary Council Meeting held on 22 June 2021, Council included the Leederville Hub project as a Strategic Priority Project for the 2021/22 financial year (refer DV21.58).

**Precinct 4: Leederville Hub**

<b>Concern:</b>	Community facility-focused development		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
11	11 (100%)	0	0

All respondents were supportive of community facility-focused development in Precinct 4, noting that the Precinct already contains several civic buildings such as the Leederville Town Hall. There was strong public support for the retention of all heritage sites within Precinct 4. Some respondents showed concern about whether the existing heritage buildings would be compromised with future development. The heritage buildings will be a key consideration as part of any development in the precinct, in accordance with Local Planning Policy 3.14 'Development on Heritage Places'. It is recommended that the provisions for Precinct 4 be modified to include the importance of conservation of the Town's Heritage Places (refer **Attachment 2**).

<b>Concern:</b>	Open space provisions		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
22	15 (68.2%)	4 (18.2%)	3 (13.6%)

The support for the focus on open space and community-focussed provisions in Precinct 4 is noted.

<b>Concern:</b>	Increase in density		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
20	8 (40%)	2 (10%)	10 (50%)

Based on lot sizes and applicable development standards, the draft WLACP estimates between 300 – 400 additional dwellings could be accommodated in Precinct 4. These figures represent the low to high growth scenarios to 2050 from a dwelling and yield analysis of West Leederville undertaken in 2018. Half of respondents objected to these targets, concerned that the limited open space available in Precinct 4 would be reduced further by additional infill development. A guiding principle of a future Local Development Plan (LDP) for Precinct 4 is the need to provide high quality, accessible and functional open space and community facilities throughout the precinct, by expanding upon and redistributing the existing open space and community facilities within the precinct. This will also be informed by the outcomes of the Open Space and Community Infrastructure Strategy. As such, it is not anticipated that the open space in Precinct 4 will be reduced by infill development, and no modification to the WLACP is recommended

<b>Concern:</b>	Pedestrian, cyclist and vehicle connectivity		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
11	8 (72.7%)	3 (27.3%)	0

Respondents showed strong support for pedestrian and cyclist connectivity in Precinct 4, particularly to strengthen linkages between Leederville Station and the Cambridge Street town centre. Although the draft WLACP indicated that a LDP would be required to consider this area in detail, many respondents still expressed concern that building heights in Precinct 4 were unclear. This concern is acknowledged; indicative heights were shown in Figure 32 of the WLACP, which indicates that the overall maximum building height in Precinct 4 could be 8 storeys, with podium level heights a maximum of 3 storeys. In addition, there was significant support for community facilities, open space provisions and increased pedestrian and cyclist infrastructure.

Based on the survey responses above, it is not recommended that any further provisions relating to Precinct 4 be modified.

### ***Building Heights***

The draft WLACP includes height and setback transition within the ACP area. The online survey asked respondents to indicate their level of agreement with this approach, with the results as follows:

<b>Total responses</b>	<b>Agree</b>	<b>Neutral/Unsure</b>	<b>Disagree</b>
57	11 (19.3%)	19 (33.3%)	27 (47.4%)

A high proportion of respondents indicated that they were unsure about the implications of building height and setback transitions. Many of those that expressed their disagreement also added further comment to indicate that they were not supportive of the proposed building heights throughout the draft WLACP area.

These concerns are acknowledged. Protecting the amenity of properties outside of the activity centre is an objective of the plan (1.3), which seeks to ensure that redevelopment of the precinct responds sensitively to residential interface amenity, particularly where new development abuts established suburban residential development to the north and west of the centre.

In doing this, the WLACP seeks to balance the need to accommodate future growth in the centre with that of providing greater certainty for landowners regarding building heights and setbacks.

Three further questions about building heights followed:

- 1. Should built form transition areas outside the ACP area be considered for further investigation?**
- 2. What do you think about selected sites in Precinct 1 and Precinct 3 being eligible for discretionary bonus building height where the following proposed criteria are provided in a development?**
- 3. Are there any other important outcomes that you think should be criteria for discretionary building height?**

### ***Built Form Transition***

There was support from respondents for built form transition outside the ACP area, with the results as follows:

<b>Total responses</b>	<b>Agree</b>	<b>Neutral/Unsure</b>	<b>Disagree</b>
40	16 (40%)	6 (15%)	18 (45%)

Some respondents that disagreed with the proposal were concerned that this would result in 'overdevelopment'. As identified above, protecting the amenity of properties outside of the activity centre is an objective of the plan.

Many respondents that indicated support for built form transitions outside the ACP area suggested greater infill development and building heights in Coastal Ward suburbs of the

Town. The distribution of dwellings outside of the ACP area cannot be addressed as part of WLACP. Infill distribution has been considered as part of the Town’s Strategy.

*Building Height Bonus and other criteria*

The following feedback was provided regarding building height bonuses for selected sites within Precincts 1 and 3:

<b>Total responses</b>	<b>Agree</b>	<b>Neutral/Unsure</b>	<b>Disagree</b>
46	12 (26.1%)	9 (19.6%)	25 (54.3%)

Over half of respondents did not support this proposal, with many expressing a lack of confidence in the statutory framework to ensure the trade-offs were delivered for community benefit, especially if determined by the Development Assessment Panel. Further comments suggested that bonus criteria, including public open space provisions, should be a development requirement and not just incentivised for bonus building heights.

These concerns are acknowledged, the provision of meaningful open spaces is dependent upon the size of the development site and feasibility considerations, and the WLACP identifies sites where a building height bonus may be appropriate in order to facilitate the provision of this space.

Regarding suggestions for other bonus criteria for discretionary building height, the most common suggestion was for additional parking provisions. It is not recommended that additional height be offered for parking provisions, due to the high levels of public transport availability within and nearby to the WLACP area.

In addition to the questions above, building height was also raised in response to the precinct specific questions discussed earlier. These are discussed below.

*Precinct 1*

<b>Concern :</b>	<b>Proposed building height limits (2 – 10 storeys)</b>		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
36	6 (16.7%)	5 (13.9%)	25 (69.4%)

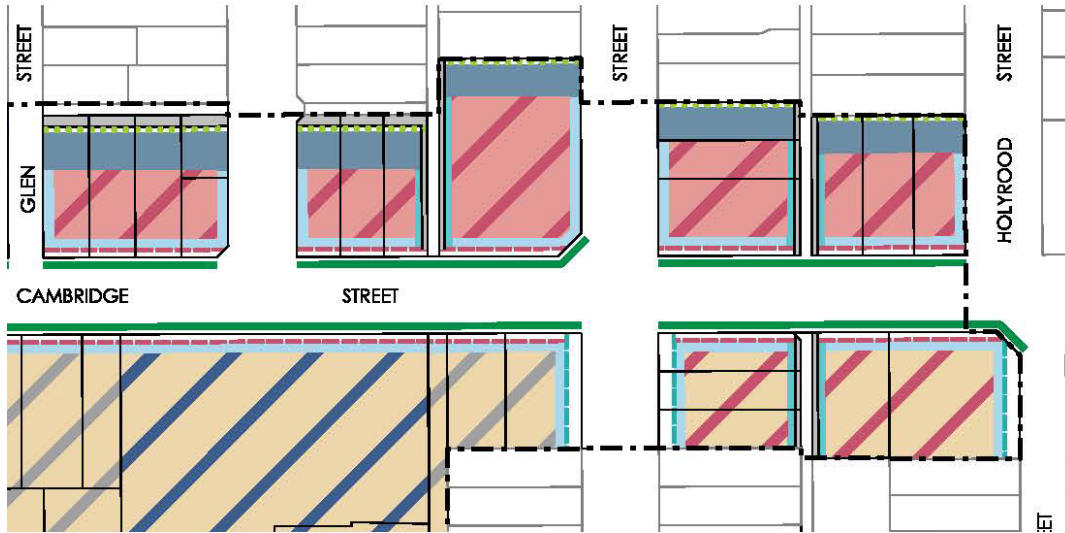
Many respondents expressed concern about the 10 storey maximum building height limit proposed for Precinct 1, especially due to the traffic, parking and overshadowing implications. A significant proportion of those not supportive of the building height limits suggested that a maximum building height of up to six storeys would be more appropriate for Precinct 1, to keep with the existing character of the suburb.

The WLACP proposes for building height to be ‘stepped down’ at the interface of new development within Precinct 1 and existing low density residential development outside the WLACP area in order to provide transition. Additionally, discretionary building height over 6 storeys in Precinct 1 is available to the sites south of Cambridge Street only when bonus criteria relating to the provision of pedestrian linkages, public open space and the ceding of land for laneway widening is delivered as part of a proposed development.

Based on the survey responses above and the overall objective for Precinct 1, it is recommended that lots between Furniss Lane and Kerr Street (on Cambridge Street) shown in the figure below are reduced in height to match north of Cambridge Street (i.e. 4 storey height limit, with a potential 2 storey bonus for open space or laneway widening). It is anticipated that this will reduce the impact and soften the transition to land to the south, which is within Precinct 2. This modification is demonstrated in the figure below.

**BUILDING HEIGHTS**

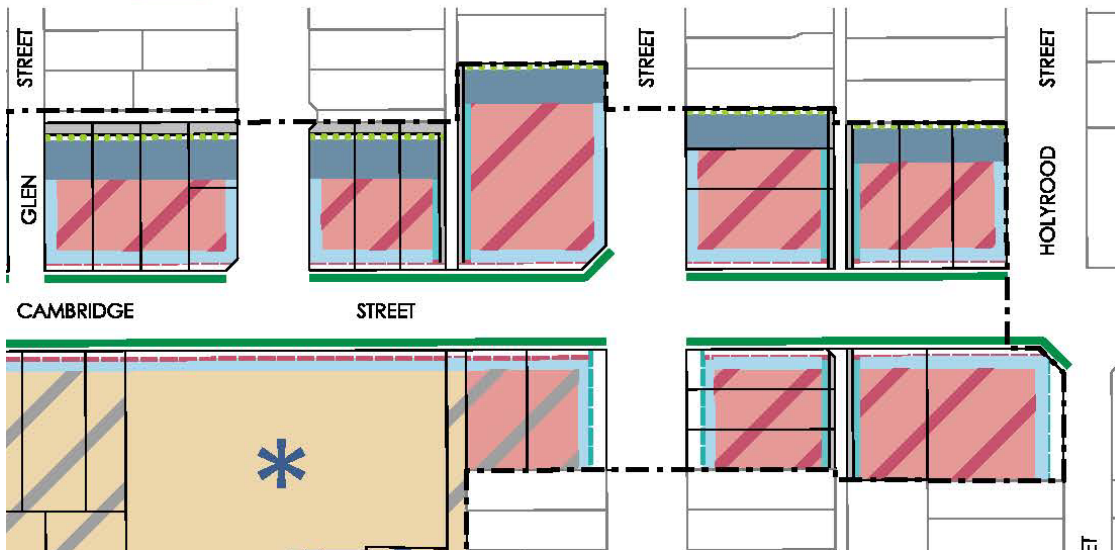
- 2 Storey Height Limit
- 3 Storey Height Limit (2m setback from lot boundary above 3 storeys)
- 3 Storey Height Limit (3m setback from lot boundary above 3 storeys)
- 4 Storey Height Limit
- 6 Storey Height Limit
- Potential for 2 bonus storeys
- Potential for 2 bonus storeys
- Potential for 4 bonus storeys



**BEFORE**

**BUILDING HEIGHTS**

- 2 Storey Height Limit
- 3 Storey Height Limit (2m setback from lot boundary above 3 storeys)
- 3 Storey Height Limit (3m setback from lot boundary above 3 storeys)
- 4 Storey Height Limit
- 6 Storey Height Limit
- Potential for 2 bonus storeys
- Potential for 2 bonus storeys
- Potential for 4 bonus storeys



**AFTER**

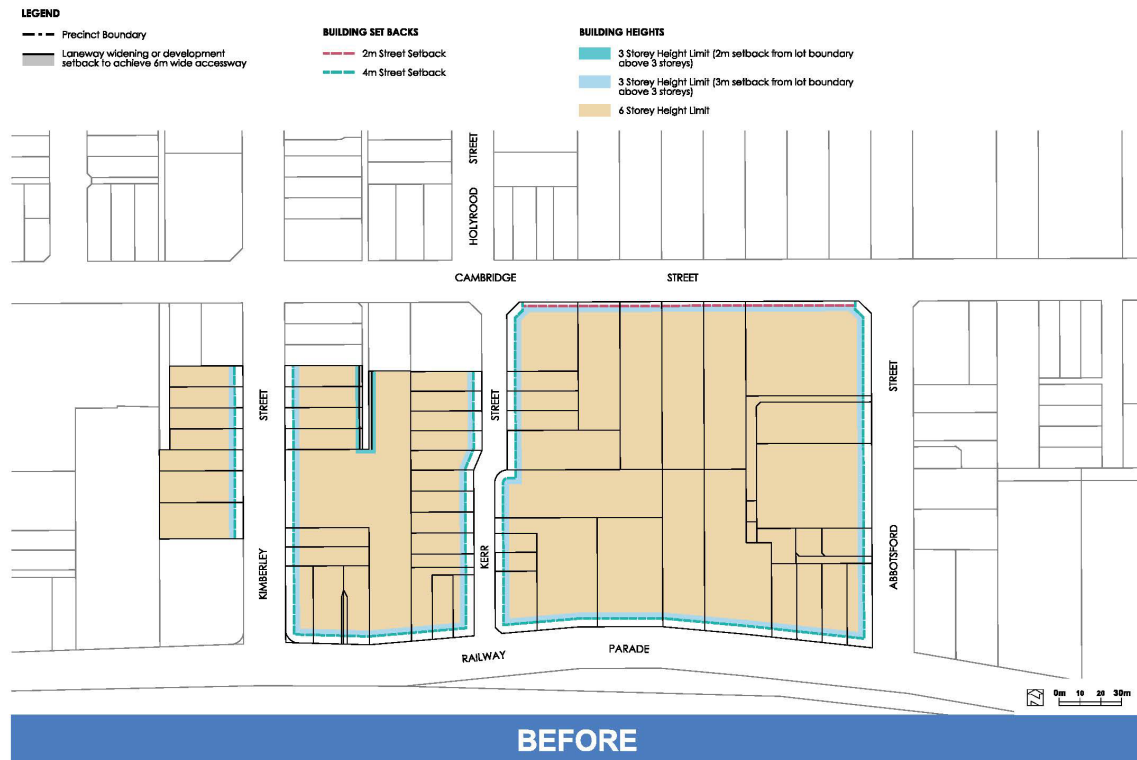
Overall, Precinct 1 had the most support from online survey respondents for the provisions that relate to the Precinct, particularly for the retail and entertainment activation of the Cambridge Street. Several suggestions were also made to reinforce the public realm of Precinct 1 via pedestrian zones and connections, cycling infrastructure and functional public open spaces.

*Precinct 2*

Concern :	Proposed building height limits (2 – 6 storeys)		
Total responses	Supportive	Neutral	Not Supportive
30	5 (16.7%)	4 (13.3%)	21 (70%)

While there was majority opposition to the proposed building height limits in Precinct 2, 13.3% of survey respondents suggested that there should be greater building heights along Railway Parade as there were fewer neighbours and therefore less issues with privacy and overshadowing.

It is noted that the existing character of the Precinct is largely low rise residential development and includes the Kimberley Street Precinct which is of heritage interest. As such, it is recommended that the maximum allowable building heights for properties west of Kerr Street in Precinct 2 be reduced to 4 storeys as of right, with the exception of the properties along Railway Parade which would be retained at 6 storeys. This is in line with the Precinct’s land use objective as per 2.2.2: “..to retain the existing residential function and promote medium density residential development and redevelopment”. No building height bonus will be applicable in this Precinct. This modification is demonstrated in the figure below.





*Precinct 3*

<b>Concern (Precinct 3):</b>	<b>Proposed building height limits (2 – 12 storeys)</b>		
<b>Total responses</b>	<b>Supportive</b>	<b>Neutral</b>	<b>Not Supportive</b>
23	10 (43.5%)	3 (13%)	10 (43.5%)

Respondents were evenly split about the proposed building height limits for Precinct 3. 23% of those not supportive felt that building heights should be greater. Based on survey results, respondents were more supportive of greater building heights in Precinct 3 compared to other Precincts, given that it is the location of most of the WLACP’s existing higher rise buildings and its proximity to the freeway and Leederville Train Station. Submissions also noted that there is very little residential development in Precinct 3 and so there would be fewer impacts to residential amenity via overshadowing and reduced privacy in this Precinct. 18.8% of total survey respondents commented that they were supportive of further high rise development throughout the ACP area.

*Modification for Precinct 3*

While there was not widespread support for the building height limits within the WLACP, there are opportunities to provide for increased development height (to off-set reductions in height proposed within Precinct 1 and 2) within Precinct 3. As set out above, a number of survey responses raised support for further building height along Railway Parade (within Precinct 3). To reflect this, the following modification is recommended:

1. The building height of properties along Railway Parade in Precinct 3 be increased by 2 storeys to a maximum of 10 storeys, where the lot has a depth of 30m behind the front setback and rounded where this comes close to cadastral boundary to avoid any obscure outcomes.

In addition to the as-of-right height of 10 storeys for properties along Railway Parade, further bonuses of 2 and 4 storeys would still be available in exchange for laneway widening or 20% publicly accessible open space, as per Table 10 of the WLACP. This modification is demonstrated in the figure below.



## ***Transport and Movement***

The Transport and Movement section of the online survey included two questions:

- 1. What do you think about the proposed further investigation of the Cambridge ‘High Street’ corridor modifications to four lanes to accommodate dedicated bus priority lanes? I.e. Cambridge ‘High Street’ corridor being modified to two lanes each direction.**
- 2. Do you have any other comments or suggestions regarding movement and access in the Activity Centre Plan area?**

### *Bus Lane Modification*

<b>Total responses</b>	<b>Agree</b>	<b>Neutral/Unsure</b>	<b>Disagree</b>
59	14 (24.6%)	14 (24.6%)	29 <b>(50.9%)</b>

The Cambridge Street bus lane duplication proposal received the most engagement of all survey questions from respondents, but did not receive substantial support. 50.9% of submissions indicated disagreement with the proposal, preferring the existing modifications to remain.

Some submissions indicated that buses already had ‘priority’ in that they stopped private vehicle traffic behind them when at bus stops, but were not themselves slowed down by private vehicle traffic. The most common general suggestions included:

1. Upgrading and improving cyclist and pedestrian infrastructure instead of installing dedicated bus lanes; and
2. Further reducing speeds along Cambridge Street to promote pedestrian connectivity and safety.

In 2014, Cambridge Street was modified from two lanes in each direction to one lane between Holyrood/Kerr Street and Blencowe Street, creating a ‘pinch point’ through the activity centre and providing wide footpaths and pedestrian refuges in the middle of the street. A significant proportion of those that indicated that they were ‘unsure’ expressed concern about the pedestrian safety outcomes if the proposal was adopted and the pinch point removed.

The proposed bus lanes are considered to be a necessary modification to satisfy the requirements of a high-capacity, high-frequency transit corridor (as identified in the sub-Regional Framework) in the mid to long term. Analysis indicates that in its current form, Cambridge Street will continue to function for the next 15 – 20 years (with minor modifications), but at some point unacceptable queuing would result from consecutive buses stopping. The result would be detrimental to both the public transport function and the road network as a whole.

As part of the preparation of the WLACP, the Town engaged external consultants to conduct a Transport Impact Assessment (TIA) on the existing conditions and likely outcomes of the WLACP. The TIA recognises that all vehicular traffic demand cannot be satisfied by the road network; the levels of potential growth both within the activity centre and along the corridor are ultimately expected to exceed capacity. However, it proposes a number of constraints and additional sustainable transport infrastructure to allow for sufficient ‘movement’ capacity (across all modes), to satisfy the transport needs of the community and allow development of this area.

Should road works be undertaken, the removal of pedestrian refuges can be compensated by introducing controlled pedestrian crossings in key locations. Furthermore, bus priority lanes

would only be required during peak hours, after which they could be used for vehicular traffic or on street parking, the latter of which would give some road calming benefits. Whilst Cambridge Street was deemed unsuitable for major cycling infrastructure upgrades due to its high volume of vehicles, narrow verges and frequent crossovers, the Town is currently installing a bicycle boulevard on Ruislip Street, which runs parallel to Cambridge Street.

It is not anticipated that removal of the 'pinch point' or the addition of bus lanes will be required in the ACP area for several years. Any such decision to modify Cambridge Street will require further investigation, budget considerations and community engagement. It is also acknowledged that changing travel behaviours, new technologies and an increase in flexible working arrangements might impact the demands on the road network even as the population increases and the ACP area reaches its build-out horizon. It is expected that these impacts will be factored in before any recommendations from the TIA are initiated in the future. Based on the above, the recommendations contained within the WLACP and TIA are not recommended to be modified.

### *General Transport Comment*

General transport comments were received in the last part of the online survey. The submissions and suggestions related to traffic/congestion (including speed limits), connectivity from Leederville Train Station and cycling infrastructure.

### *Congestion*

32% of respondents raised concern about the effect that increased development would have on traffic throughout the ACP area and the broader suburb. Many respondents noted that existing development already creates significant congestion along Cambridge Street and Railway Parade.

The draft WLACP was prepared in conjunction with a TIA. The draft WLACP references the following key recommendations from the TIA to mitigate the traffic impacts:

1. Cambridge Street and Southport Street intersection upgrade to assist with managing both regional and internal traffic growth impacts on the ACP area;
2. Possible longer term Cambridge Street bus lanes to support the Cambridge/Southport Street Intersection traffic flow and to accommodate public transport demand growth;
3. New development on lots fronting Cambridge Street, vehicular access to be taken from another road or laneway if at all practicable; and
4. Existing laneway widening to 6m to allow two-way traffic. This widening will provide community benefit to the adjacent developments as it will provide an alternative access for visitors, employees and residents, decreasing traffic along frontage streets, particularly Cambridge Street.

These recommendations are based upon the broad objective of encouraging greater mode shift from residents and visitors to the Town. No further modifications to the WLACP are recommended to address traffic impacts within the ACP area.

### *Leederville Connectivity*

14% of survey respondents suggested that the WLACP should facilitate strong connectivity to Leederville Station. Several of these directly referenced the Leederville Link project, referred to in more detail above. It is anticipated that Leederville Link project will be progressed following the completion of the WLACP.

### *Cycling Infrastructure*

12.5% of survey respondents suggested that the WLACP should add or improve cycling infrastructure throughout the ACP area. Since the release of the draft WLACP, the Town has:

1. Planned major cycling infrastructure upgrades through the Safe Active Streets program, including the installation of bicycle boulevards on Ruislip Street and Woolwich Street; and
2. Adopted its Bicycle Plan 2018-2022 (CR18.110) which proposes the installation of a Principal Shared Path (PSP) along Railway Parade, most likely in the rail reserve.

Preparation of an Integrated Movement Network Strategy will commence in the third quarter of this year, in line with Department of Transport guidelines, which will include cycling network planning, as part of the broader movement network throughout the Town.

### *Speed Limits*

11% of survey respondents suggested reducing speed limits in the ACP area. The TIA discusses the potential speed reduction on Cambridge Street to 30km/hr to facilitate safer mixed cyclist and vehicular traffic through the ACP area and to divert regional traffic to alternative corridors.

### **General Comments**

The last section of the online survey included three questions about general support, issues, concerns and comments on the draft WLACP, as follows:

- 1. What are you most supportive of regarding the draft West Leederville Activity Centre Plan overall?**
- 2. What issues, concerns or suggestions do you have regarding the draft West Leederville Activity Centre Plan overall?**
- 3. Do you have any general comments about the draft West Leederville Activity Centre Plan, or any elements of the Plan?**

### General concerns

In order of frequency, the most common general concerns from the survey submissions and non-survey submissions related to:

1. Traffic/congestion impacts (addressed above)
2. Infill targets
3. Inadequate/insubstantial open space provisions
4. Privacy (eg. overlooking into backyards) and overshadowing
5. Setback prescriptions
6. Pedestrian safety
7. Parking provisions
8. Primary school overcrowding
9. Noise

### *Infill targets*

The draft WLACP does not include any scope for proposing infill outside of the ACP area, however a common concern of respondents (29%) was that West Leederville appeared to be

given an inequitable proportion of the Town's total infill target, especially in comparison to Coastal Ward suburbs.

The infill housing targets set within the draft WLACP are identified in the Strategy, which sets the following distribution of housing growth by area and suburb;

<b>Area</b>	<b>Suburb</b>
1. 55% in the Activity Centres	1. West Leederville (32%)
2. 10% in the Cambridge Street Urban Corridor	2. Wembley (21%)
3. 5% in Neighbourhood and Local Centres	3. Floreat (29%)
4. 10% Suburban Residential Areas	4. City Beach (18%)
5. 10% in Existing Development Areas	
6. 10% Potential Future Development Areas	

West Leederville is a key centre that provides over 30 percent of the Town's total office floorspace and has been identified in SPP4.2: Activity Centres as a 'District Centre'. It has significant comparative advantages such as proximity to the City, and proximity to train stations, pedestrian links and cycle paths, as well as being on the border of the Perth CBD Free Transit Zone. As a strategic employment centre, West Leederville also offers a high level of diversity with significant entertainment and retail floorspace and high density residential development.

It is worth noting that the outcomes of the WLACP do not deviate significantly from the outcomes under the current framework as set out in LPP2.5. Rather, the WLACP aims to refine and clarify existing provisions for development outcomes that align with the Town's Local Planning Strategy and applicable State Planning Policy.

#### *Open space provisions*

29.7% of survey respondents raised concerns about the capacity of existing and proposed Public Open Space allocations to support WLACP population as well as the surrounding community.

98.6% of West Leederville development areas are within 400m of open space within the Town and adjoining local government areas (the 1.4% of properties not within 400m of public open space are outside the WLACP area). These areas are to be further investigated as a component of an Open Space and Community Infrastructure Strategy (OSCIS), currently being prepared by the Town. The OSCIS will assist the Town in providing for new open space areas, improvement of public realm linkages to surrounding open space (particularly within Subiaco and Leederville) and review of facilities provided within open space areas.

#### *Privacy and overshadowing*

25% of submissions raised concerns that high rise development abutting existing low rise residential development would pose a significant privacy and overshadowing impact to existing residences, including the potential loss or reduction of natural light access.

Visual privacy and overshadowing associated with multiple dwellings is assessed at the development application stage against the provisions of the R-Codes. To meet the visual privacy and building separation requirement of the R-Codes, additional setbacks to those set out in the WLACP provisions may be required.

### *Setbacks*

Over 30% of submissions raised concerns with the draft WLACP's setback requirements. Submissions received from property owners/developers in particular expressed that the side and rear setbacks were too onerous and effectively reduced development viability or resulted in 'unachievable' building envelopes unless sites were amalgamated, particularly in Precinct 1. This feedback raised, specifically:

1. Nil front setbacks along Cambridge Street and Railway Parade;
2. Greater setbacks are required to mitigate privacy and overshadowing effects; and
3. 'Wedding cake' built form outcome from tiered setback requirements.

Nil setbacks along Cambridge Street and Railway Parade within Precinct 1 are not supported. The remainder of the sites on Cambridge Street have a 2m setback requirement and it would not be consistent with the long term vision for the area to allow a nil street setback. Providing a street setback will improve the spaciousness of the public footpath, allow for more generous tree planting and weather protection. The 4m street setback to Railway Parade is considered to provide a suitable transition between the public streetscape and private spaces; recognising the need to provide separation between the busy traffic/railway environment, and other land uses.

The lot sizes and configurations are determined to be suitably varied enough that 'wedding cake' tiered built form is not a likelihood from the WLACP's setback provisions. No change to setback requirements is proposed.

### *Plot Ratio*

Two written submissions raised some concern with the plot ratio in Precinct 1 (2.5:1). Both submissions related primarily to properties that have previously received development approvals and requested:

1. Removing plot ratio provision (leaving other provisions to guide built form) or increasing plot ratio to 3.0:1; and
2. Increasing the plot ratio to 3.0:1.

A plot ratio of 2.5:1 is consistent with the R-Codes when considering the general height limit across Precinct 1. The submissions raised that a plot ratio in excess of 2.5:1 may be achieved within the applicable building height and setbacks. Although this may be possible, it is not necessarily the desired outcome. It is not intended that the potential building envelope for each site is entirely filled. Including a maximum plot ratio may assist in ensuring buildings are articulated effectively and reduced in bulk.

### *Pedestrian safety*

22% of respondents were concerned about pedestrian safety implications associated with new development. Areas of concern included:

- a) reduced pedestrian safety if Cambridge Street doubled to four lanes to accommodate bus lanes;
- b) lack of connectivity between Railway Parade and Cambridge Street via Rosslyn Street;
- c) the lack of pedestrian crossings on Railway Parade from West Leederville Train Station towards Cambridge Street, particularly for school-aged children.

The TIA acknowledges that the removal of pedestrian refuges on Cambridge Street will reduce pedestrian safety but this can be compensated by introducing controlled pedestrian crossings

in key locations. In addition, the TIA suggests further investigation into a speed limit reduction to 30km/hr along Cambridge Street to increase pedestrian safety.

As a criteria for bonus building height, the Town is seeking a publicly accessible pedestrian link from Rosslyn Street to Cambridge Street as part of the future redevelopment of the 'Bethel' site and Coles complex. In the short term, the Town is investigating the installation of road calming infrastructure on Northwood Street (parallel to Rosslyn Street) as part of the Safe Active Streets program, which will facilitate reduced vehicle speeds. The Town has also recently completed the installation of a children's crossing on Railway Parade.

It is recommended that the WLACP is updated to reflect the recent construction of the children's crossing and to include reference in section 2.4.3 of the WLACP to other pedestrian crossing opportunities that can be investigated further.

### *Parking*

The lack of parking provisions for current and new development in the ACP area was a concern raised by 20% of respondents. Many noted that there was an undersupply of available parking particularly to sites between Cambridge Street and Railway Parade, and as such laneways were occasionally blocked by illegal parkers.

Car parking in the activity centre is provided in accordance with the Residential Design Codes and the Town's Local Planning Policy 3.13 'Parking' (LPP3.13). Provision of parking bays and the management provisions in LPP3.13 will be applicable the assessment of future development applications.

### *Primary school overcrowding*

20% of survey respondents raised concerns about the West Leederville Primary School being at capacity and unable to support the increased population growth that would result from the draft WLACP. The Department of Education (DoE) advised that, in the short term, there were no plans for additional school sites in West Leederville. As the projected population growth is likely to be gradual and the responsibility of school sites remains with the Department of Education, no change is proposed to the WLACP regarding the provision of additional local primary schools.

### *Noise*

17.2% of survey respondents expressed concern about the increased noise impacts that may arise from increased traffic and the construction of new development. Noise attenuation is assessed at the development application stage, and due regard is given to State Planning Policy 5.4: Rail and road noise (SPP5.4) where applicable. Noise mitigating measures may be required for development in accordance with requirements from the R-Codes.

### ***Non-survey responses***

The non-survey responses (**Attachment 5**) included three site-specific submissions, for 115-119 Cambridge Street (the Coles site), 27 Northwood Street and 29-33 Northwood Street, which are discussed below:

i) *115 -119 Cambridge Street, "Cambridge Connect"*

The Town received a submission from Roberts Day/Hatch on behalf of the owners of 115-119 Cambridge Street. The submission proposed a concept development (refer to **Attachment 7**) for the site which greatly exceeds what has been contemplated by the WLACP, and is summarised in the table below.

<b>Current Provision</b>	<b>Proposal</b>
Height: 10 storeys	Height: 12 & 18 Storeys
Setbacks: 2m at Street level; 3m above 3 storeys	Setbacks: Nil setback to Cambridge Street
Landmark sites: not shown	Landmark sites: Indicated in WLACP
Development bonuses: 4 bonus storeys for - a) Publicly accessible open space equivalent to 20% of the site area b) Publically accessible pedestrian link minimum of 5m wide	Development bonuses: No development bonus criteria, but a mandated 12m wide publicly accessible pedestrian link.

The submission contends that the requested modifications to the WLACP will bring significant public benefit to the precinct, while achieving the dwelling density objectives set out in the WLACP and Strategy. The Town sought an independent review of the feasibility of the indicative proposal (refer to **Confidential Attachment 8**).

The site at 115-119 Cambridge Street is one of the largest within the WLACP area. It provides significant retail floor space and the largest supermarket in the area. Its position at the centre of Precinct 1 and prominent frontage to Cambridge Street mean that development on the site has the ability to influence activity, movement and economic activity across the whole of the West Leederville Activity Centre.

Town administration agrees that the site ought to be identified as a 'landmark' site in the WLACP. The importance of the site should be underpinned by specific and considered planning controls, developed to align with the overall objectives WLACP. Proper planning of the site, outside the WLACP process has the potential to deliver significantly greater community and amenity benefits for the West Leederville area.

In order to achieve this, it is recommended that the WLACP be modified as follows:

1. Modify Figure 3 to include a symbol for Landmark Site in the legend;
2. Indicate the 'Coles' Site (115-119 Cambridge Street) as landmark sites with the symbol in (1) above.
3. Insert new subclause 4.2.5 'Landmark Sites' providing further clarification regarding the term. Notably, Landmark Sites will be subject to a Local Development Plan (LDP) that must comply with additional requirements and will have additional responsibility to foster community interaction and have a public domain feel in areas.

These modifications are demonstrated in the figure below.



The requirement for an LDP on Landmark Sites will allow for Council to have greater scrutiny to the development outcomes of any proposal on the site to ensure that significant community benefits are delivered in exchange for any increased development potential. Clause 4.2.5 is proposed to describe the following outcomes/purpose of a future LDP:

1. An LDP is to be approved, prior to any development greater than 6 storeys.
2. The LDP is to set out requirements/provisions for public parking and access to the site, the provision of on-site publically accessible open space and a pedestrian link between Cambridge Street and the West Leederville Train Station;
3. Should the LDP set out provisions than enable development height greater than 10 storeys, the LDP shall also include provisions requiring additional public benefits, commensurate to the height being sought, to be provided. The public benefits should be in the following forms; provision/upgrade of community facilities, streetscape and public realm improvements, street trees and landscaping, upgrades to public open space, transport infrastructure and place making initiatives.

*ii) 27 Northwood Street*

A submission was provided by the owners of No. 27 Northwood Street raising concerns that the proposed setbacks would impact the development potential of the property, due to its small dimensions.

The R-Codes previously included side setbacks based on the width of a subject lot. The current R-Codes prescribes default minimum setbacks except where a greater setback is required for visual privacy and building separation purposes.

The WLACP anticipates that lot amalgamation is a likely consequence required to achieve development potential on certain sites within the ACP area. No modification is recommended to rear and side setback requirements.

*iii) 29-33 Northwood Street*

The Town received a submission from PTS Town planning on behalf of the owners of No. 29-33 Northwood Street raising concerns with the development standards around building height, plot ratio and setbacks. These standards have been proposed to ensure sufficient articulation in built form outcomes, reduced bulk on upper floors and a gradual transition to lower density properties outside the ACP area. As a result, no modification is proposed.

It should be noted that since the Town received this submission, the site subsequently received development approval for a three-storey Child Care Centre at the Development Assessment Panel Meeting held on 2 March 2021. This proposal was largely consistent with the draft WALCP.

### ***External agencies***

The draft WLACP was referred to 16 external agencies including adjacent local governments. The Town received submissions from the following nine external agencies:

- i. Department of Local Government, Sports and Cultural Industries
- ii. Department of Jobs, Tourism, Science, Innovation
- iii. Department of Communities

- iv. Department of Health
- v. Department of Planning, Lands and Heritage
- vi. Main Roads WA
- vii. Public Transport Authority
- viii. City of Subiaco
- ix. City of Vincent

The submissions from external agencies are shown in **Attachment 6**, and indicated overall support of the draft WLACP. Responses indicating support/no comment of the draft WLACP were received from:

1. Department of Local Government, Sports and Cultural Industries and Jobs; and
2. Department of Tourism, Science and Innovation.

Key comments and suggestions for further consideration from these submissions are discussed below.

#### *Department of Communities*

The Department of Communities (DoC) were supportive of the density targets within the WLACP, and suggested that affordable housing options be increased and upfront accessibility requirements be included so that retrofitting works were not required at a later date. The WLACP includes provisions to ensure housing diversity is provided within new developments.

#### *Department of Health*

The Department of Health (DoH) suggested that the following be considered for inclusion:

1. A range of quality open spaces that are accessible, within walking distance of most residents, co-located with other community facilities and supportive of a range of activities
2. community gardens
3. A requirement that all development be connected to scheme water and reticulated sewerage
4. A requirement that noise, odour and light pollution are minimised by sound proofing, double glazing and careful location of air-conditioning.

Currently, 98.6% of West Leederville development areas are within 400m (i.e. a 5 minute walk) of open space within the Town and adjoining local government areas. The provision of new open space to support existing and future residents will need to be met through private development. These areas are to be further investigated as a component of an Open Space and Community Infrastructure Strategy being prepared by the Town. The requirement for new development to be connected to scheme water and sewerage and to minimise pollution from noise odour and light are assessed and determined at development application level. No change to the WLACP is proposed.

#### *Department of Planning, Lands and Heritage*

The Department of Planning, Lands and Heritage (DPLH) suggested that a LDP for Precinct 4 should reference the conservation of the heritage-listed Leederville Town Hall & Recreation Complex. It is recommended that the WLACP make additional reference to the conservation of the Town's heritage listed places as a guideline of the preparation of the LDP for Precinct 4.

### *Main Roads WA*

Main Roads WA (MRWA) drew attention to the heavy congestion on Cambridge Street and Southport Street, noting that further development could exacerbate this, and that they were not supportive of the existing two lanes divided on Cambridge Street. MRWA suggested that:

1. countermeasures to mitigate Cambridge Street and Railway Parade reaching road capacity be included in the draft WLACP, and cycling infrastructure added along Cambridge Street; and
2. State Planning Policy 5.4 Road and rail noise (SPP5.4) be observed and referenced in the WLACP.

The mitigation measures recommended by the TIA are summarised under the 'Traffic/congestion impacts' heading of the *General Comments* section of this report. SPP5.4 is referenced in the Explanatory Report of the draft WLACP.

### *Public Transport Authority*

The Public Transport Authority (PTA) suggested that the draft WLACP should observe SPP5.4 Road and Rail Noise. They were supportive of a transport corridor along Cambridge Street and of Leederville Link.

Since the WLACP was prepared in early 2019, the PTA have ceased the skip stop pattern on the Fremantle line, thereby increasing the frequency of services to West Leederville and City West stations. In peak times, there are now train services every 5 minutes at Leederville Station and every 10 minutes at West Leederville and City West Stations. It is recommended that the train frequencies referred to in Section 2.2.2 of the Explanatory Report be amended to reflect current service frequencies.

Part 2.4.2.2 of the Explanatory Report referred to public transport recommendations from the LPS, including a potential circular bus route running from West Leederville out to the ocean and back. The PTA were not supportive of this proposed bus route as it duplicated the existing Route 81 bus route.

### *City of Subiaco*

The City of Subiaco (CoS) is directly adjacent to the southern boundary of the WLACP area. The majority of the CoS submission focussed around traffic related matters, including:

1. Bus Route 97 in the CoS Transport Strategy and support for dedicated bus lanes;
2. Areas included or not included within the TIA (Cambridge Street/Railway Parade intersections with Loftus Street and Southport Street)
3. Pedestrian crossings on Railway Parade at Northwood Street and Hamilton Street;
4. North-South Cycling connections;
5. Higher parking ratios; and
6. Viability analysis of net lettable area.

In relation to point 2, future regional traffic volume was extracted from the MRWA ROM24 traffic model, which includes growth from employment areas such as the SJOGH.

The purpose of the intersection analysis of Cambridge Street/Southport Street is to act as a proxy for the capacity of the road network within the West Leederville Activity Centre and provide recommendations with regards to the level of mode shift and parking rates that would be needed to reduce the private vehicle mode share to a level where the road network can sustain it. Within this system, the Cambridge/Southport intersection was identified as the key

capacity constraint in the network. To this extent, the Loftus Street intersection will constrain traffic growth and encourage behaviour changes.

In relation to point 3, the Town is progressing investigations for improved pedestrian crossings over Railway Parade at Northwood Street.

Point 4 related to the location of cycling connections (Northwood to Coghlan Road or Kerr Street to Hamilton Street) and consistency between the two authorities documentation. As part of the Safe Active Streets program, that Town determined that Northwood Street was a better option for cycling infrastructure within the ACP area and options for a bicycle boulevard on Northwood Street is being examined. It is recommended that the Town still note the proposed cycling infrastructure in the City of Subiaco when further investigating the installation of a PSP along Railway Parade, which could potentially provide a link between the Hamilton Street in Subiaco and Northwood Street in West Leederville.

In relation to Point 5, the City of Subiaco indicated support for flexible mechanisms to further reduce parking supply for new development. It is anticipated that this will be investigated in more detail as part of a review of LPP3.13: Parking.

Point 6 questioned the viability of the proposed retail and entertainment floorspace given the existing net lettable area in the nearby Subiaco Secondary Centre. The Economic Analysis report that underpinned the WLACP indicated that the increase in retail and entertainment demand within the WLACP would be directly proportionate to the increase in population within each Precinct. Furthermore, the Retail Needs Assessment for the ACP area (copied below from Table 26 of the draft WLACP) indicates that most of the proposed retail and entertainment floorspace is well in excess of the conservative viability threshold of 50-70%.

Precinct	Percentage of Proposed Retail Floorspace that is viable	Percentage of Proposed Entertainment Floorspace that is viable
Precinct 1 - Cambridge High Street	48%	171%
Precinct 3 - Southport Street	95%	233%
<b>Total</b>	<b>91%</b>	<b>109%</b>

#### *City of Vincent*

The City of Vincent (CoV) is directly adjacent to the eastern boundary of the draft WLACP area. Their submission indicated support of dedicated bus lanes along Cambridge Street, Leederville Station Link and the draft WLACP's density targets. CoV also suggested that if the barrier presented by the Mitchell Freeway was reduced (e.g. via the Leederville Link proposal, currently deferred pending the completion of the Activity Centre Plan), then many of the WLACP's functions would be duplicated in Leederville and therefore not required.

#### **POLICY/STATUTORY IMPLICATIONS:**

Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* relates to Structure Plans.

Once approved by the Western Australian Planning Commission, amendments to Local Planning Policy 2.5: Precinct P5 West Leederville will be required to remove provisions that are replicated and/or inconsistent.

## **RISK MANAGEMENT IMPLICATIONS:**

**High:** The Town is required to prepare an activity centre plan for the area in accordance with SPP4.2, and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Until the WLACP is approved by the WAPC, there will be gaps and inconsistencies in the local planning framework for the area.

## **FINANCIAL IMPLICATIONS:**

Subject to Council's decision, modifying the WLACP will be funded through the Strategic Planning Projects allocation in the 2021/2022 Operating Budget.

## **STRATEGIC DIRECTION:**

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

### **Our Neighbourhoods**

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

Strategy 4.1: Examine and better identify through planning and consultation those features and qualities which define our individual neighbourhoods

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

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

### **Our Council**

**Goal 9: Transparent, accountable governance**

Strategy 9.1: Consult with the community using techniques that engage more widely to inform and be informed on local matters of priority

## **COMMUNITY ENGAGEMENT:**

Consultation was undertaken between Friday 21 May 2020 and Monday 22 June 2020 in accordance with Schedule 2, Clause 34 of *Planning and Development (Local Planning Schemes) Regulations 2015*, Item 4.3 of the Minister for Planning's Notice of Exemption from Planning Requirements during State of Emergency, and Local Planning Policy 1.2: Public Notification of Planning Proposals.

## **ADMINISTRATION RECOMMENDATION:**

That Council:-

1. NOTES the submissions received as set out in Attachments 4, 5 and 6;
2. ADVISES the Western Australian Planning Commission that pursuant to Schedule 2, Part 4, Clause 20(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, that it recommends APPROVAL of the Draft West Leederville Activity Centre Plan as contained in Attachment 1, subject to the modifications set out in Attachment 2;

3. Authorises the Chief Executive Officer to SUBMIT the modified Draft West Leederville Activity Centre Plan and any required supporting information to the Western Australian Planning Commission (WAPC) for assessment; and
4. NOTIFIES all persons who made a submission in writing of Council's decision.

### **Committee Meeting 14 December 2021**

Debate ensued.

#### **AMENDMENT:**

Moved by Mayor Shannon, seconded by Cr Mack

That clause 2 of the motion be amended to read as follows:

2. ADVISES the Western Australian Planning Commission that pursuant to Schedule 2, Part 4, Clause 20(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, that it recommends APPROVAL of the Draft West Leederville Activity Centre Plan as contained in Attachment 1, subject to the modifications set out in Attachment 2, and the following additional modification:
  - (a) Add an additional dot point to clause 5.3.2 stating as follows:

*'A minimum area equivalent to 50% of the required publically accessible private open space shall be landscaped with soft landscaping features such as trees, plants, shrubs, grass, rockeries, soils and the like. Hardscaping features such as paving, concrete or other hardened materials, artificial plants, walls and other structures will not be considered soft landscaping. Where a predominately residential development is proposed, the minimum area shall be increased to 80%.*

Amendment put and CARRIED (5/0) (Unanimous)

#### **COUNCIL DECISION: (COMMITTEE RECOMMENDATION)**

Moved by Mayor Shannon, seconded by Cr Haddon-Casey

That Council:-

1. **NOTES** the submissions received as set out in Attachments 4, 5 and 6;
2. **ADVISES** the Western Australian Planning Commission that pursuant to Schedule 2, Part 4, Clause 20(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, that it recommends **APPROVAL** of the Draft West Leederville Activity Centre Plan as contained in Attachment 1, subject to the modifications set out in Attachment 2, and the following additional modification:
  - (b) Add an additional dot point to clause 5.3.2 stating as follows:

*'A minimum area equivalent to 50% of the required publically accessible private open space shall be landscaped with soft landscaping features such as trees, plants, shrubs, grass, rockeries, soils and the like. Hardscaping features such as paving, concrete or other hardened materials, artificial plants, walls and other structures will not be considered soft landscaping.*

***Where a predominately residential development is proposed, the minimum area shall be increased to 80%;***

- 3. Authorises the Chief Executive Officer to SUBMIT the modified Draft West Leederville Activity Centre Plan and any required supporting information to the Western Australian Planning Commission (WAPC) for assessment; and**
- 4. NOTIFIES all persons who made a submission in writing of Council's decision.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.113 CAMBRIDGE STREET MEDICAL PRECINCT URBAN DESIGN STUDY AND LOCAL PLANNING POLICY 2.5.2: MEDICAL PRECINCT – OUTCOMES OF PUBLIC CONSULTATION AND FINAL ADOPTION**

**PURPOSE OF REPORT:**

The purpose of this report is to present the outcomes of public consultation for the draft Cambridge Street Medical Precinct Urban Design Study and associated draft Local Planning Policy 2.5.2: Medical Precinct (LPP2.5.2). It is recommended that draft LPP2.5.2 be adopted with modification, including the incorporation of the advertised Design Guidelines and that LPP2.5 be amended to reflect these changes and improve consistency.

**SUMMARY:**

At the Ordinary Council Meeting held on 25 June 2019, Council adopted Strategic Priorities for Strategic Planning in 2019/20 (DV19.74). One of the new projects identified, as a result of the Local Planning Strategy, was the Medical Precinct Urban Design Study (the Study).

The Town appointed urban design and planning specialist firm Hames Sharley to undertake an urban design study of the St John of God Hospital (SJOGH) site and surrounding areas. The Study was to inform the preparation of statutory planning provisions and to address the following:

1. Strong integration of SJOGH with the broader medical precinct and Cambridge Street urban corridor;
2. Identification, protection and enhancement of landmark buildings & view lines;
3. Identification and enhancement of active streets and connectivity with surrounds; and
4. Recommendations for built form and massing for the area, particularly at the public interfaces along Cambridge Street, McCourt Street, Station Street and Salvado Road.

A local planning policy was drafted, informed by the Study and was reviewed by the Town's Design Review Panel (DRP).

Following this, at the Ordinary Council Meeting held on 23 March 2021 (DV21.16), Council adopted the Cambridge Street Medical Precinct Urban Design Study and draft Local Planning Policy 2.5.2: Medical Precinct for the purposes of public consultation.

Six submissions were received during the consultation period, with one submission revised after the close of submissions. The matters raised by the submitters have been considered and in response, amendments to draft LPP2.5.2 are recommended. These amendments have been reviewed in the context of the Cambridge Street Medical Precinct Development Guidelines (the Guidelines) and, to avoid any duplication, it is recommended that these documents be combined (refer to **Attachment 2**).

It is recommended that Council adopts the draft LPP2.5.2, subject to modification. In doing so it is also recommended that Council amends Local Planning Policy 2.5 'Precinct P5 West Leederville' (LPP2.5) to ensure consistency in the policy framework.

## AUTHORITY / DISCRETION

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input checked="" type="checkbox"/> | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	Medical Precinct as defined in this report
Report Date:	25 October 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	Strategic Planning Officer, Melissa Meumann
Reporting Officer Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> <li>1. Cambridge Street Medical Precinct Part A: Urban Design Study</li> <li>2. Track Changes - Draft Local Planning Policy 2.5.2: Medical Precinct</li> <li>3. LPP2.5 West Leederville (extract)</li> <li>4. Track Changes - Local Planning Policy 2.5 Precinct P5 West Leederville</li> <li>5. Advertised – Cambridge Street Medical Precinct Part B: Development Guidelines</li> <li>6. Schedule of Submissions</li> </ol>

## BACKGROUND:

### Site Context

The Cambridge Street Medical Precinct (the Precinct) is defined by both sides of Cambridge Street (north), Salvado Road (south), Station Street (west) and McCourt Street (east). The majority of this land is zoned 'Medical' under the Town of Cambridge Local Planning Scheme No.1 (the Scheme). Land on the northern side of the intersection of Cambridge Street and Station Street is zoned as 'Commercial'. The Precinct is predominantly occupied by SJOGH and complementary medical uses, underlining the Precinct's reputation as an important health, knowledge and community hub.



### McCourt Street (Area 2)

Properties within this area are predominantly used for medical purposes and allied health services. Building heights can range from single storey to four storeys with architectural styles spanning post-war to the contemporary era. Vehicle access to properties in this area is mixed between McCourt Street and the rear laneway.

### Station Street (Area 3)

The Station Street area comprises of five properties, generally occupied for medical and allied health activities. Building heights are either one or two storeys with varying setbacks, as Station Street presents as both a primary and secondary street frontage. The differing orientation of lots and mix of land uses in this area result in varied street setbacks.

Detailed descriptions on each area can be found in **Attachment 1**.

### **Planning Framework**

On 29 April 2021, the Western Australian Planning Commission endorsed the Town of Cambridge Local Planning Strategy (LPS). The medical precinct, centred on St John of God Hospital, is specifically identified within the LPS with the following action assigned:

*'Undertake detailed planning of St John of God Hospital site and surrounding medical precinct to facilitate growth and development of health related industries and residential opportunities (Short term, 1-3 years).'*

The Cambridge Street Medical Precinct Urban Design Study and draft Local Planning Policy 2.5.2 discussed in this report addresses this action. At the Ordinary Council Meeting held on 23 February 2021, Council approved the Local Development Plan (LDP) for SJOGH. A traffic impact assessment was prepared based on the development yield projected by the LDP. In March 2021, Council adopted the Study and draft LPP2.5.2 for public consultation (refer to item DV21.16).

### **Previous Council consideration**

This report was presented to the Development Committee on 16 November 2021. At the Ordinary Council meeting on 23 November 2021 (DV21.98), Council resolved:

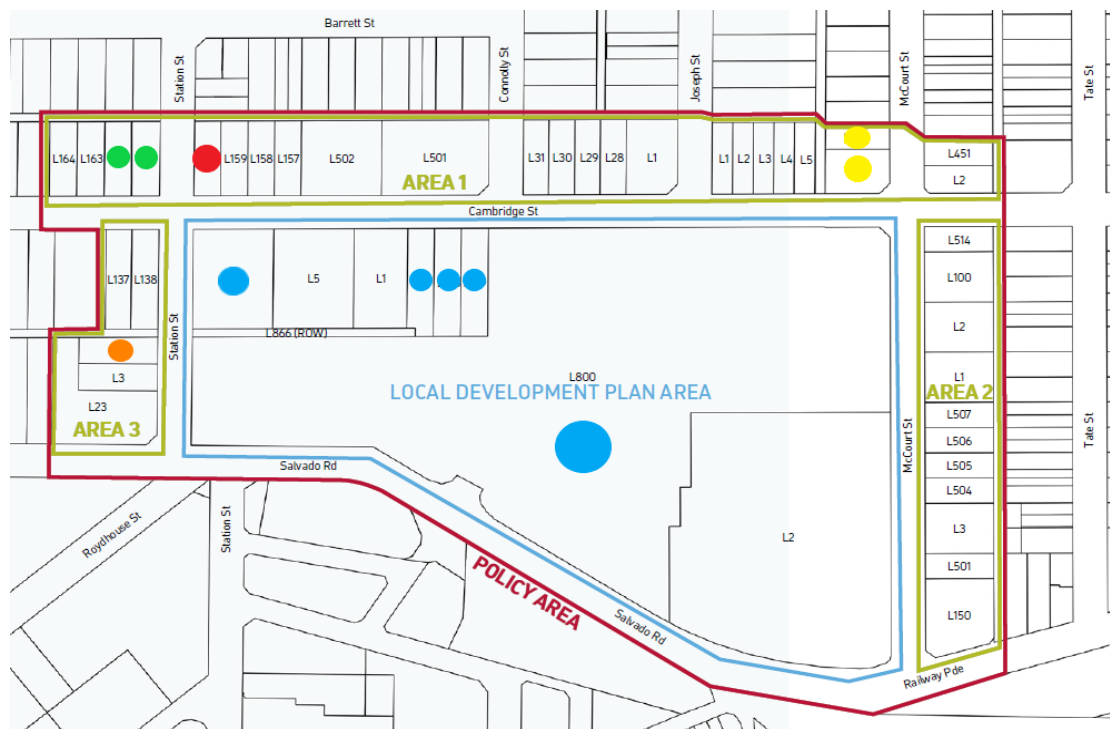
*That Council DEFERS the item relating to Cambridge Street Medical Precinct Urban Design Study and Local Planning Policy 2.5.2: Medical Precinct to an Elected Member Forum to be held on 7 December 2021.*

An Elected Member Forum was held 7 December, where the matters the subject of this report were discussed.

## DETAILS:

Study and proposed Local Planning Policy 2.5.2 seek to update the planning provisions applicable to the Precinct and guide future development in a holistic manner.

The following map defines the Local Development Plan area and areas 1-3 with the locations of each submission received:



## LEGEND

- Submission 1: Outside Policy Area
- Submission 2: 200 Cambridge Street
- Submission 3: 7 Station Street
- Submission 4: 41 and 45 McCourt Street
- Submission 5: 202 and 204 Cambridge Street
- Submission 6: St John of God Hospital

## Consultation

Consultation was undertaken for a period of 24 days from 14 May 2021 to 7 June 2021. The following communication and engagement methods were used to engage and obtain feedback:

1. An online submission forum where submissions could be received through either an online survey, email, or hardcopy submission;
2. Public notice displayed on the Town of Cambridge website for the entirety of the consultation period;
3. Letters sent to property owners within the Policy area; and
4. Advertisement published in the local newspaper 'the Post' on 15 May 2021.

## Submissions

An online submission forum was available throughout the entirety of the advertising period for comments and submissions. Stakeholders were also able to provide feedback through email or hardcopy submissions.

At the conclusion of the submission period, six submissions were received. One submission was received through the online submission forum on the Town's website, with the remaining five submissions submitted by email. One submission was revised and accepted by the Town after the close of the submission period.

Of these submissions, four were generally supportive of the Study and associated draft LPP2.5.2 however also suggested amendments to the Study and draft LPP2.5.2. The remaining two submissions did not state their position on the matter and provided comments on the Study and draft LPP2.5.2.

The SJOGH LDP (DV21.5) was advertised for a period of 28 days from 25 September 2020 to 23 October 2020. At the conclusion of the submission period, a total of 14 submissions were received including five in support, four providing comments and five objecting to the plans. During the advertising period signs were installed on each frontage at SJOGH, a public notice was placed in the POST newspaper and on the Town's website and letters were sent to owners and occupiers within a 200m radius of the site (2093 letters) advising the public of the plans.

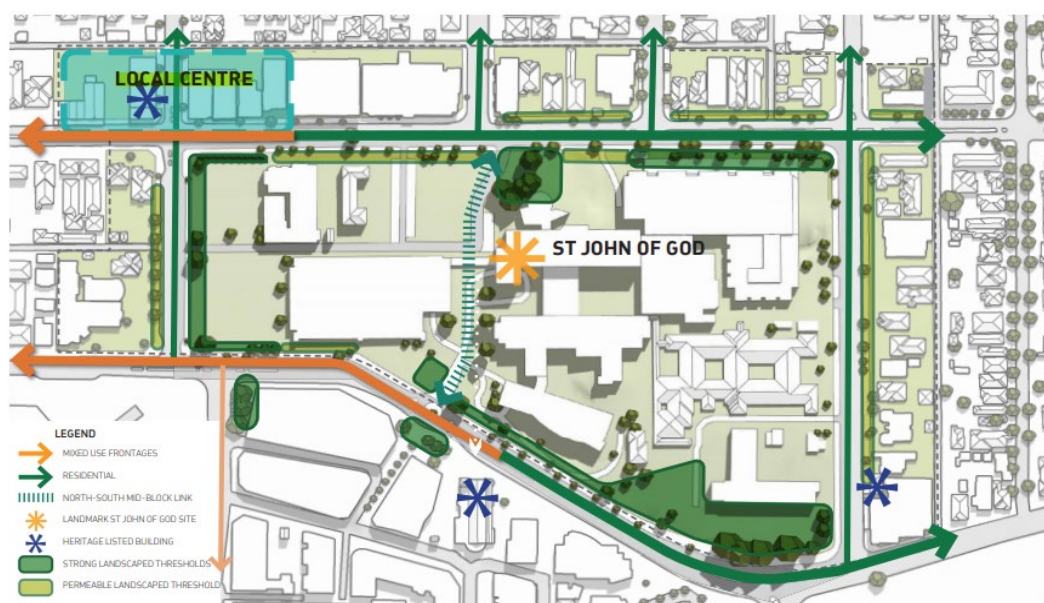
## Summary of Submissions

### Area 1:

Three submissions were received from different properties located within Area 1 of draft LPP2.5.2. These submissions included No. 200 Cambridge Street, and two submissions from planning consultants on behalf of No. 202 and 204 Cambridge Street, and No. 41 and No. 45 McCourt Street. These matters raised in the submissions are discussed below.

### Local centre provisions

The submission received on behalf of the landowner at No. 200 Cambridge Street expressed concerns that the development standards applicable for Area 1 did not include requirements for the local centre, which are identified in the Study.



The location of the local centre (shown in the image above), is included within Area 1 of draft LPP2.5.2. Draft LPP2.5.2 sets out development standards for setbacks, building height, access, parking and service areas. To improve clarity regarding the inclusion of this centre within the Medical Precinct, it is recommended that LPP2.5 be modified as follows:

1. Update the extent of the 'Medical Zone' on page 1 (applications subject to this policy) and include reference to Local Planning Policy 2.5.2; and
2. Remove reference to the local centre on Cambridge Street, which is now captured within the Medical Precinct and update the title of clause 3b 'Other Commercial Areas' within LPP2.5 accordingly.

### *Setbacks*

The two submissions received on behalf of No. 202 and No. 204 Cambridge Street, and No. 41 and No. 45 McCourt Street expressed concern regarding inconsistent setbacks to the street and laneways. In particular, these submissions suggest that draft LPP2.5.2 should use Table 2.1 of the State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes Volume 2) which allows for nil setbacks at the ground level, where commercial uses are proposed. The submission suggests that nil setbacks at these properties would assist in creating an attractive and walkable streetscape along Cambridge Street.

Table 2.1 of the R-Codes Volume 2 makes reference to a nil setback for mixed use areas where there is a commercial use on the ground floor. There is merit in a reduction in the setbacks around the local centre (Cambridge/Station Street) as existing buildings between 194 and 208 Cambridge Street have nil (or close to nil) setbacks to the street. Additionally, a nil setback will support the retention and/or incorporation of the heritage Art Deco building at No. 202 and No. 204 Cambridge Street. These modifications are reflected in the modified draft LPP2.5.2 (**Attachment 2**). However, the requested changes to the eastern end of Cambridge Street are not supported given the prevailing character in this section of Cambridge Street is one of buildings setback from the street boundary.

With regard to laneway setbacks, No. 41 and No. 45 McCourt Street abut Woolcott Lane which is 6m wide and No. 202 and No. 204 Cambridge Street abut Creech Lane which is 5m wide. It is considered that sightlines and manoeuvrability requirements (6m swept path) can be accommodated within these sites based on the width of the laneways. The advertised draft LPP2.5.2 allows for a 2m setback for the first two levels with a 6m setback for buildings above 2 storeys (to a max of 5). Where a lot abuts a 5m wide laneway, sections of building used for vehicle access may need to be set back (1m) to allow sufficient manoeuvring space. It is recommended that the draft LPP2.5.2 be modified to as follows:

1. Reduce the laneway setback on page 6 of **Attachment 2** from 2m to nil, for the first two storeys.

### *Building height*

Submissions raise concern relating to the proposed building heights (shown in the image below) for No. 202 and No. 204 Cambridge Street, and No. 41 and No. 45 McCourt Street. Submissions suggest that a maximum building height of five storeys would not maximise the potential of the precinct and result in the underdevelopment of No. 202 and No. 204 Cambridge Street.

In regards to No. 202 and No. 204 Cambridge Street, the submission suggests that the maximum building height of five storeys is insufficient, in the context of buildings at 9-10 storeys on the SJOGH site, fronting Cambridge Street. The other submission for No. 41 and No. 45 McCourt Street indicated that the proposed maximum building height will not maximise

the potential of this precinct. The submission further suggests that this will affect the economic viability of a number of land uses which would be appropriate and complementary to the medical uses within the Precinct.

The building heights within the Study and draft LPP2.5.2 are proposed to promote an appropriate transition between the neighbouring residential areas outside of the study area and taller buildings on the SJOGH site.



Additional height (up to ten storeys) for No. 41 and No. 45 McCourt Street and No. 202 and No. 204 Cambridge Street, has the potential to affect the amenity of adjoining properties. It is not recommended that the maximum building heights be modified.

### *Plot ratio*

All submissions from Area 1 were broadly supportive of removing plot ratio as a development standard, while No. 41 and No. 45 McCourt Street identified that plot ratio was also subject to Schedule C of Local Planning Scheme No. 1 (the Scheme). Schedule C of the Scheme limits the overall plot ratio to 1.55:1.0 for No. 41 and No. 45 McCourt Street.

The submissions identified that under the R-Codes, a residential plot ratio of 0.8:1 is applicable at the R60 density coding and expressed concern that this plot ratio may also be applied to the entire built form of a mixed use development. It was suggested that this provision be clarified to exclude a non-residential component of development.

To clarify the application plot ratio within the precinct, the following modification to LPP2.5.2 is proposed:

Plot ratio: For the purposes of residential development, Plot ratio in accordance with Table 2.1 of State Planning Policy 7.3: Residential Design Codes, Volume 2.

### *Density*

The submissions outlined concern regarding the residential density code of R60 across the entire Precinct. Given the context and significance of the Precinct, these submissions suggest that high density urban residential coding of R160 would be more appropriate.

The suggestion to increase density within the Precinct is noted, however a higher density code may result in residential land uses becoming the preferred development outcome. This is inconsistent with the LPS, which seeks to facilitate growth and redevelopment of health related industries. Further, the majority of neighbouring properties outside of the precinct are coded R30. It is recommended that the density coding remain at R60, with an adjustment to draft LPP2.5.2 as shown below:

Residential development is to be generally consistent ~~comply~~ with the Residential Design Codes site area requirements for R60, except where design elements are varied within this policy.

### **Area 3:**

A submission was received in relation to No. 7 Station Street, which is located within Area 3 raising the matters discussed below.

#### *Setbacks*

The submission expressed concern relating to the setbacks proposed by draft LPP2.5.2 being greater than the requirements of the R-Codes, which allows for setbacks of two metres for the primary and secondary street and nil setbacks to laneways.

No. 7 Station Street which abuts onto Houlahan Lane (5m wide), suggested that a 4 metre setback from the side boundary would reduce the tower to an impractical width, creating a significant disincentive to development.

As noted in the discussion of laneway setbacks above, there is merit in reducing the 2m setback for the first 2 levels to nil. More narrow laneways encourage vehicles to reduce speed when passing through, while the current 5m width of Houlahan Lane provides for a sufficient amount of space for the passing of vehicles on both sides of the laneway. Furthermore, where rear access to properties are proposed and manoeuvrability is required, buildings will be required to meet a 6m setback. It is further recommended that the upper level setbacks remain in place.

#### *Building Height*

The submission expressed:

1. Support for the 'podium' and 'tower' form proposed by draft LPP2.5.2.;
2. That a maximum building height of five storeys would not maximise the potential of this precinct, and will reduce the economic viability of a number of land uses; and
3. That an increase in building height would create a more consistent streetscape and built form across the development area.

The proposed maximum building height limit of five storeys is complimentary to the context of the site and allows for an appropriate response to the existing and future height of buildings at SJOGH. No modifications to maximum building height within draft LPP2.5.2 are recommended.

### *Plot Ratio*

The submission was broadly supportive of removing plot ratio as a development standard, but identified that under the R-Codes Volume 2, a residential plot ratio of 0.8:1 is applicable at the R60 density coding and it is possible that plot ratio may be applied to the entire built form of a mixed use development. Based on this, the submission requested that a provision within draft LPP2.5.2 be included specifically stating that no plot ratio development limitation applies to any non-residential components of a development.

As noted in the discussion of plot ratio above, it is recommended that LPP2.5.2 be amended to clarify that plot ratio criteria will apply only to residential components of a development.

### *St John of God Subiaco Hospital Local Development Plan*

The submission also raised concerns regarding the proposed location of the site energy plant (SEP) on the SJOGH site and the impact the structure will have on the streetscape and pedestrian environment within the surrounding area. This concern is a matter was considered and addressed as part of the approval process for the LDP for the SJOGH site (refer Council minutes 23 February 2021, DV21.5).

It should be noted that where inconsistencies are present between the LDP and LPP2.5.2, the standards within the approved LDP will prevail to the extent of the inconsistency.

### **Local Development Plan area:**

A submission was also received on behalf of SJOGH with the matters raised discussed below:

#### *Opportunity to improve consistency of street setbacks and height*

The submission raised that the Cambridge Street frontage requirements for the area of additional height should be guided by the approved SJOGH LDP and reflected in LPP2.5.2. Setbacks and building heights are two of the key aspects which are consistent with the LDP standards for SJOGH.

The recommendations and content of the Study have influenced the LDP prior to its lodgement and throughout the duration of the assessment.

#### *Consideration of additional height elsewhere on the site*

The submission acknowledged that the additional height is consistent with the LDP, however sought that LPP2.5.2 be modified in recognition of the existing space and resource constraints on the site. As the LDP for the area was approved in February 2021 (and has a lifespan of 10 years) the provisions applicable to the hospital site will only apply if the LDP is proposed to be amended or the LDP expires. The provisions outlined within draft LPP2.5.2 provide consistency and clarification for the development standards within the local development plan site (refer to **Attachment 2**). It is recommended that the application section of draft LPP2.5.2 be amended as follows:

To apply to the review and/or assessment of any Local Development Plan for the 'Local Development Plan Area' described in Figure 1.

### *Representation of the site*

This submission received on behalf of SJOGH outlines concerns regarding the draft Study not accurately represent the extent of future buildings on the site (as indicated in the LDP). This includes the Study supporting the public to actively utilise private land on the site; with concerns that this does not accurately reflect that SJOGH is, first and foremost, a hospital on private land.

This point is acknowledged, however, these are consistent with the provisions in the adopted LDP, particularly:

1. Clause 2 which states that *the pedestrian zone shall be developed to provide north-south visual connectivity and promote public pedestrian access at all times between Cambridge Street and Salvado Road, and to adjacent building entries;*
2. Clause 15(b), (f), (g) and (j) of the LDP, which allude to the use of the 'pedestrian zone' to 'improve legibility for patients and other members of the public...' and "the ability for the pedestrian zone to be adapted and reused by people for various purposes" and;
3. The LDP included a landscaping design concept that supports this level of detail. Based on the provisions within the LDP.

### *Draft LPP provisions duplicating the existing LDP*

The submission raised concerns regarding the duplication of planning provisions between the existing LDP and draft LPP2.5.2. These concerns are acknowledged and have been addressed as part of the recommended modification discussed above.

### **Outside the Policy Area**

One submission was received from a local resident located outside the draft LPP2.5.2 area on Joseph Street. This submission raised concerns regarding traffic and parking, and in particular regarding an increase in traffic in surrounding streets. The submitter further identified concerns regarding the number of motor vehicles utilising Joseph Street and offered suggestions to reduce this by either blocking access at Woolwich Street or by preventing right turns onto Cambridge Street from Joseph Street. The submission also questioned the future measures that will be undertaken to reduce the impact of traffic.

The Study encourages the implementation of traffic calming measures at the Cambridge Street and Station Street junction to slow speeds into the local centre. In addition, the LDP has considered the traffic impacts associated with the redevelopment of the SJOGH through the conduction of a traffic impact assessment (TIA).

The TIA provided with the LDP identified that:

1. The vast majority of traffic on Cambridge Street continue to travel along Cambridge Street rather than turn into local access roads; and,
2. There are higher levels of traffic at the Joseph Street and Cambridge Street intersection in comparison to the intersection of McCourt Street and Cambridge Street, but the volumes are still very low.

Limiting access to/from Joseph Street, given the low overall traffic volumes, is therefore unlikely to have any significant impact on the levels of traffic apparent within the Precinct. However, it is reasonable that the Town would review the local traffic network within the Precinct, as development occurs.

The concerns regarding a lack of parking are acknowledged. SJOGH has previously obtained development approval for a multi-storey car park that will result in a net gain of approximately 222 bays across the SJOGH site. The overall redeveloped SJOGH site is expected to provide approximately 1,566 car parking bays overall, a surplus of 228 car parking bays against the 1,338 parking bays requirement as per the *Department of Health – Licensing and Accreditation Regulatory Unit's Building Guidelines*. New development in the remainder of the Precinct will be required to provide parking in accordance with the Town's Local Planning Policy 3.13 Parking.

### **Amendments to Local Planning Policy 2.5**

The Medical Precinct is currently a sub-precinct of West Leederville as defined within LPP2.5. LPP2.5 includes a Statement of Intent and Development Standards for land within the Precinct (see **Attachment 3** for extract) and also contains provisions for 'Other Commercial Centres' which includes the local centre along Cambridge Street.

Should Council adopt draft LPP2.5.2, to avoid duplication, it is recommended that Local Planning Policy 2.5: Precinct P5: West Leederville (LPP2.5) be amended as follows:

1. Expanding the 'Medical Zone' section of the precinct map to include the Cambridge Street/Station Street Local Centre; and
2. Renaming the 'Residential/Commercial Zone' to the 'Gregory Street Commercial Area' and depicting this on the West Leederville Precinct Map.

### **Consequential amendments to Local Planning Policy 2.5.2**

Consultation was undertaken on LPP2.5.2, the Guidelines and the Study simultaneously. Minor inconsistencies exist between what was set out in the draft version of LPP2.5.2 and the Guidelines. To reconcile those inconsistencies, LPP2.5.2 has been merged with the Guidelines.

By merging the advertised version of LPP2.5.2 with the Guidelines, there are a number of adjustments required to ensure that it functions efficiently as a local planning policy. These include:

1. Clarifying that the solar access provisions relate to non-residential development;
2. Removing guidance for the reduction of setbacks (represents a conflict with Clause 8 of the policy, which does not allow for variations to Building height or setbacks);
3. Updating terminology that is appropriate for use in a local planning policy; and
4. Clarifying the importance of the St John of God Hospital local development plan.

### **Summary**

It is recommended that Council note the submissions received during the consultation period, adopt the draft LPP2.5.2: Medical Precinct, subject to modifications.

### **POLICY/STATUTORY IMPLICATIONS:**

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

Clause 3(1) of the Schedule 2, *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) states that the Council may make a local planning policy in respect of any matter related to the planning and development of the Scheme area.

The land at No. 41-45 McCourt Street is currently zoned 'Special Use' and is subject to additional site and development requirements, set out in Schedule C of the Scheme. The remainder of the Medical Precinct is zoned 'Local Centre' or 'Medical'. If adopted, No. 41-45 McCourt Street will be subject to the development provisions of LPP2.5.2. In this instance, it follows that the zoning of the land would be adjusted to be consistent with the rest of the Medical Precinct and the provisions of Schedule C deleted. This process could occur as part of the preparation of Local Planning Scheme 2.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Study and draft LPP2.5.2 will improve the framework under which planning instruments and development applications are assessed.

#### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications associated with the recommendations of this report. Costs incurred preparing the Study and draft LPP were accounted for in the Town's Operating Budget.

#### **STRATEGIC DIRECTION:**

This report recommendation is consistent with the following strategies of the Town's Strategic Community Plan 2018-2028: -

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

- Strategy 4.1 Examine and better identify through planning and consultation those features and qualities which define our individual neighbourhoods
- Strategy 4.2 Create opportunities for greater housing choice in forms relevant to demand, lifestyle needs and location
- Strategy 4.3 Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character
- Strategy 4.4 Enhance and respect our existing streetscapes, setbacks and green spaces
- Strategy 4.5 Liaise with relevant agencies on planning, including provision for education and health facilities and service

#### **Goal 5: Successful commercial, retail and residential hubs**

- Strategy 5.1 Ensure future planning recognises the emerging diverse role, mixed use potential and opportunities of our centres, and integrates change and growth with surrounding local areas

#### **COMMUNITY ENGAGEMENT:**

The Study, Guidelines and the draft LPP2.5.2 were advertised simultaneously, in accordance with the local planning policy advertising requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Local Planning Policy 1.2: Public Notification of Planning Proposals.

### **Proximity Interest Declaration – Cr Barlow**

Prior to consideration of the item, Cr Barlow, in accordance with Section 5.65 of the *Local Government Act 1995*, declared a proximity interest in this matter and departed the meeting at 6.38 pm.

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

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That Council:-**

**1. NOTES:**

- 1.1 the submissions received for the Cambridge Street Medical Precinct Urban Design Study and Local Planning Policy 2.5.2: Medical Precinct;**
- 1.2 the Cambridge Street Medical Precinct Urban Design Study, as shown in Attachment 1;**
- 2. ADOPTS the draft Local Planning Policy 2.5.2: Medical Precinct, with modification as shown in Attachment 2, pursuant to Schedule 2, Part 2, Clause 4(3)(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
- 3. AMENDS Local Planning Policy 2.5 ‘P5 West Leederville’ with modifications as shown in Attachment 4;**
- 4. DOES NOT ADVERTISE amended Local Planning Policy 2.5 pursuant to Schedule 2, Part 2, Clause 5(2) of Schedule 2, *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendments are considered to be minor;**
- 5. PUBLISHES a public notice of the adopted and amended policies on the Town’s website; and**
- 6. NOTIFIES all persons who made a submission in writing of Council’s decision.**

**Motion put and CARRIED (8/0) (Unanimous)**  
(Cr Barlow was out of the meeting)

Cr Barlow returned to the meeting at 6.39 pm.

**DV21.114 AMENDMENTS TO LOCAL PLANNING POLICY 3.24 DETERMINING NATURAL GROUND LEVEL**

**PURPOSE OF REPORT:**

The purpose of this report is to seek Council’s endorsement for amendments to *Local Planning Policy 3.24: Determining Natural Ground Level* (LPP3.24). The amendments respond to a recent decision of the State Administrative Tribunal (SAT) relating to the interpretation of ‘natural ground level’ (NGL).

**SUMMARY:**

The Town of Cambridge LPP3.24 was adopted in April 2020. Since that time, significant changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) have been introduced (February 2021). Included in these changes was the introduction of a number of new definitions to the Schedule 2 of the Regulations (‘Deemed Provisions’), one of which was ‘natural ground level’. The definitions contained in the Deemed Provisions prevail over any existing local planning scheme or policy definition. In light of this, it is necessary to review the Town’s LPP3.24 to ensure that the definition of NGL used in the Policy is consistent with that contained in the Deemed Provisions.

Furthermore, a recent decision of the SAT has determined that in reference to the NGL term now contained in the Deemed Provisions, that NGL should be established by any previously approved level, and that the approval need not be specifically for ‘site works’ but could form part of a broader development application. Therefore, the Town’s LPP3.24 should reflect reference to this SAT decision and the established approach to determining NGL.

It is therefore recommended that LPP3.24 be amended as outlined in this report to address the inconsistencies.

**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input checked="" type="checkbox"/> | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	N/A
Report Date:	9 November 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	Senior Strategic Planning Officer, Karen Liddell
Reporting Officer Interest	Nil
Attachment(s):	1. <i>Prosser and Town of Cottesloe [2021] WASAT 115</i> 2. Amended Local Planning Policy 3.24 (modifications tracked) 3. Amended Local Planning Policy 3.24

## BACKGROUND:

At its meeting of 28 April 2020, Council adopted LPP3.24 following community consultation on the draft Policy earlier in the year. LPP3.24 sets out criteria aimed at providing greater clarity to the interpretation of NGL, as defined by the R-Codes. Under the R-Codes, NGL is defined as follows, and used as a level on a development site from which the height of buildings (and some other minor structures/works) are measured;

### ***'Natural Ground Level***

*The levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development'*

## Lee & City of Cockburn

The current version of LPP3.24 includes an introduction that refers to a previous decision of the State Administrative Tribunal (the Tribunal); *Lee and City of Cockburn [2008] WASAT 268* (Lee decision).

In the Lee decision, the Tribunal determined that in accordance with the definition of NGL as set out in the R-Codes, the NGL of a site should be the unmodified state of the land prior to development. LPP3.24 refers to the 'Department of Lands & Survey 1975 Perth BG34' map series (1975 Map Series) to assist in establishing the unmodified level of land throughout the Town.

## Modifications to the Deemed Provisions

In February 2021, amendments were made to Schedule 2 of the Regulations, otherwise known as the 'Deemed Provisions'. The Deemed Provisions, as set out in the Regulations, are automatically read-in to all local planning schemes throughout Western Australia. Where there is inconsistency between the Deemed Provisions and the provisions of a local planning scheme, the Deemed Provisions prevail.

One of the amendments to the Deemed Provisions was to insert a definition of NGL, as follows:

- 'natural ground level, in relation to land subject to development, means —*
- (a) the ground level specified in either of the following that applies to the land (or, if both of the following apply to the land, the more recent of the following) —*
    - (i) a condition on an approval of a plan of subdivision that specifies a ground level;*
    - (ii) a **previous development approval for site works on the land that specifies a ground level**; or*
  - (b) if paragraph (a) does not apply — the level of the land before any disturbance to the land relating to the development;'*
- [Emphasis added]*

This term differs from that set out in the R-Codes (see above), on which the original version of LPP3.24 was based; albeit to a marginal extent.

## Prosser & Town of Cottesloe

On 2 September 2021, the Tribunal made a determination in the matter of *Prosser and Town of Cottesloe [2021] WASAT 115* (Prosser decision) (See **Attachment 1**). The key contention in the Prosser decision was whether (in reference to clause (a)(ii) of the abovementioned definition) establishing NGL should have regard to levels previously approved on a site. In the circumstances of the Prosser decision, the Tribunal considered whether a previous approval

to modify the level of a site for outdoor areas and additions established a new NGL. The outdoor areas and additions had received previous development approval from the Town of Cottesloe.

Unlike in the *Lee* decision, the Tribunal found, in reference to the term now contained in the Deemed Provisions, that NGL should be established by any previously approved level:

*[51] ... alterations to site levels and if those alterations are shown on the approvals then the applicant gains the benefit of those levels.'*

Moreover, the Tribunal determined that previous approvals did not need to be, expressly or solely, for 'site works' but could form part of a broader development application. The modified levels had the effect of altering NGL in instances where levels were described on the development approval.

Importantly, in the *Lee* decision the Tribunal was not able to establish whether previous development approval had been granted to changes to the ground levels on the site; only that it was apparent that the levels were not the 'unmodified state' of the land.

#### **DETAILS:**

LPP3.24 sets out that the Town will establish NGL in reference to the 1975 Map Series, or otherwise a level set out in a Local Development Plan, Outline Development Plan or Restrictive Covenant. No reference is made to levels established by a previous development approval of the Town as set out in the NGL definition. In recognition of amendments made to the Deemed Provisions and the *Prosser* decision, it is recommended that LPP3.24 be amended.

#### **Introduction and Application of LPP3.24**

It is important that the Town's policy remain consistent with the NGL term as now defined in the Deemed Provisions. Based on the Tribunal's interpretation of that definition in the *Prosser* decision, any preceding development approval that specifies ground levels outside of the main building, is to be accepted as the NGL for the purposes of assessing a new development application.

The consideration that arises for the Town from this interpretation is that many of the development applications lodged with the Town are for alterations and additions to, or the demolition of, existing dwellings. These dwellings were generally approved at a time before decision-makers required contour surveys and as a result, ground levels outside of the main building may not be shown. The *Prosser* decision offers little guidance as to what levels should be used by decision makers where:

- i. A preceding development approval exists without ground levels being shown outside of the main building; or
- ii. Where a preceding development approval does not exist or not recorded.

Further clarification in relation to point (i) and (ii) above, should be included in the 'Provisions' section of LPP3.24 to assist applicants and the Town's Administration in determining NGL.

#### **Definition**

The Town is not able to directly amend the NGL term in the Deemed Provisions by way of a local planning policy. As is the case with the current version of LPP3.24, a local planning policy may set out interpretative considerations that may apply to the Town's consideration of NGL.

These considerations must remain consistent with the NGL term; and it is prudent the Town give regard to how the Tribunal interprets the same term.

The new NGL term in the Deemed Provisions provides an expanded definition to that of the R-Codes. It is recommended that reference to the R-Codes definition is replaced with the current NGL definition contained in the Deemed Provisions.

It should be noted that the definition contained in the R-Codes referred to levels, in the form of site works, approved by the decision-maker. This remains consistent with the new NGL definition. However, whereas the *Lee* decision took a very narrow view when interpreting 'site works', the *Prosser* decision took the view that the development approval need not be specifically for 'site works', as development applications typically seek simultaneous approval for buildings/structures and associated site works.

## Provisions

The *Prosser* decision acknowledges that the NGL of a site may be altered over time by way of a development approval. To ensure that this is not exploited by Applicants seeking to increase the NGL by gaining multiple development approvals that are never constructed, it is recommended that the Town include a provision that requires the preceding development approval upon which an assessment is based, to have been substantially commenced.

Where there is no preceding development approval to establish the NGL of a site, the *Prosser* decision offers little guidance as to what NGL the decision-maker should use. Therefore, it is considered appropriate for LPP3.24 to set out interpretive provisions that may apply to the Town's consideration of NGL. It is recommended that these interpretive provisions include reference to the 1975 Map Series referred to in the current version of LPP3.24. Where these maps do not extend to a subject site, as is the case in parts of West Leederville, or there is a significant discrepancy between the 1975 Map Series and the existing site contours, provisions should be included to allow the Town to exercise its discretion to determine the levels to be used.

## RECOMMENDATION:

In light of the above discussion, the recommended amendments to LPP3.24 are summarised as follows. An copy of LPP3.24 showing the below tracked changes can be found in **Attachment 2**. A complete amended copy of LPP3.24 can be found in **Attachment 3**.

Current LPP3.24 Provision	Recommended Adjustment
<p><b>INTRODUCTION</b> Reference to:</p> <ul style="list-style-type: none"> <li>- <i>Lee</i> Decision and how natural ground level is interpreted.</li> </ul>	<p><b>INTRODUCTION</b> Reference to:</p> <ul style="list-style-type: none"> <li>- <b><i>Prosser</i></b> Decision and how natural ground level is interpreted.</li> </ul>
<p><b>APPLICATION</b></p> <ul style="list-style-type: none"> <li>- The policy applies to all development in the Town of Cambridge.</li> </ul>	<p><b>APPLICATION</b></p> <ul style="list-style-type: none"> <li>- The policy applies to all development in the Town of Cambridge <b>where natural ground levels are required to be used when assessing development in accordance with State and/or local planning policies.</b></li> </ul>
<p><b>OBJECTIVES</b></p> <ul style="list-style-type: none"> <li>- Provide guidance on the method of determining natural ground levels preceding development.</li> </ul>	<p><b>OBJECTIVES</b></p> <ul style="list-style-type: none"> <li>- No change</li> </ul>

<b>PROVISIONS</b>	<b>PROVISIONS</b>
<p><b>1. Natural Ground Level Preceding Development</b> For the purpose of establishing the natural ground level of a site, 'the levels on a site which precede the proposed development' means the levels shown on the Department of Lands &amp; Surveys 1975 Perth BG34 1:2000 series maps unless the Town determines that:</p> <p>1.1 A particular district-wide survey level is more appropriate, in which case these levels are considered to be the level on a site preceding development; or</p> <p>1.2 The site has a nominated lot level notated on a Local Development Plan, Outline Development Plan or Restrictive Covenant, in which case the nominated level is considered to be the level on a site preceding development; or</p> <p>1.3 It can be proven by a licensed surveyor to the Town's satisfaction that the Department of Lands &amp; Surveys 1975 Perth BG34 levels or other district-wide survey levels are not appropriate in a particular instance and other survey levels are more appropriate, in which case these levels will be considered to be the level on a site preceding development.</p>	<p><b>1. Natural Ground Level Preceding Development</b> For the purpose of establishing the natural ground level of a site, 'the levels on a site which precede the proposed development' means <del>the</del> levels:</p> <p><b>1.1 That exist on the site, where those levels are depicted on a previous development approval granted by the local government, where the works have been substantially commenced, or</b></p> <p><b>1.2 Where 1.1 does not apply</b>, the levels shown on the Department of Lands &amp; Surveys 1975 Perth BG34 1:2000 series maps unless the Town determines that:</p> <p>a) A particular district-wide survey level is more appropriate, in which case these levels are considered to be the level on a site preceding development; or</p> <p>b) The site has a nominated lot level notated on a Local Development Plan, Outline Development Plan or Restrictive Covenant, in which case the nominated level is considered to be the level on a site preceding development; or</p> <p>c) It can be proven by a licensed surveyor to the Town's satisfaction that the Department of Lands &amp; Surveys 1975 Perth BG34 levels or other district-wide survey levels are not appropriate in a particular instance and other survey levels are more appropriate, in which case these levels will be considered to be the level on a site preceding development.</p>

**POLICY/STATUTORY IMPLICATIONS:**

A local planning policy does not form part of a Scheme, and cannot bind the Council in respect of an application or planning matter. However, the Council is required to have due regard to the provisions and objectives of the policy in its decision making.

A local planning policy adopted under a town planning scheme also cannot vary or override any legislative or regulatory requirement (such as the Deemed Provisions). Clause 3(1) of the Regulations states that the council may make a local planning policy in respect of any matter related to the planning and development of the Scheme area.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** It is important to be clear how the Town determines NGL to ensure appropriate application and measurement of building/structure height in assessing and determining development applications. Should the Town not amend LPP3.24 as recommended, assessments that do not reflect the established approach to determining NGL could be challenged at the SAT.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

### **STRATEGIC DIRECTION:**

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

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

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

### **COMMUNITY ENGAGEMENT:**

Pursuant to clause 5(2) of the Deemed Provisions, local governments may make an amendment to a local planning policy without undertaking advertising where the amendment is considered minor. The amendments are considered minor in that they seek only to reflect the most up-to-date definitions and approach and do not seek to alter any site or development requirement.

### **ADMINISTRATION RECOMMENDATION:**

That Council:-

1. Pursuant to Schedule 2, Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, AMENDS Local Planning Policy 3.24: Determining Natural Ground Level, as show in Attachment 2;
2. Pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DOES NOT ADVERTISE the amendments as they are considered to be minor; and
3. PUBLISHES notice of the amended policy on the Town's website.

### **Committee Meeting 14 December 2021**

Debate ensued.

### **COUNCIL DECISION:**

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That the item be deferred to an Elected Member Forum for further discussion.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

## DV21.115 WEMBLEY CHARACTER STUDY – DRAFT STUDY FOR COMMUNITY CONSULTATION

### PURPOSE OF REPORT:

The purpose of this report is to:

1. Update Council on the progress of the Character Study for Suburbs project; and
2. Seek approval to undertake consultation with the community on the Draft Wembley Character Study.

### SUMMARY:

The investigation of Character Streets and Character Precincts, as part of the Character and Heritage Area Strategy, is identified as a short term (1-3 years) key strategic project in the Local Planning Strategy 2020 (LPS). Stephen Carrick Architects was engaged by the Town to assist with the preparation of the Wembley Character Study (the Study). The Study identifies six character element themes that the consultant team and the Administration considered to best represent the character of the Wembley Precinct. These are:

1. Openness and sense of place
2. Green Infrastructure
3. Fine grain built form detail
4. Respect for topography
5. Connection to the street
6. Separation of land use

This report recommends that consultation be undertaken on these elements to understand the particular aspects of each element that are valued by stakeholders. Following community consultation on the character elements, the findings will be reviewed with a view to identifying any necessary amendments to the local planning framework that may be required to achieve the desired built form outcomes to ensure the protection of Wembley's character.

The work undertaken to identify the character of Wembley has been used to review the Wembley Character Description contained in Local Planning Policy 3.1 – Streetscape (LPP3.1). A draft character description statement has been included in the consultation material to ensure that community feedback is also obtained on this element of the project.

### AUTHORITY / DISCRETION

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input checked="" type="checkbox"/> | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	N/A
Report Date:	23 November 2021
Responsible Officer:	Director Planning & Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	Senior Strategic Planning Officer, Karen Liddell
Reporting Officer Interest:	Nil
Attachment(s):	1. Draft Wembley Character Study 2. Draft Community Consultation Material

## BACKGROUND:

The preparation of a Character and Heritage Area Strategy is identified as a key strategic project in the Local Planning Strategy 2020 (LPS). The LPS identifies the 'principle' and 'objectives' for 'Character and Heritage' as shown below.

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

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

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

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

It is noted that the title and scope of the project changed from the 'Character and Heritage Area Strategy' as identified within the LPS to the 'Character Study for Suburbs' (refer DV19.74). The Town's Local Heritage Survey was updated in November 2018. The Heritage Survey identifies places of historical or cultural heritage significance and will continue to be reviewed over time. In light of this, the focus of this project shifted to identifying key elements that contribute to a Precinct's character and sense of place. The Study presented to Council does not address heritage matters.

A scope and plan for this project was endorsed by Council on 23 June 2020 (refer DV20.66). The scope and plan involved staging the project by breaking it into phases involving the preparation of a sub-strategy for each suburb. As a character analysis had recently been undertaken for City Beach and Floreat, and is included in Local Planning Policy 3.1 - Streetscape, it was recommended that Wembley be the first sub-strategy to be prepared.

The Town subsequently appointed Stephen Carrick Architects in February 2021 to assist with the preparation of the Study.

## DETAILS:

The objective for character studies as outlined in the LPS is to:

*'identify key suburban precincts which are prime examples of the style of development and subdivision of that area, and the sense of place that style reinforces within the community. The identified precincts may then be considered for further protection from inappropriate development and subdivision under the provisions of the local planning framework.'*

Stephen Carrick Architects and the Town's Officers have identified the key aspects of the Precinct which contribute to the character and sense of place including a review of:

1. *Local context:* the setting and function of the local area and the broader character of the precinct;
2. *Site design:* building setbacks, access and parking locations, landscaping, etc.;
3. *Built form design:* architectural significance, building height, architectural features, materials and colour, roof pitch, etc. and;
4. *Streetscape and public realm design:* verge widths, street trees, open space, pedestrian and cyclist paths, development interface, etc.

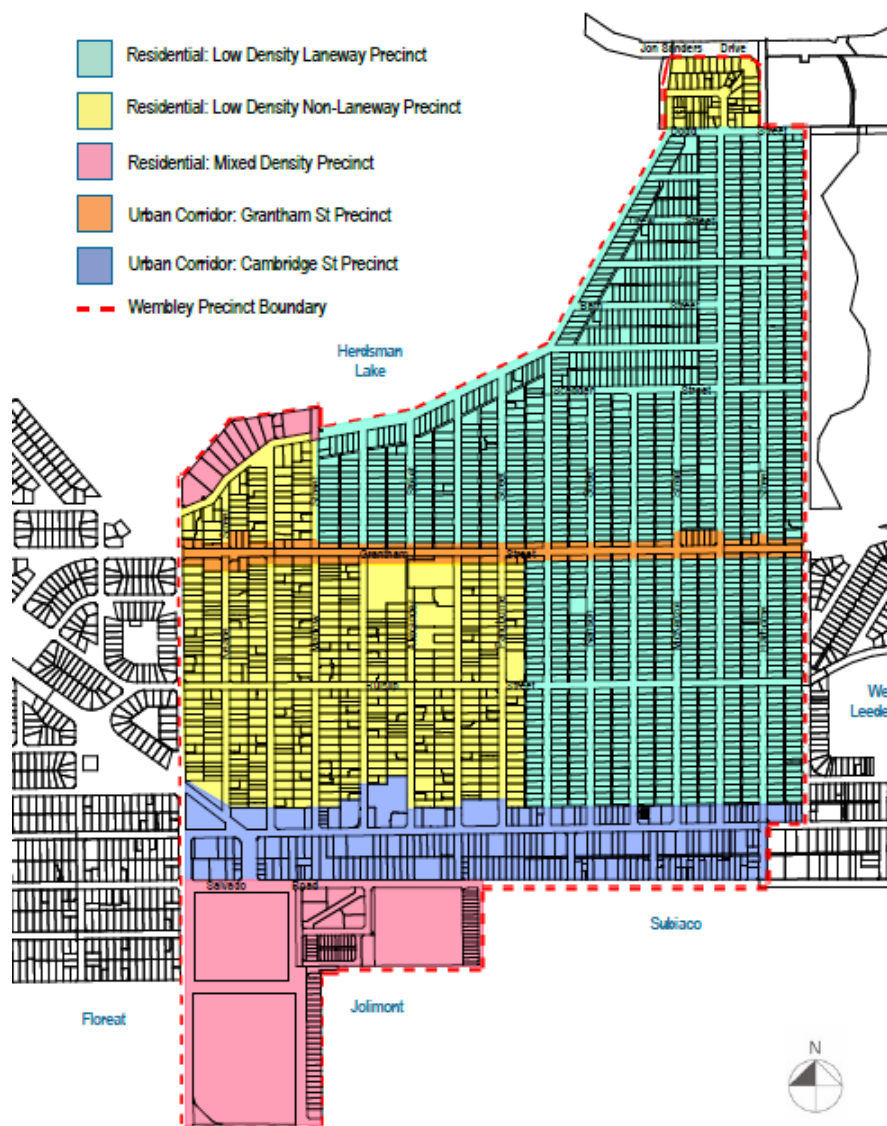
The Study seeks to:

1. Understand the history and pattern of development of the study area that has influenced the existing built form;
2. Analyse the existing streetscapes and built form to identify any commonalities or unique attributes; and
3. Identify character elements which contribute positively to the character of the area.

The key aspects that were identified have been classified into elements or distinct features which contribute to a sense of place. While the Study examines character elements in isolation, it is also key to recognise the combination and relationship between each element. It is this connection that informs the overall identity and sense of place in the Wembley Precinct.

*"A sense of place is defined by character and distinctiveness and can relate to a range of qualities such as architecture, landscape, topography and land use. These all contribute to provide meaning to a location and are influenced by natural, social and cultural conditions. Within any given local area, it is the sense of place and character to which people attach and with which a community identifies." (Feld, Steven and Basso, Keith. H. 1997).*

The Study has identified five distinct suburban character areas as shown on the map below:



Each of these precincts has been reviewed in detail to identify the individual character elements that are apparent. From this review, it was evident that there is a group of underlying elements that shape the character of Wembley and are applicable to both the residential and urban corridor precincts.

### Summary of Character Elements

The Study found that, whilst the area has changed and evolved over time, it still displays an underlying character cohesiveness which should be celebrated and enhanced through a mixture of retention and future development. New development within the area needs to be cognisant of these key character elements to maintain and enhance Wembley's sense of place. While direct copies and replication of the architectural styles are not encouraged, awareness of the era's scale, form, material, colour and detail are key to designing sensitive development.

The key character elements can be summaries as shown in the table below:

Character Aspect	Character Element	Finding
Local Context	Subdivision Pattern	The historic 1920/30s grid (linear) pattern of development and consistency in layout and lot sizes, has largely been maintained despite more recent subdivision incorporating new battle-axe or side-by-side lots.
	Land Use Separation	Consistent with historic development patterns, commercial buildings/uses and higher densities are located along or close to distributor roads (Cambridge Street and Grantham Street) which ensures a higher level of amenity is afforded to the predominantly lower-density houses located within suburban streets.
	Setting	There is a strong connection to natural elements within and adjoining the precinct in the form of public open space, reserves and recreational areas.
Site Design	Building setbacks	There is generally a consistency to wide frontages and front setbacks, and the provision of side/rear setbacks, which promote a sense of separation and openness between dwellings and allows for landscaping.
	Access and Parking	Vehicle access and parking for residential dwellings has historically been via the street frontage with laneways reserved for services as part of the original subdivision. The introduction and take-up of private cars lead people to start using the laneways for access. More recently, rear laneways have been sealed and upgraded to facilitate requirements for vehicle access to be gained from the rear of lots, specifically residential lots. This shift in site access will potentially change the historical rhythm of the streetscape.
	Landscaping	Front gardens within the suburban street setback area are generally well maintained. The removal of vehicle access to newer dwellings has increased the amount of opportunity for greenery which positively contributes to the appeal of streets.
Built Form Design	Architectural style	Architectural styles vary with land use, however, there remains a strong connection/representation to the interwar period throughout the study area. This fine grain traditional detail shares a consistent form and palette of materials, reflective of land use and location within the study area, which collectively contributes to the character and sense of place of the area.
	Building height	The predominant residential building height ranges between one and two storeys. This height typically increases around transport corridors (Grantham and Cambridge Streets) with contemporary buildings along these corridors being significantly larger in scale.
	Topography	The built form engages and responds to the undulating topography (i.e stepped without large areas of retaining to the existing landform). In many instances this has enabled views of the Perth CBD and surrounding areas (open space and reserves).

Streetscape and Public Realm	Verges	There are mature trees within verges which soften the appearance of roads and buildings, contributing to the aesthetic appeal of the street. Low and visually permeable fencing, together with well-maintained front gardens, contribute to a sense of openness within the verge.
	Verge Infrastructure	The suburb is well-serviced with pedestrian and cyclist paths. The removal of vehicle crossovers to the street as new dwellings are constructed has improved the pedestrian path network in both safety and continuity. Cycle paths provide a well-connected network along transport corridors and public open space reserves.

In analysing the findings, this Study has sought to identify a range of valued 'elements' that contribute positively to the character of the study area. The key character elements have therefore been grouped into six overarching character themes as follows:

1. *Openness and sense of place*  
This is derived through a consistency in front setbacks, side and rear setbacks which create a sense of separation between dwellings and opportunities for landscaping.
2. *Green Infrastructure*  
The mature street trees and well maintained landscaped gardens and verges soften the appearance of roads and buildings and contribute to the aesthetic appeal of streets providing shade and reducing the urban heat island effect.
3. *Fine grain built form detail*  
A shared palette of materials and a fine grain detail including hipped or gable roofs, face brick, terracotta roof tiles, awnings, and concealed roof behind parapet, create a consistent built form which collectively contributes to the areas sense of place.
4. *Respect for topography*  
Generally the built form complements and responds to topography (i.e is stepped) without large areas of retaining. This affords views and vistas within streets.
5. *Connection to the street*  
Irrespective of age or style, those buildings that contribute positively to the streetscape share similar characteristics. They address the street with both doors and windows, porches, balconies and open style carports. Front fencing is low and visually permeable, and footpaths are also prominent encouraging good walkability and interaction with the street.
6. *Separation of land use*  
The historic subdivision layout and development pattern has predominantly seen non-residential development and higher residential densities located within the two urban corridors ensuring a high level of amenity is maintained to the predominantly lower-density one and two storey dwelling which make up the majority of the precinct.

## Community Consultation

The next step is to engage with the community to determine the value placed on the identified character elements, and if there is support for those elements to be reflected in local planning framework.

It is proposed that community consultation include:

- a) Publish the Study and questionnaire on the Town's website and allow a feedback period of 21 days;
- b) Distribute an invitation to comment to all property owners and occupiers within the Town (see **Attachment 2**); and
- c) Host a community drop in session allowing the community to ask questions and provide feedback on the findings of the Study;

It is expected that consultation could occur in February and/or March 2022.

Following consultation, the Town's Administration will prepare a report to Council summarising the consultation outcomes and present any recommendations for amendments to the local planning framework that may be required to achieve the desired built form outcomes to ensure the protection of Wembley's character.

### **POLICY/STATUTORY IMPLICATIONS:**

There are no direct Policy or Statutory Implications related to this report, however, the report is likely to lead to future changes to the local planning framework. The Study presented to Council is consistent with the implementation of the Local Planning Strategy and it should be noted that Council approval is not required to adopt the Study in the future.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The preparation of the Character Study is an identified short term project (1 – 3 years) of the Local Planning Strategy.

### **FINANCIAL IMPLICATIONS:**

The cost of preparing the Study and undertaking consultation has been accounted for in the 20/21 and 21/22 budgets. Additional work required to complete the Study post consultation will be undertaken by Administration with no/limited external cost.

### **STRATEGIC DIRECTION:**

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

#### **Our Neighbourhood**

- Goal 4: Neighbourhoods where individual character and quality is respected, and planning is responsive to residents**
- Strategy 4.1 Examine and better identify through planning and consultation those features and qualities which define our individual neighbourhoods
- Strategy 4.3 Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character.
- Strategy 4.4 Ensure and respect our existing streetscapes, setbacks and green spaces

## **Our Council**

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

Strategy 9.1: Consult with the community using techniques that engage more widely to inform and be informed on local matters of priority

### **COMMUNITY ENGAGEMENT:**

The proposed community engagement will be undertaken as outlined above. In accordance with Policy No: 018 'Community Consultation Material Policy', Consultation material has been included in this report to enable Elected Members to review the material prior to consultation events.

### **Committee Meeting 14 December 2021**

#### **Impartiality Interest Declaration – Cr Mack**

Prior to consideration of the item, Cr Mack disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV21.115, I declare that I have an association with Stephen Carrick as he is the president of the Surf Club of which I am a member 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 21 December 2021**

#### **Impartiality Interest Declaration – Cr Mack**

Prior to consideration of the item, Cr Mack disclosed an interest affecting impartiality and declared as follows: "with regard to Item DV21.115, I declare that I have an association with Stephen Carrick as he is the president of the Surf Club of which I am a member 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 Mayor Shannon, seconded by Cr Haddon-Casey**

**That Council:-**

- 1. ENDORSES the Administration to undertake public consultation to obtain community comment on the key character elements outlined in the Wembley Character Study;**
- 2. RECEIVES a report upon completion of consultation associated with resolution (1), including recommendations for amendments to the planning framework; and**
- 3. NOTES the draft consultation material/questionnaire contained at Attachment 2 of this report and that further consultation material will be supplied to Councillors, as per Council Policy No: 018 – 'Community Consultation Material Policy'.**

**Motion put and CARRIED (9/0) (Unanimous)**

**DV21.116 STRATEGIC PLANNING PRIORITIES FOR 2021/2022 – PROGRESS REPORT  
NO: 2**

**PURPOSE OF REPORT:**

The purpose of this report is to provide the second quarterly progress report on the priority projects for the strategic planning business areas for the financial year 2021/22.

**SUMMARY:**

On 22 June 2021, the Council adopted a number of priority projects for the strategic planning business area of the Town for the financial year 2021/22.

**AUTHORITY / DISCRETION**

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input checked="" type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	23 November 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	N/A
Reporting Officer Interest	N/A
Attachment(s):	Nil

**BACKGROUND:**

On 22 June 2021, Council resolved as follows (refer DV21.58):

*That Council:-*

- 1. NOTES the information related to the Progress Report 4 on Strategic Priorities for 2020/21 for Strategic Planning;*
- 2. ADOPTS the strategic priorities and timetable for the 2021/22 financial year, as detailed in the following table:*

	Project	July-Sept 2021	Oct-Dec 2021	Jan-Mar 2022	Apr-Jun 2022
1	Drafting Local Planning Scheme No. 2				
2	West Leederville Activity Centre Plan				
3	Stage 2 Review of Local Planning Policy 3.13 'Parking' and preparation of Payment in Lieu of Parking Plan				
4	Integrated Movement Network Strategy				
5	Open Space and Community Infrastructure Strategy				
6	Character Study for Suburbs				
7	Medical Precinct Urban Design Study and planning controls				
8	Policy Reviews in accordance with Medium Density Code				
9	Review of Town of Cambridge Economic Development Strategy				
10	Leederville Hub Project				

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

A further update report (Progress Report 1 on Strategic Planning Priorities for 2021/22) was presented to Council at its meeting of 28 September 2021 (refer DV21.92).

#### DETAILS:

##### 1. Preparation of Local Planning Scheme 2

Project status	On 25 August 2020, Council resolved to prepare a new local planning scheme (LPS2), endorsed a project plan for the project and authorised the Development Committee to endorse guiding principles during the preparation of LPS2 (refer DV20.100).  At the Ordinary Council Meeting held on 22 June 2021, Council adopted principles for the preparation of Part 1 of the Scheme. A report regarding Part 2 and 3 (Reserves, Zones and Zoning Table) is included on the agenda for this meeting.
Project on target	On target.
Risk or barriers	No new risks or barriers have been identified.

##### 2. West Leederville Activity Centre Plan

Project status	Council adopted the West Leederville ACP for advertising on 28 April 2020. Advertising commenced on 22 May 2020 and closed on 22 June 2020, with some extensions to the submission period provided for public authorities. Overall, eighty-two (82) submissions were received.  A report on this matter was present to the 23 November 2021 Council meeting and deferred to an Elected Member briefing in December.
Project on target	Behind schedule, as revised for FY 2021/22.
Risk or barriers	No new risks or barriers have been identified.

### 3. Stage 2 review Local Planning Policy 3.13: Parking and preparation of Payment in Lieu of Parking Plan

Project status	<p>In April 2019, Council adopted a two stage review process (refer DV19.38). LPP3.13 was amended to address implementation issues and following advertising, was adopted on 26 November 2019.</p> <p>A report on Stage Two of the review (cash in lieu expenditure plan, review of parking standards) is behind schedule. The Stage Two report will also contain details of the proposed approach for the preparation of a Payment in Lieu of Parking Plan.</p> <p>This work has been impacted somewhat by the delayed introduction of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for parking and cash payment in lieu of parking methodologies, which became operational in July 2021.</p>
Project on target	Behind schedule.
Risk or barriers	No known risks or barriers

### 4. Integrated Movement Network Strategy

Project status	A project plan is scheduled to be presented to Council in the first quarter of 2022.
Project on target	Underway. On schedule.
Risk or barriers	No known risks or barriers

### 5. Medical Precinct Urban Design Study and planning controls

Project status	<p>A draft report and associated local planning policy was presented to DRP and some Elected Members on 7 May 2020 and 8 October 2020. Further work and revisions were required to the documents in light of the DRP and Elected Member feedback.</p> <p>A report on this matter was present to the 23 November 2021 Council meeting and deferred to the December round of meetings.</p>
Project on target	Behind schedule – as revised for FY 2021/22.
Risk or barriers	No new risks or barriers have been identified.

### 6. Open Space and Community Infrastructure Strategy

Project status	<p>An in principle project plan to prepare an Open Space and Community Infrastructure Strategy was endorsed by Council on 25 February 2020 (refer DV20.12).</p> <p>Following a procurement process, Dave Lanfear Consulting was appointed by the Town.</p> <p>A report presenting the draft OSCIS will be presented to Council in February 2022 for adoption for the purposes of advertising.</p>
Project on target	Behind schedule.
Risk or barriers	No new known risks or barriers have been identified.

## 7. Character Study for Suburbs

Project status	<p>A scope and plan for this project was endorsed by Council on 23 June 2020 (refer DV20.66).</p> <p>The Town appointed Stephen Carrick Architect to assist with the preparation of the Character Study for Wembley.</p> <p>A draft character study and consultation material is included on the agenda for this meeting, prior to undertaking public consultation with the Wembley community.</p>
Project on target	On schedule.
Risk or barriers	No new known risks or barriers have been identified.

## 8. Policy Reviews in accordance with the Medium Density Code

Project status	<p>At the Ordinary Council Meeting held on 23 March 2021, Council considered a report on the Draft Medium Density Code (DV21.17) and authorised the administration to make a submission on the document. As part of the operation of the Code, a local government must undertake an audit of its local planning policies and seek WAPC approvals, where necessary, within 3 months of the gazettal of the MD-Codes.</p> <p>The State Government has announced that, tentatively, the code will be finalised in the first half of 2022 and its implementation to take place by the second half of 2022.</p>
Project on target	On target.
Risk or barriers	No new known risks or barriers have been identified.

## 9. Review of Economic Development Strategy

Project status	<p>Council adopted the Town of Cambridge Economic Development Strategy 2018-2022 at its Ordinary Meeting held on 24 July 2018 (DV18.100).</p> <p>A review of the EDS will commence in the third quarter (Jan-Mar 2022), with further details to be provided to Council at that time.</p>
Project on target	Yet to commence.
Risk or barriers	No new known risks or barriers have been identified.

## 10. Leederville Hub Project

Project status	<p>This project was deferred by Council on 18 December 2018 until such time as the Local Planning Strategy and West Leederville ACP are further advanced to final approval.</p> <p>The Local Planning Strategy has been finalised, and pending the progress of the WLACP and OSCIS, a project plan will be presented to Council for consideration.</p>
Project on target	Yet to commence.
Risk or barriers	Not applicable.

**POLICY/STATUTORY IMPLICATIONS:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

The projects discussed in this report have been financed through the Town's operating budget for FY2020/21 under the 'Strategic Projects' budget line.

**STRATEGIC DIRECTION:**

Strategic Community Plan 2018-2028

The projects identified in this report relate to goals and strategies from the Strategic Community Plan 2018-2028 as follows:

**Our Neighbourhoods**

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

- Strategy 4.1: Examine and better identify through planning and consultation those features and qualities which define our individual neighbourhoods
- Strategy 4.2: Create opportunities for greater housing choice in forms relevant to demand, lifestyle needs and location
- Strategy 4.3: Ensure new development is harmonious with established residences and respects our existing 'sense of place' and our unique character
- Strategy 4.4: Enhance and respect our existing streetscapes, setbacks and green spaces.

**Goal 5: Successful commercial, retail and residential hubs**

- Strategy 5.1 Ensure future planning recognises the emerging diverse role, mixed use potential and opportunities of our centres, and integrates change and growth with surrounding local areas
- Strategy 5.4 Develop and implement activity centre planning and/or local development plans for all centres to reflect the community's expectations for these nodes and corridors of activity

Corporate Business Plan 2018-2022

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

Services and facilities to achieve SCP goals and strategies	Supporting activities	18/19	19/20	20/21	21/22	Comments – alignment with proposed priority projects
	Finalise Local Planning Strategy	X	X			Project completed.

Services and facilities to achieve SCP goals and strategies	Supporting activities	18/19	19/20	20/21	21/22	Comments – alignment with proposed priority projects
Strategic Town Planning Services	Finalise Local Planning Scheme No. 2		X	X		Identified as Project 1 above
	Review of local planning policies	X	X			Ongoing, also Projects 3 and 8
	Develop a Public Open Space Strategy	X	X			Identified as Project 5 above
	Review and finalise planning framework for West Leederville Activity Centre Plan	X	X			Identified as Project 2 above
	Review planning framework for other activity centres and precincts	X	X	X		Ongoing and to be incorporated in Project 1 (Local Planning Scheme No. 2)
	Undertake analysis and prepare a Character Strategy for suburbs		X	X		Identified as Project 6 above
	Develop an Integrated Transport Strategy				X	X
Economic Development	Implement the Economic Development Strategy		X	X	X	Ongoing, not identified as a project, but annual implementation reports to be provided.

**COMMUNITY ENGAGEMENT:**

No consultation on the content or recommendation of this report is required.

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

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That Council NOTES the information related to the Strategic Planning Priorities for 2021/2022 – Progress Report No: 2.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.117 SMALL BUSINESS FRIENDLY APPROVALS PROGRAM – ACTION PLAN**

**PURPOSE OF REPORT:**

The purpose of this report is to present to Council the Small Business Friendly Approvals Program Action Plan (**Attachment 1**).

**SUMMARY:**

An action plan has been prepared which details a series of reforms resulting from the Town’s participation in the Small Business Development Corporation’s (SBDC) Small Business Friendly Approvals Program.

The Small Business Friendly Approvals Program Action Plan (the Action Plan) includes project background, small business statistics, Town of Cambridge’s business landscape, workshop methodology and approach, and a series of reform initiatives.

The purpose of the Action Plan is to improve the approvals process for small businesses, making it easier for small business to establish and grow their operations in the Town.

**AUTHORITY / DISCRETION**

- Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes & policies.
- Review When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
- Information For the Council/Committee to note.

Address/Property Location:	N/A
Report Date:	23 November 2021
Responsible Officer:	Director Development and Community Services, Brett Cammell
Reporting Officer:	Manager Strategic Planning, Aaron Augustson
Contributing Officer:	Strategic Planning Officer, Satya Bourgeot
Reporting Officer Interest	Nil
Attachment(s):	1. Small Business Friendly Approvals Program – Action Plan

**BACKGROUND:**

Council adopted its Economic Development Strategy 2018-2022 (EDS) on 24 July 2018 (refer DV18.100). The EDS aims to support and grow businesses in the Town. In July 2018, Council resolved to endorse the SBDC’s Charter to be recognised as a Small Business Friendly Local Government (refer DV18.86). As a signatory of the Charter, the Town is committed to undertaking regular reviews of its policies and processes as they relate to small business, and reporting its progress to the SBDC.

In 2020, discussions were held with the SBDC about the Town participating in their Small Business Friendly Approvals Program after a trial of the project was undertaken by the City of Stirling and the City of Canning. Following the secure of project funding from the State Government, the Town participated in the Small Business Friendly Approvals Program (the Program), with assistance from the SBDC, between July and August 2021.

The purpose of the Program (and the Action Plan) is to improve the approvals process for small businesses, making it easier for small business to establish and grow their operations in the Town.

The Program involved the establishment of a cross-functional working group comprising officers from key service areas within the Town – such as planning, building, health, rangers, customer service, communications and information technology.

The working group was guided by professional facilitators through the following processes:

1. Exploring the importance of small business to the Town of Cambridge
2. Mapping the small business customer journey
3. Consultation with local small businesses
4. Human-centred design thinking
5. Developing a series of reforms to improve small business approval processes

Reforms identified through the workshops have been detailed in the Action Plan.

The Action Plan has been endorsed by the Town's Executive Management Team and implementation within the Town's workflow practices has commenced.

#### **DETAILS:**

Through a 'discovery phase' consisting of interviews with small businesses, insights from Town staff, and mapping the approvals journey, the working group identified and defined four statements that defined the difficulties facing small business in achieving necessary approvals from the Town, as follows;

1. The experience of approvals does not feel tailored to small businesses, and does not specifically address their needs.
2. Small business approvals processes are poorly connected up, and focus on individual problems at the expense of the overall experience.
3. The information about small business approvals is overwhelming or absent – it is hard to find out what you need, when and why you need it.
4. Small business-related changes and improvements are slow to occur, if they occur at all – it is hard to try new things, and value isn't replaced for a long time.

These four statements were then reconsidered as statements of opportunities, or 'how might we' statements, as follows:

1. How might we ensure the experience of approvals feels tailored, and specifically addresses small business needs?
2. How might we connect, streamline and/or consolidate processes for a consistently great application experience?
3. How might we present information more clearly and concisely, so that it is easy to find what you need, when you need it?
4. How might we make it easier to try new things, learn quickly and get to value fast?

Based on these four opportunity statements, the working group considered possible solutions resulting in the initiatives included in the Action Plan.

The Action Plan details 11 initiatives across the four reform focus areas aimed at reducing approval timeframes, fostering a 'can-do' business-friendly culture, improving the experience for the Town's small business customers, and ensuring more efficient and effective use of the Town's resources.

## Progress

Since the Town completed the series of workshops in August, the working group have been progressing a number of the initiatives. A summary of progress made to date is provided in the table below.

<b>Initiative</b>	<b>Progress</b>	<b>Comment</b>
Create an Action Plan legacy 'Leading Change' working group to act as a sounding board and change facilitator for any future change management projects at the Town of Cambridge.	Working group has been formed and meet regularly to discuss progress on Action Plan initiatives	Working group members are divided into reform areas of Experience, Process, Information and Innovation and Change based on current areas of expertise
Implement a Business Liaison Team (BLT) supported by a Quick Advisory Group (QAG)	BLT being trialled in the Customer Service area. Email group established for the QAG. At least six separate business enquiries have either been completed or are ongoing with the BLT	Enquiries include Home Occupation, expansion of an existing restaurant and the establishment of a small bar
Review all forms to create a suite of online forms whilst progressing towards a single point of application	All planning application forms have been converted to offer an online version. Some building forms have been converted to offer an online version.	There has been good uptake in the use of online forms since the options have been made available to customers
Implement quick trade permits	A Home Occupation self-assessment form has been developed to enable applicants to establish whether their business proposal meets the definition of a Home Occupation and is therefore exempt from planning approval.	Form is currently being tested internally before going live. Self-assessment option will substantially reduce staff workload and cut approval timeframes for Home Occupations.
Integrated online portal	Raising of invoices for planning and building applications currently in development that will enable applicants to make payments online	Will substantially improve the customer experience, reduce staff workload, and provide a more modern application process

## Next steps

Initiatives that the working group are due to commence in early 2022 are shown in the table below.

Initiative	Timeframe	Comment
Small business information pack/FAQs	3 months	Business Approvals FAQs to be available to businesses by February 2022.
Make information on the website easier to find, use and understand, starting with a dedicated section on website for all business information	3 months	All business information to be in one place on the website with an improved web sitemap implemented by February 2022.
Develop a visual roadmap for business approvals process	3-6 months	A static visual of the business approvals journey to be added to the website
Map all business approvals processes to streamline into a single, easy to understand process-map	6 months	Initially due for completion in February 2022, it is anticipated that this initiative will require more time due to resourcing constraints.
Create a communications network across the relevant teams to continuously check and amend the process so it stays simple and relevant.	6-12 months	The BLT has commenced this process but it is anticipated that this initiative will require more time due to resourcing constraints.
Integrated online portal	12-24 months	This initiative has been initiated as per 'Progress' table above but is not due for completion until December 2023.

The working group will provide annual progress updates to Council on the implementation of the Action Plan, with the next one due in December 2022.

To further promote the Town's involvement with the SBDC Program to the community, it is recommended that Council authorise the CEO to prepare and release a media statement highlighting the Town's participation in the Program and its commitment to implementing the Action Plan.

## POLICY/STATUTORY IMPLICATIONS:

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

Some of the initiatives will require policy changes. These will be presented to Council when the relevant policy amendment has been prepared.

## RISK MANAGEMENT IMPLICATIONS:

**Low:** The reform initiatives are considered low risk. The reforms are designed in a way that small improvements can be made incrementally, are tested and refined before implementing more substantial changes.

There is a risk to the Town if the reforms are not implemented in that the Town will become seen as a difficult place to do business, which will impact the Town's ability to attract and retain businesses, ultimately having a negative impact on the amenity, services and job opportunities available to local residents.

## **FINANCIAL IMPLICATIONS:**

There are no Financial Implications related to this report. The initiatives are designed so that improvements can be made using the Town's existing resources. Should any reforms require resources above budgeted amounts, these will be presented to Council for consideration.

## **STRATEGIC DIRECTION:**

The Town's participation in the Small Business Friendly Approvals Program and the Action Plan align with the Economic Development Strategy 2018-2022 as follows:

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

- Strategy 1.1 Investigate business liaison responsibilities and required resources
- Strategy 1.2 Review current processes regarding external business communications and develop appropriate systems and protocols
- Strategy 1.4 Investigate content and resource requirements for the development of a business information portal/site within the Town of Cambridge website
- Strategy 1.5 Review current business related approvals processes and develop a set of process improvement recommendations

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

## **Our Neighbourhoods**

### **Goal 5: Successful commercial, retail and residential hubs**

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

## **Our Council**

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

- Strategy 9.2 Consult with the community using techniques that engage more widely to inform and be informed on local matters

### **Goal 10: The Town is a proactive local government that provides financially sustainable public assets, services and facilities**

- Strategy 10.1 Ensure appropriate resources are allocated to the preparation and implementation of day to day decision making, broader strategic planning and major projects

### **Goal 11: An efficient local government**

- Strategy 11.2 Align our human resources to the priorities of the Town and attract, develop and retain highly skilled and committed staff

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

### **Goal 12: Advocacy for the Community**

- Strategy 12.1 Foster key relationships with all levels of government and other major stakeholders
- Strategy 12.3 Take actions and make decisions that adopt a *locals first* approach at all times

**COMMUNITY ENGAGEMENT:**

The Small Business Friendly Approvals Program included working with a number of local business, in line with the *Collaborate* public participation goal of the Town's Policy No: 019 Community Engagement.

The recommendation of this report has been assessed in line with the Town's Policy No: 019 Community Engagement and it was determined that community engagement is not required.

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

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That Council:-**

- 1. NOTES the Small Business Friendly Approvals Program Action Plan contained at Attachment 1;**
- 2. RECEIVES an annual update on the implementation of the Small Business Friendly Approvals Program Action Plan with the first update due by December 2022; and**
- 3. AUTHORISES the CEO to prepare and release a media statement that highlights the Town's participation in the Small Business Friendly Approvals Program and the Town's commitment to implementing the Action Plan.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

## DV21.118 PERRY LAKES MOSQUITO SURVEY 2021

### PURPOSE OF REPORT:

The purpose of this report is to inform Council of the findings of the preliminary Perry Lakes mosquito survey and seek Council approval to develop a Mosquito Management Plan (MMP).

### SUMMARY:

A preliminary larvae and adult mosquito survey around Perry Lakes was conducted in October 2021 following complaints of increased mosquito activity in the area. Both east and west lakes in Perry Lakes Reserve were found to contain significant mosquito larvae and adult mosquitos "on wing". The adult mosquito trapping revealed the Town had both pest and disease vector species present.

This report seeks the Council to authorise the Administration to now develop a MMP to effectively manage public health risks in the surrounding areas.

### AUTHORITY / DISCRETION

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input checked="" type="checkbox"/> | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input checked="" type="checkbox"/> | Information    | For the Council/Committee to note.   |

Address/Property Location:	Perry Lakes Reserve, Floreat
Report Date:	16 November 2021
Responsible Officer:	Manager of Regulatory Services, Steve Cleaver
Reporting Officer:	Environmental Health Officer, Rhiannon Chenoweth
Contributing Officer:	Coordinator Health & Compliance, Graeme Bissett
Reporting Officer Interest:	Nil
Attachment(s):	1. Baseline Mosquito Survey Findings - September-October 2021

### BACKGROUND:

An increase in mosquito activity around Perry Lakes Reserve had been reported through complaints received by the Town in September 2021. The parkland is approximately 80 hectares in size and contains two lakes, East Lake and West Lake. A previous MMP has not been developed within the Town as mosquito population sources around Perry Lakes had not been verified until October 2021 following a baseline larval and adult mosquito survey. It was observed that the Town was subject to flooding events in July 2021 and quantities of stormwater contaminated with waste water entered the lakes. It is unknown whether this event changed environmental conditions potentially increasing the presence of mosquitoes in the area.

Of the approximate 100 mosquito species found within Western Australia, a number are classified as serious pests and/or disease vectors. The Department of Health reported 821 cases of Ross River Virus (RRV) across the state during the July 2020 – June 2021 reporting period, the highest number since 2016-2017. Of these, 185 cases were reported in the Perth metro region. Department of Health enhanced surveillance data from the closest cross local government area mosquito management group revealed that 3 of the metro cases reported were most likely acquired in Mosman Park (March 2021), Claremont (April 2021) and Swanbourne (May 2021).

#### **DETAILS:**

Following the larval and adult mosquito trapping by the Town's Environmental Health Officers, it is confirmed that both the Perry Lakes East and West Lakes are breeding grounds for mosquitoes. Larval densities were highest in the northern regions of the lakes which was typically consistent with dense vegetation, a shallow water gradient and high accumulation of leaf litter and organic matter.

The adult trapping survey revealed that Ross River Virus disease vector species were present as well as vicious (biting) pest species. Visitors and residents in the surrounding areas to mosquito breeding areas are subject to a greater risk of contracting mosquito-borne diseases and intense mosquito nuisance problems when mosquitos disperse from breeding habitats. The trapped mosquitoes were not tested for carrying RRV and the survey only confirms that disease carrying vector species are present. The presence of these disease vector species and the 3 metro acquired RRV cases in neighbouring local government areas in 2021 should be interpreted as a low but possible risk of disease outbreak in the area.

Pesticide treatment with a slow release mosquito larvicide (S Methoprene) was utilised in October 2021 to reduce mosquito larvae in the water. It is unknown of the success of the treatment and this can only be revealed by an ongoing trapping program or mosquito management program (MMP). It is recommended that a Mosquito Management Plan be implemented at the Town to minimise the risk of disease. Effective mosquito management should minimise the negative effects of mosquitoes within the dispersal area of breeding sites whilst being ecologically sustainable.

Whilst some species are vectors of disease, mosquitoes also play an important role in the ecosystem by pollinating plants and providing a food source for other species. It is important to note that whilst it is possible to reduce mosquitos in the lakes eradication is not possible.

The WA Department of Health operates nineteen Contiguous Local Authorities Group (CLAG) funding schemes in Western Australia. Following our mosquito monitoring the Town will investigate the strengths and weaknesses in joining the WESROC CLAG (Subiaco and Nedlands) should additional resources be needed.

#### **POLICY/STATUTORY IMPLICATIONS:**

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

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** Although RRV vector species have been identified in Perry Lakes, likely metro acquired RRV cases make only a small contribution reported cases for the region.

### **FINANCIAL IMPLICATIONS:**

The implementation of a mosquito management plan and associated labour and materials was not anticipated in the 2021/22 financial year. Capital equipment required for one off purchase such as traps, and microscope is estimated to be around \$3000 and the existing health budget is being utilised.

Ongoing operational expenditure is likely to be required and will be finalised once a MMP is created. The frequency of sampling and treatments are would determine staff and financial resources needed and will be detailed in a further report or for the 22/23 budget submissions.

### **STRATEGIC DIRECTION:**

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028 by decreasing disease risk and improving amenity in Perry Lakes and surrounds:

- Goal 1: A sense of community, pride and belonging**  
Strategy 1.2 Promote our strong community identity and focus our responses on the needs of local residents, businesses and ratepayers
- Goal 2: Quality local parks and open spaces for the community to enjoy**  
Strategy 2.1 Adopt a more strategic and coordinated approach to the planning of our parks and greenspaces recognising their diverse roles and local community preferences
- Goal 3: An active, safe and inclusive community**  
Strategy 3.4 Act to create and maintain safe, friendly and open environments that residents can access and enjoy

### **COMMUNITY ENGAGEMENT:**

The recommendation has been assessed in line with the Town's Policy No: 019 – 'Community Engagement' and determined as "Inform". Community consultation is not required as it is administrative in nature.

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

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That Council:**

- 1. RECEIVES the findings from the Perry Lakes mosquito survey;**
- 2. NOTES the Administrations advice to develop a Mosquito Management Plan for Perry Lakes; and**
- 3. REQUESTS that the Town's Administration provides a mosquito management plan for Perry Lakes to the February 2022 Ordinary Council Meeting**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**DV21.119 PLANNING DELEGATED DECISIONS AND NOTIFICATIONS – NOVEMBER 2021**

**PURPOSE OF REPORT:**

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

**SUMMARY:**

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

**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input checked="" type="checkbox"/> | Information    | For the Council/Committee to note.   |

Report Date:	1 December 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Statutory Planning, Jennifer Heyes
Contributing Officer:	Administration Officer, Nancy Vanden Bergh
Reporting Officer Interest:	Nil
Attachment(s):	1. Delegated Decisions and Notifications for November 2021

**DETAILS:**

The Planning applications listed in **Attachment 1** have been dealt with under delegated authority, in accordance with Council's policy, as they were deemed to comply in all respects with the requirements of the Town Planning Scheme and Council Policy:-

**POLICY/STATUTORY IMPLICATIONS:**

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

**RISK IMPLICATONS:**

**Nil.** As the approvals have already been issued under delegated authority, the risks to Council is low.

### **FINANCIAL IMPLICATIONS:**

There are no Financial Implications related to this report.

### **STRATEGIC DIRECTION:**

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

#### **Our Community Life**

**Goal 3**                    **An active and, safe and inclusive community.**  
Strategy 3.4            Act to create and maintain safe, friendly and open environments that residents can access and enjoy

#### **Our Council**

**Goal 11**                **An efficient local government**  
Strategy 11.3        Embrace innovation and continuously strive to improve services delivered to the community

### **COMMUNITY ENGAGEMENT:**

This matter has been assessed under Council Policy No. 019 Community Engagement Policy. In accordance with the assessment criteria, it was considered that community engagement was not required.

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

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That the Council RECEIVES the report on Planning Delegated Decisions and Notifications dealt with under delegated authority for the period of November 2021.**

**Motion put and CARRIED EN-BLOC            (9/0) (Unanimous)**

**DV21.120 BUILDING PERMITS APPROVED UNDER DELEGATED AUTHORITY -  
NOVEMBER 2021**

**PURPOSE OF REPORT:**

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

**SUMMARY:**

The report details building approvals issued under delegated authority.

**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input checked="" type="checkbox"/> | Information    | For the Council/Committee to note.   |

Address/Property Location:	N/A
Report Date:	02/12/2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Regulatory Services, Steve Cleaver
Contributing Officer:	N/A
Reporting Officer Interest:	Nil
Attachment(s):	1. Building Approvals (Confidential)

**BACKGROUND:**

Listed below are the total numbers of permits issued for the month of November 2021. Also shown are the comparative figures of the numbers of permits issued on the same month of the previous year and year to date fields.

	November 2021	November 2020	Financial Year to date 2021/2022	Corresponding Financial Year to date 2020/2021
Building Permits (Certified)	35	59	157	165
Building Permits (Uncertified)	10	14	46	57
Demolition Permits	4	6	17	25
Building Approval Certificate (Unauthorised Work)	0	1	9	5
Building Approval Certificate (Strata)	0	0	2	0
Occupancy Permits	0	0	1	3
Occupancy Permits (strata)	0	0	0	0
Total	49	80	232	255
<b>Value of Construction</b>	<b>\$3,171,481.40</b>	<b>\$16,713,517.84</b>	<b>\$33,757,751.90</b>	<b>\$67,279,374.20</b>

**DETAILS:**

Nil

**POLICY/STATUTORY IMPLICATIONS:**

*Building Act 2011.*

**RISK MANAGEMENT IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications related to this report.

**STRATEGIC DIRECTION:**

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

**Our Community Life**

**Goal 3 An active and, safe and inclusive community**  
Strategy 3.4 Act to create and maintain safe, friendly and open environments that residents can access and enjoy

**Our Council**

**Goal 11 An efficient local government**  
Strategy 11.3 Embrace innovation and continuously strive to improve services delivered to the community

**COMMUNITY ENGAGEMENT:**

This matter has been assessed under Council Policy No: 019 - Community Engagement Policy. In accordance with the assessment criteria, it was considered that community engagement was not required.

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

**Moved by Mayor Shannon, seconded by Cr Haddon-Casey**

**That Council RECEIVES the Schedule of Building and Demolition Permits approved under delegated authority for the month of November 2021, as shown in Attachment 1.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

## COMMUNITY AND RESOURCES COMMITTEE

The report of the Community and Resources Committee held on Monday 13 December 2021 was submitted as under:

### 1. DECLARATION OF OPENING

The Presiding Member, Cr Jane Cutler declared the meeting of the Community and Resources Committee open at 6.00 pm.

### 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

<b>Present:</b>	<b>Time of Entering</b>	<b>Time of Leaving</b>
<b>Members:</b>		
Cr Jane Cutler (Presiding Member)	6.00 pm	6.37 pm
Cr Kate Barlow	6.00 pm	6.37 pm
Cr Rod Bradley	6.00 pm	6.37 pm
Cr Robert Fredericks	6.00 pm	6.37 pm

#### **Observers:**

Nil

#### **Officers:**

Brett Cammell, Director Planning and Community Services  
Kelton Hincks, Director Infrastructure and Works  
Roy Ruitenga, Director Corporate and Commercial Services  
Seema Karami, Manager Asset Services  
Anthony Booth, Manager Engineering Services  
Andrew Head, Manager Parks and Natural Environment  
Priya Narula, Manager Community Services  
Aaron Grant, Manager Corporate Business  
Rachael Pearce, Acting Coordinator Projects  
Denise Ribbands, Senior Governance Officer  
Jane Carrott, Governance Administration Officer

#### **Members of the Public:**

5 persons

#### **Media:**

2 persons

#### **Adjournments:**

Nil

#### **Time meeting closed:**

6.37 pm

### APOLOGIES/LEAVE OF ABSENCE

Apologies – Mayor Shannon and CEO, Mr John Giorgi, JP (unwell)

**3. PUBLIC QUESTION TIME**

Nil

**4. DEPUTATIONS AND PETITIONS**

Item CR21.133 Mr Adriaan Bal, President, Perth Tango Club

**5. CONFIRMATION OF MINUTES**

Moved by Cr Bradley, seconded by Cr Barlow

That the Minutes of the Ordinary meeting of the Community and Resources Committee held on 15 November 2021 as contained in the November 2021 Council Notice Paper be confirmed.

Motion put and CARRIED (4/0) (Unanimous)  
(Mayor Shannon was an apology for the meeting)

**6. DECLARATION OF MEMBERS' INTERESTS**

Item CR21.126 – Cr Fredericks – Proximity Interest

**7. REPORTS**

## CR21.125 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE THREE

### PURPOSE OF REPORT:

To provide Council with the details of Phase Three of the Local Roads and Community Infrastructure (LRCI) Program and to recommend projects to be submitted to the Federal Government for allocation of external funding.

### SUMMARY:

The Australian Government has provided the Town with an allocation of \$563,608 through the third phase of the LRCI Program, subject to the following conditions of the nominated project:

1. Be completed prior to 30 June 2023; and
2. Deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

The Town's Administration staff have identified the Lake Monger Car Park South West which is considered a high priority and suitable project.

### AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	1 Bold Park Drive, Floreat
Report Date:	3 December 2021
Responsible Officer:	Director Infrastructure and Works, Kelton Hincks
Reporting Officer:	Manager Engineering Services, Anthony Booth
Contributing Officer:	Infrastructure Technical Officer, Jannatul Ferdaush
Reporting Officer Interest:	Nil
Attachment(s):	1. Car Park Locality Map

### BACKGROUND:

The LRCI Program was announced by the Australian Government Department of Infrastructure, Transport, Regional Development and Communications (the Department) on 22 May 2020. As part of this first phase of the LRCI, the Town received \$281,804 which was allocated to the Lake Monger South West Inclusive Playground project.

On 6 October 2020, as part of the 2020-2021 Budget, the Government announced a further \$1,000,000,000 which is to extend the second phase of the LRCI Program. The Town of Cambridge was allocated \$946,691 through the second phase of the program. The following projects were nominated as part of Phase Two of the LRCI Program:

1. Perry Lakes Car Park – Reconstruction of the unsealed car parks (\$250,000);
2. Roscommon Reserve Fencing – Install erosion control, signage, seating and repair paths to stabilise and rehabilitate degraded areas of the reserve and prevent ongoing mountain bike access (\$75,000);
3. Irrigation Central Control – Installation of Signal irrigation controllers to centrally control the Town's irrigation systems to improve efficiency and response times to faults (\$300,000);
4. Perry Lakes Footpath Links and Resurfacing – Installation of a missing link footpath to the north of the West Lake (\$110,000); and
5. City Beach Tennis Club Retaining Wall – Replacement of the failed City Beach Tennis Club Retaining Wall (\$200,000).

On 11 May 2021, as part of the 2021-22 Budget, the Australian Government announced an additional \$1,000,000,000 for the continuation of the LRCI Program Phase Three. The Town has been allocated with \$563,608 within this phase. It has been advised that funding allocations for Phase Three are determined by a formula used by the Government, and take into account the road length within each Local Government Authority. The formula used to calculate an allocation has been modelled on funding allocations under the Roads to Recovery Program (R2R) and the local road component of the Financial Assistance Grants Program

#### **DETAILS:**

Phase Three of the LRCI Program runs from 1 January 2022 to 30 June 2023. Project construction can commence once the Town's project nominations and work schedules are approved by the Department. Projects are required to be physically completed by 30 June 2023. The extension of the LRCI Program is a temporary, targeted stimulus measure responding to the economic impacts of the COVID-19 pandemic.

As with the earlier phases of the LRCI Program, eligible funding recipients can select a broad range of projects to fund so that communities can continue to be provided with the infrastructure they require. It is expected that eligible funding recipients will use local businesses and workforces to deliver projects wherever possible to ensure stimulus funding flows into local communities.

The LRCI Program is a demand driven (eligibility based) grant program. The objective of the LRCI Program is to protect and create jobs by stimulating additional infrastructure construction activity in local communities. The intended outcomes of the LRCI Program are to:

1. Provide stimulus to protect and create local short-term employment opportunities through funding construction projects following the impacts of COVID-19; and
2. Deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

The LRCI grant funding cannot be used to purchase land, buildings or machinery. To be eligible for funding, community infrastructure projects must involve the construction, maintenance and/or improvements to local government owned assets (including natural assets). **Table 1 below** is a list of work categories which are eligible for funding under the LRCI grant program.

<b>Work Category</b>	<b>Description</b>
<b>General Road Maintenance</b>	Pothole repairs, vegetation clearing, minor crack sealing and grading (unless new gravel is being added) are all considered to be general maintenance.
<b>Construction of a new road</b>	Construction of a road where no road existed on that alignment before.
<b>Reconstruction</b>	Rebuilding a road that already exists (can include upgrading)
<b>Rehabilitation</b>	Work to return a road to its original standard
<b>Widening</b>	Work to make the surface or pavement of a road wider
<b>Sheeting / Re-sheeting</b>	Where additional gravel etc. is added on top of an existing road
<b>Sealing</b>	Putting a seal on an unsealed road.
<b>Resealing</b>	Second or subsequent sealing of roads
<b>Bridge works</b>	Any work involving bridges or culverts
<b>Tunnel works</b>	A tunnel to enable the building of an underground road
<b>Drainage</b>	Culverts, kerb and guttering and related activities where the purpose of the works is to improve drainage only.
<b>Traffic improvement</b>	Works involving traffic calming devices, traffic lights, pedestrian islands, lighting, warning signs and roundabouts
<b>Street lighting equipment</b>	Works related to vehicle traffic and pedestrian lighting
<b>Closed Circuit TV (CCTV)</b>	Works associated with installing a fixed mobile CCTV system
<b>Bicycle and Walking Paths</b>	Works involving cycling and pedestrian infrastructure
<b>Painting/Improvements to community facilities</b>	Community facilities include community centres, community halls, childcare centres, educational establishment, club houses, and entertainment facilities
<b>Repairs/Replacement of fencing</b>	Works relating to building a new fence or repairs/replacement of existing fences
<b>Improved Accessibility of Community Facilities and Areas</b>	Works could include pedestrian bridges, ramps, accessible public toilets, and designated car parking for individuals with a disability
<b>Landscaping Improvements</b>	Works could include tree planting to increase shade, creation of green spaces, and beautification of roundabouts
<b>Picnic Shelters or Barbeque Facilities at Community Parks</b>	Self-explanatory
<b>Playgrounds and Skate parks (including all ability playgrounds)</b>	Self-explanatory
<b>Toilet Blocks</b>	Works relating to construction or maintenance of public toilet block amenities
<b>Replacement of Light Bulbs in Street Lights</b>	Self-explanatory
<b>Noise and Vibration Mitigation Measures</b>	Works related to reducing and mitigating noise and vibrations, such as quieter pavement surfaces and noise barriers
<b>Off-road Car Parks</b>	Such as off-road car parks at sporting grounds or parks
<b>Sporting and recreation facilities</b>	Works to upgrade, repair or maintain sporting ovals, courts, swimming pools etc
<b>Other</b>	Works that do not fall into the above categories

*Table 1 - LRCI Eligible Work Categories*

Given the flexible nature of the grant criteria, the Town has various options to consider. These are:

1. Asset Renewal Projects - Allocate all of the funding towards addressing asset renewal gaps in areas such as car parks, irrigation, bollards, etc;
  2. Capital Works Program - Bring forward projects from the four year capital works program; and
  3. New Projects – Nominate new projects based on community demand.
- More detail on the above options is provided below.

## **Asset Renewal Projects**

The Town's infrastructure asset portfolio consists of assets such as roads, drainage, buildings, and park and recreation facilities. The total estimated replacement cost of these assets is approximately \$472,000,000. As custodians of these assets, the Town must apply best practice strategic asset management principles to ensure future generations are not adversely impacted by the decisions we make today. To assist with this difficult task, the Town utilises an asset management system to collect data on its assets to ensure funds are directed where they are required the most. The system contains details of infrastructure assets such as location, class, material, condition and age. The system can be utilised to predict asset deterioration and when assets require replacement. In general, the main asset classes are sufficiently funded, however, there are gaps in the areas of car parks, paths, irrigation and fencing.

## **Capital Works Program**

The Town has the ability to nominate projects listed in the four year capital works program from future years. This is a viable option and could include a mixture of renewal, upgrade and new projects across the Town. This would ensure the funding is spread across various asset classes and different areas.

The LRCI guidelines specify that if the Recipient chooses this option, they must be able to demonstrate they are maintaining their capital spend based on the 2021/2022 financial year.

## **New Project**

The Town has the ability to fund the creation of new assets. It is proposed that the creation of a new car park asset located in Lake Monger Reserve (**refer Attachment 1**) be nominated for the LRCI Phase Three funding allocation.

## **COMMENTS:**

Lake Monger Reserve currently has four car parks located on its south side. Three of these have been servicing visitors to Lake Monger Reserve for the past 50 years. Their combined number of parking spaces is 64. In July 2021, the Town completed construction of a fourth car park on the south east side of Lake Monger Reserve. This car park service's 47 parking spaces with an additional two ACROD bays.

The three older car parks are ageing and require resurfacing work if they are continued to be utilised. Entry and exit points of each car park with Lake Monger Drive present safety issues with crossing the shared path that traverses Lake Monger lake and with traffic along Lake Monger Drive. There is an opportunity to address these issues through the LRCI program.

It is proposed to construct a new car park in the south west area of Lake Monger Reserve (adjacent to the newly constructed all-inclusive playground). Once this car park has been opened, the three existing, ageing car parks will be removed and decommissioned. Consolidating parking for Lake Monger Reserve over two car parks will improve safety for pedestrians using the shared path, vehicles entering and exiting Lake Monger Drive, and assist with asset management in future.

## **POLICY/STATUTORY IMPLICATIONS:**

Policy No: 006 Asset Management Policy

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** There is a medium financial risk if the Town does not adequately plan and prepare for the allocation and expenditure of these funds by 30 June 2023.

### **FINANCIAL IMPLICATIONS:**

The Town has been allocated an amount of \$563,608. The Town is not required to co-fund any of the projects, however there is the flexibility to combine funding sources if desired.

### **STRATEGIC DIRECTION:**

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:

**Goal 1: A sense of community, pride and belonging**

Strategy 1.1 Encourage and support participation in a range of public activities and events where residents can gather and interact

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

**Goal 10: The Town is a proactive local government that provides financially sustainable public assets, services and facilities**

Strategy 10.1 Ensure appropriate resources are allocated to the preparation and implementation of day to day decision making, broader strategic planning and major projects

Strategy 10.2 Promote equity and transparency in the provision of infrastructure and services throughout the Town

Strategy 10.3 Ensure sound and sustainable financial planning, management and reporting

### **COMMUNITY ENGAGEMENT:**

The LRCI grant submission has been assessed in line with the Town's Community Consultation Material Policy No: 019 and community consultation is not required as it is administrative in nature.

### **COUNCIL DECISION:**

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Council APPROVES the Town's application for the Local Roads and Community Infrastructure Program Phase Three grant funding for the construction of Lake Monger Car Park South West (\$563,608), as identified in Attachment 1.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**CR21.126 LAKE MONGER PEDESTRIAN CROSSING – CONSIDERATION OF SUBMISSIONS**

**PURPOSE OF REPORT:**

To inform Council of the feedback received, request Council support for an underpass located on Lake Monger Drive at St. Vincents Avenue, and seek approval to undertake a detailed feasibility study into the construction of an underpass at this location. The purpose of this report is also to seek approval to prepare concept designs for a formal and multiple informal crossing points on Lake Monger Drive.

**SUMMARY:**

The Lake Monger Pedestrian Crossing Survey (**refer Attachment 3**) was made available for public comment via an online survey and in hard copy form for a period of three weeks, from 8 October 2021, until 29 October 2021. A total of 572 submissions were received (**refer Attachment 2**), with the results indicating a high level of support for an underpass crossing facility located on Lake Monger Drive at St. Vincents Avenue. However, it is evident from the analysis of the submission data that there is a demand for multiple crossing points along Lake Monger Drive.

These crossing points should consider the following principles:

1. Crossing is easy to undertake; and
2. People feel safe and relaxed.

Providing safe and easily accessible crossing points will create a shift in a persons choice on how they travel to an area. Creating safe and easy crossing points gives people a choice to walk or cycle to an area rather than use of a vehicle.

**AUTHORITY / DISCRETION**

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Lake Monger Drive, West Leederville
Report Date:	3 December 2021
Responsible Officer:	Director Infrastructure and Works, Kelton Hincks
Reporting Officer:	Manager Engineering Services, Anthony Booth
Contributing Officer:	Acting Coordinator Projects, Rachael Pearce
Reporting Officer Interest:	Nil
Attachment(s):	1. Underpass concept designs 2. Full feedback schedule 3. Lake Monger Pedestrian Crossing Survey

## **BACKGROUND:**

Lake Monger Drive is a District Distributor A road and a major connection point to the Mitchell Freeway. Current traffic statistics (December 2018) outlines that Lake Monger Drive services 22,593 vehicles per day (VPD) with an 85<sup>th</sup> percentile speed of 62.5km/h. This makes it difficult and sometimes dangerous for people, particularly the young and the elderly, to cross from West Leederville across to Lake Monger Reserve.

Reserve patronage has also increased due to projects outlined in the Lake Monger Activity Plan. Projects include the activation of the dog exercise area, a new carpark, universal access toilet, ninja and fitness equipment, three on three basketball court, picnic facilities, a regional accessible and inclusive playground, the Lake Monger Community shed, and a pump/jump track that will be completed in early 2022.

There are currently seven crossing points on Lake Monger Drive, these include:

1. Harborne Street intersection traffic signals, with pedestrian phasing;
2. Gregory Street intersection with two 1.4 metre wide refuge islands;
3. 1.5 metre refuge island to the west of St Vincents Avenue intersection;
4. 3 metre refuge island adjacent to 79b and 81 Lake Monger Drive;
5. 2 metre refuge island adjacent to 47 Lake Monger Drive;
6. 2 metre refuge island west of Northwood Street Intersection;
7. 3 metre through the grassed median in front of 7 Lake Monger Drive; and
8. Southport Street lights with pedestrian and bike phases.

In December 2017, a Notice of Motion was put forward regarding the safe crossing of Lake Monger Drive. Council resolved for the Administration to develop a proposal to investigate pedestrian movements and safe crossing options at Lake Monger Drive. A report (refer to CR19.42) was presented to Council in May 2019 outlining that options had been investigated as part of a technical study undertaken to incorporate an underpass between St. Vincents Avenue and Gregory Street. The potential options that were investigated are listed below:

- a) Option 1 - Lake Monger Drive service road at the Gregory Street end to be a cul-de-sac with Lake Monger Drive having an underpass through and not removing at the grade crossing (though the upgrade of the Median Island would be required to accommodate underpass ventilation);
- b) Option 2 - An underpass from St. Columbas Avenue to Lake Monger Reserve through Lake Monger Drive; and
- c) Option 3 – Removing at grade crossings and constructing an underpass from St. Vincents Avenue to the reserve.

The result of the technical study identified that Option 1 - Gregory Street Intersection was the most viable solution as it maintains connectivity with the existing cycle network within Gregory Street, and there is minimal service relocation and earthworks required to accommodate the Underpass.

**Previous Council Decisions:**

Date	Report Number	Council Resolution
19 December 2017	12.7	That: (i) Administration develop a proposal to investigate pedestrian movements and safe crossing options at Lake Monger Drive for consideration in the 2018/19 Budget deliberations; (ii) the feedback from the Lake Monger Activity Plan public consultation be referred to the Lake Monger Working Group in February 2018 for consideration and subsequent report to Council.
25 September 2018	CR18.144	6. REQUESTS a report be submitted to the Council by no later than March 2019 detailing options for improved at-grade and underpass designated pedestrian (and cyclist) crossing points of Lake Monger Drive;
28 May 2019	CR19.42	1. APPROVES the overall pedestrian crossing improvement strategy along Lake Monger Drive; 4. NOTES that an underpass access under Lake Monger Drive is currently being investigated; and 5. REQUESTS the Underpass concept design options for the Lake Monger Drive/Gregory Street zone be PRESENTED at a Council Elected Members Forum no later than September 2019.

*Table 1 – Previous Council Decisions*

The Council requested that the underpass concept design options for the Lake Monger Drive/Gregory Street zone be presented at a Council Elected Members Forum by no later than September 2019. This matter is yet to be presented at a forum.

**DETAILS:**

The community consultation process included an online survey on the Town’s Website, letters to surrounding residents, signage onsite and hard copy surveys dropped to the Mercy Care Retirement Village. The consultation letter was also provided to Bob Hawke College, West Leederville Primary School, Wembley Primary School, and Lake Monger Recreation club. Social media posts were also used throughout the survey period to notify the community about the survey.

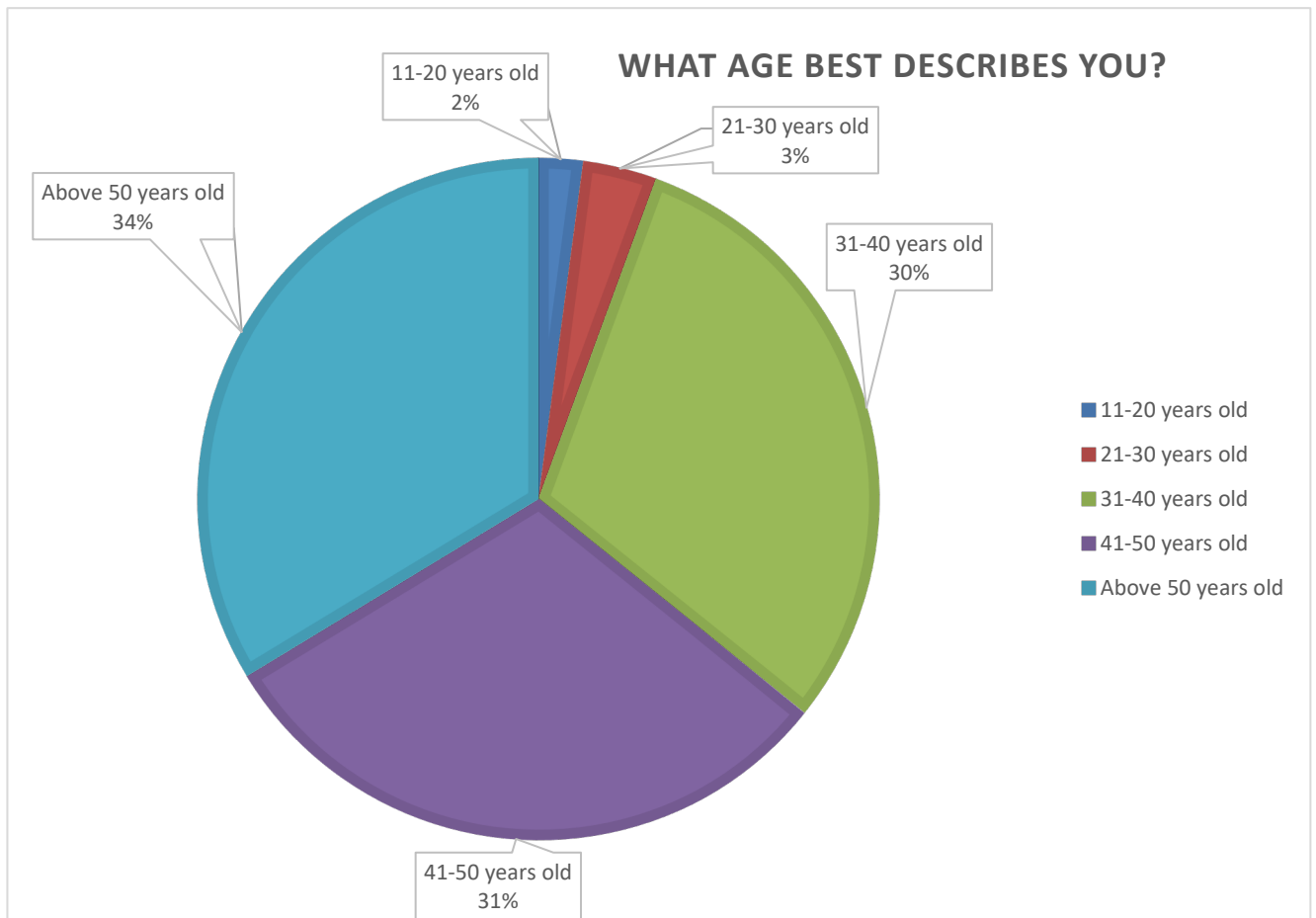
**Survey**

The survey was available online for a period of three weeks from Friday, 8 October 2021 until Friday, 29 October 2021, and received a total of 572 responses (**refer Attachment 2**).

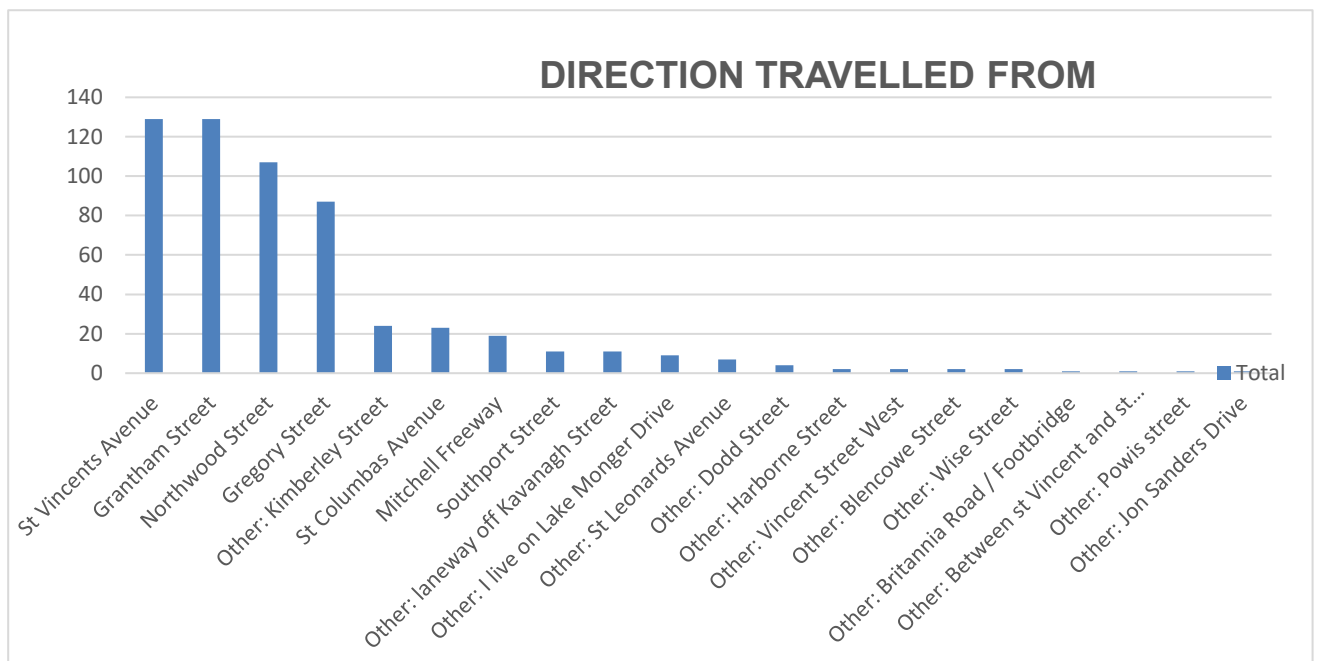
The survey questions included:

1. For what purpose do you currently use Lake Monger Reserve?
2. What is the most frequent mode of transport you choose to travel to Lake Monger Reserve?
3. From which direction do you mainly travel from when visiting Lake Monger Reserve?
4. If provided, which would be your preferred method of crossing Lake Monger Drive?
5. Which location would you prefer the crossing to be located?
6. If a pedestrian crossing of any type was installed would you visit Lake Monger more often?
7. Are there any other suggestions you would like to add in relation to this proposed project?

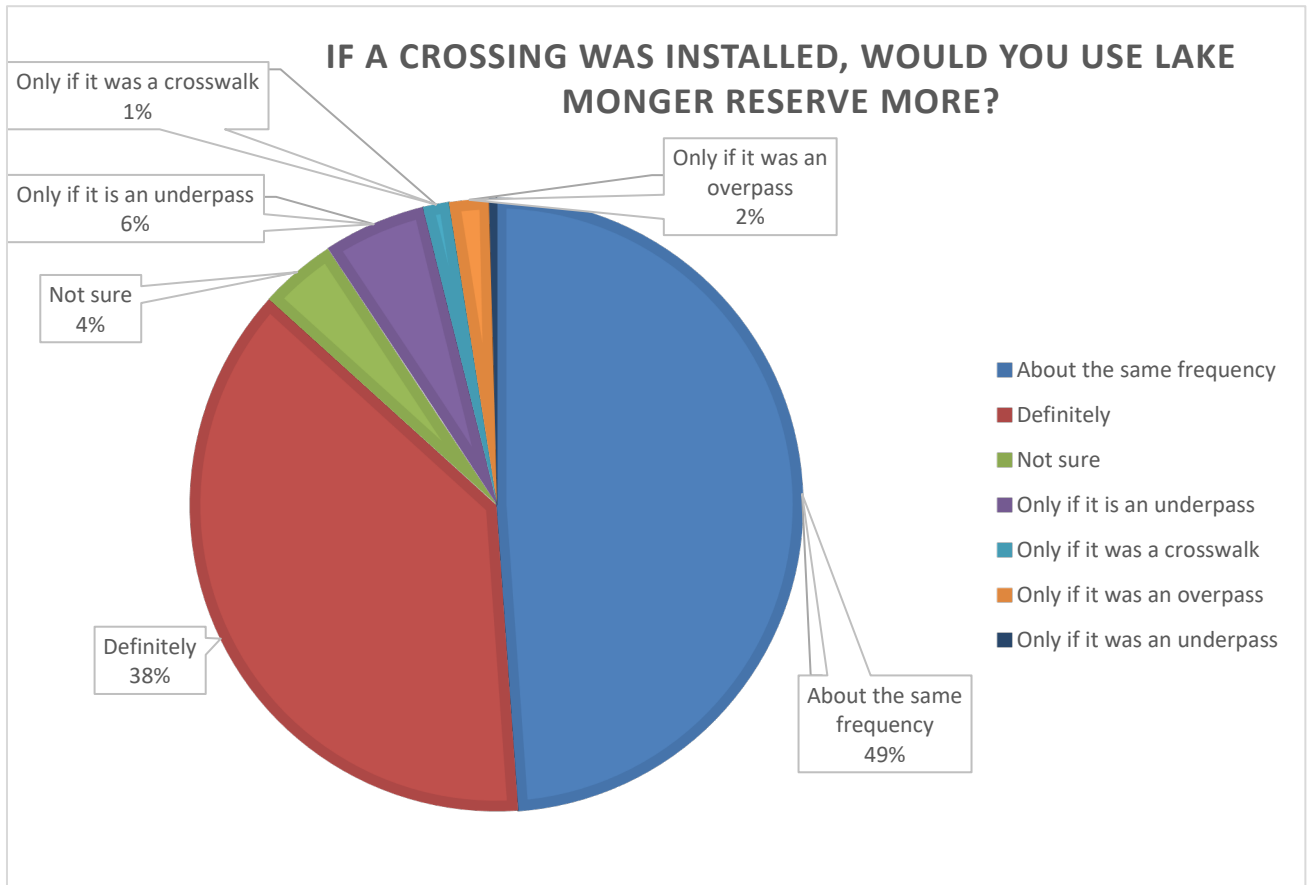
Below is a graphical representation of the key survey questions:



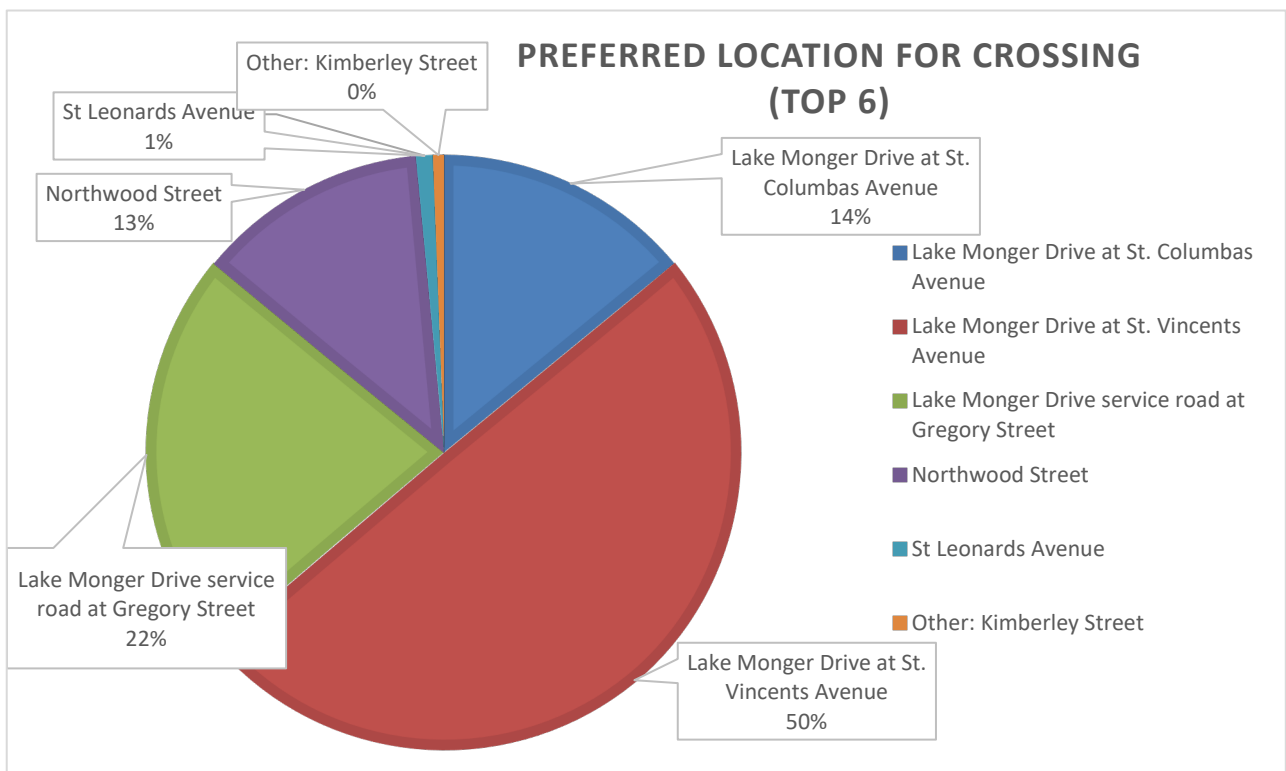
Graph 1 – What age best describes you?



Graph 2 – Direction travelled from

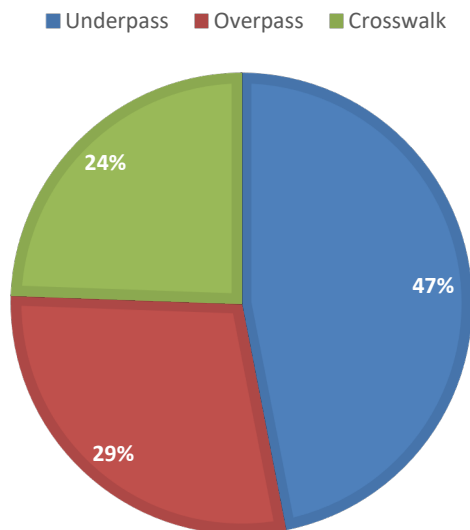


Graph 3 – If a crossing was installed, would you use Lake Monger Reserve more?



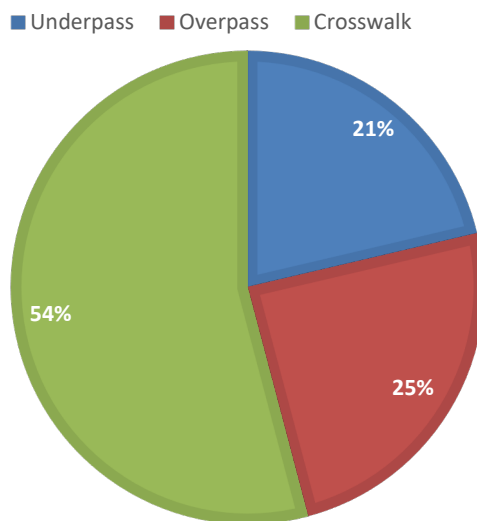
Graph 4 – Preferred crossing location

### FIRST PREFERENCE



Graph 5 – First preference of crossing

### LEAST PREFERRED



Graph 6 – Least preferred crossing type

The main themes from the feedback received is outlined below. Comments relating to these themes have also been listed (please note comments have been copied from the survey verbatim):

Theme	Comments	Town Response
<b>Connectivity with the Ruislip Safe Active Street Project</b>	<i>There should be further consideration for integration to and connectivity with the proposed Ruislip St safe active street project.</i>	The Town's recommendation for a formal crossing point located in close proximity to the Lake Monger and Northwood Street intersection provides the opportunity for connectivity to the existing Ruislip Safe Active Street Project.
	<i>Please link this in with safe active street project featuring Ruislip and Northwood.</i>	
<b>The community feel unsafe crossing Lake Monger Drive</b>	<i>My children go to lake monger all the time. It is so unsafe now for them with so much traffic and many cars sporting.</i>	The communities safety is the driver for the initiation of this project, and therefore the Town anticipates that installation of the proposed multiple crossing points on Lake Monger Drive will alleviate these concerns.
	<i>Crossing from Leederville to West Leederville for pedestrians and bikes, feels unsafe and unpleasant via current options.</i>	
	<i>At the moment it is so unsafe to cross with a bunch of kids and bikes so we drive the car down with bikes in car to go cycling around the lake.</i>	
	<i>I think this crossing is vitally important, I often feel unsafe walking with my children and crossing to get to the lake.</i>	
	<i>Current Gregory St crossing is not safe - you feel very anxious when crossing</i>	
	<i>At the moment the crossing is not safe for prams as the median strip is too narrow</i>	
<b>Antisocial behaviour</b>	<i>Underpasses are notorious for graffiti, flooding during heavy rain and feeling unsafe. Many female/young people would not use for fear of attack (real or perceived).</i>	If the Town proceeds with the construction of an underpass, it will be designed and built in accordance with the Department of Planning, Lands and Heritage - Designing Out Crime Planning Guidelines. These Guidelines outline performance criteria for underpasses to improve safety. This can include ensuring through visibility in tunnels and underpasses, considering the use of hardware such as mirrors to improve existing situations, providing entries which are clearly visible and avoiding sudden changes of grade on pathways.
	<i>I am concerned about the security implications of an underpass, and I believe that an underpass would miss the opportunity to provide a "Welcome" to the Town.</i>	
	<i>An underpass is a great idea and probably less disruptive install, but many people tend to and the park after work when it's starting to get dark and underpasses can be quite dark. Women already feel frightened bring out on their own. An overpass would be better in that regard.</i>	
	<i>Security cameras required to combat sexual assaults, homeless sleeping and drunks urinating</i>	
	<i>An underpass can attract unsavoury characters and antisocial behaviour. It is hoped that an overpass option would be accessible for all abilities.</i>	
	<i>Overpass please that is attractive and far safer for females than underpass. Please ensure females are on the decision making team.</i>	
	<i>For the underpass option, it needs to address possible anti-social/criminal behaviour especially as the area may not be visible</i>	
<b>Blocking Traffic on Lake Monger Drive</b>	<i>Please don't do anything that blocks traffic on Lake Monger Drive. Surely parents can teach children how to safely cross roads without stopping traffic.</i>	At present, Main Roads WA (MRWA) Traffic records show that many drivers are exceeding the speed limit in this area of Lake Monger Drive, which poses a risk to other road users. This has also been associated with a large number of crashes and near misses on this road. Having a crossing at this location can assist with providing traffic calming measures.
	<i>Crosswalks would have to have lights - bank traffic up on and off the freeway / traffic movement through Leederville is already a disaster</i>	
	<i>It is a major traffic road, leave it as a road.</i>	
	<i>The crossing should be either an overpass or underpass, a zebra crossing or lights is too dangerous / disruptive on lake monger drive.</i>	
<b>Crossing on the Eastern side of Lake</b>	<i>An underpass/overpass is a decent idea, but it only goes halfway to fixing the problem. Where do you expect visitors to park on the southern side of Lake Monger Drive?</i>	These concerns will be addresses through the Town's recommendation of providing a formal and multiple informal

<b>Monger Drive</b>	<i>Why are all options at the western end of the lake?</i>	crossing points along Lake Monger Drive.
	<i>Most of the suggested options seem to be at the west end of the lake. I suspect people would not use the crossing at this point and would still run across the road between Northwood and St Leonard's Ave.</i>	
	<i>Option at western and eastern ends are required or it will be obsolete for many. Western end crossing will simply encourage more illegal verge parking to access the new playground with no parking facilities...</i>	

Table 2 – Feedback Themes and Comments

## Analysis

This survey attracted a high level of interest from the community, with 572 responses being received. An analysis of the key survey questions is detailed below:

### Age Range of Respondents (refer Graph 1):

Of the 572 respondents, 2% were 11-20 years of age, 3% were 21-30 years, 30% were 31-40 years, 31% were 41-50 years, and 34% were over 50 years of age. When comparing the number of respondents to Australian Bureau of Statistics (ABS) data for the Wembley, West Leederville, and Glendalough area, the 31-40 and above 50 years of age groups were well represented. The result showed, 22% of residents within this area are in the 31-40 age bracket, and 33% are over 50 years of age. There is an over-representation of the 41-50 and an under-representation of the 21-30 of age groups, with 16% of residents in the area being between 41-50 years of age, and 2% between 21-30 years of age. However, overall there is good representation within the age range groups and therefore provides an accurate capture for the target area.

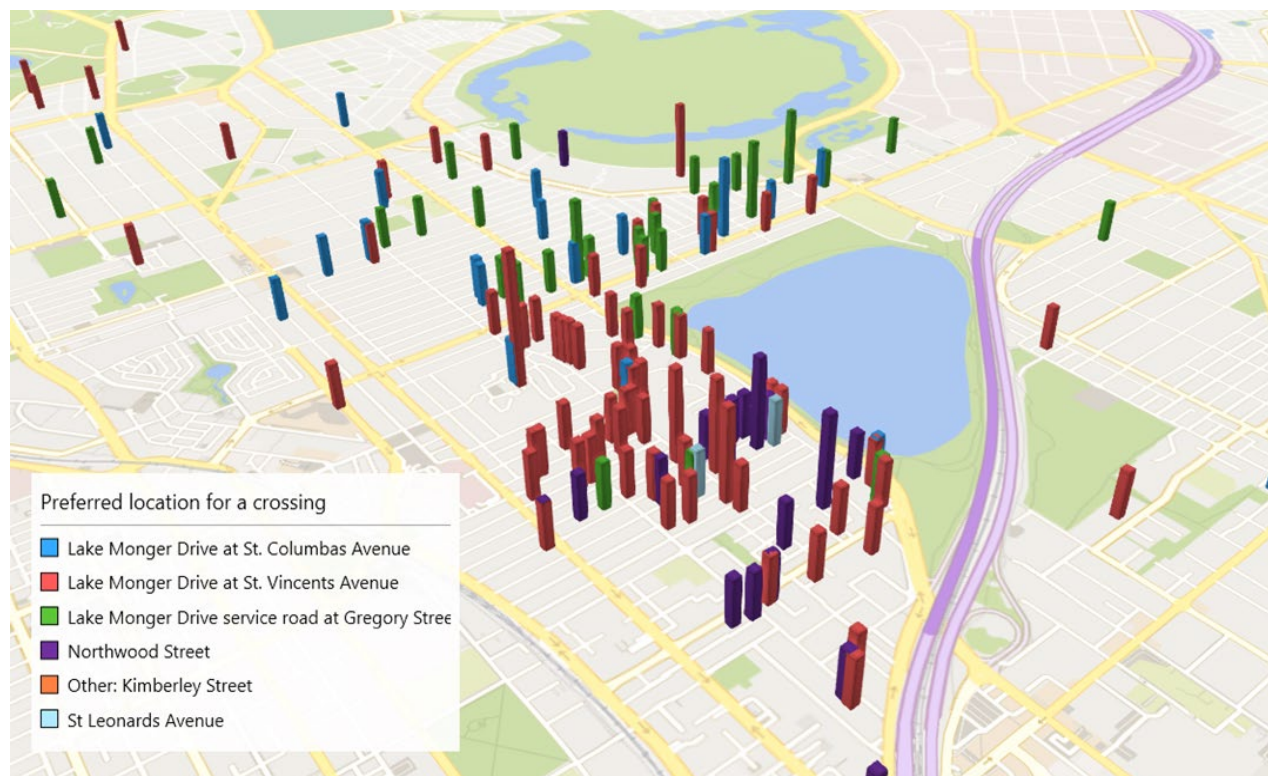
### Preferred crossing type (refer Graph 5):

The survey results showed, 47% of respondents preferred crossing type was an underpass, 29% preferred an overpass, and 24% preferred a crosswalk. These results indicate that an underpass is the preferred crossing type. Common comments received outlined that an underpass will be the safest and easiest for people of all ages to cross Lake Monger Drive. However, there were concerns regarding the antisocial behaviour associated with underpasses, which were addressed in the Town's response above (refer Table 2).

### Preferred Location for a Crossing (refer Graph 4):

The results indicated that Lake Monger Drive at St. Vincents Avenue was the preferred location for a crossing, with 50% of responses outlining this location as their first preference. The result showed 22% of respondents supported a crossing point at the Gregory Street intersection, 14% supported a crossing at the St. Colombas Avenue intersection, and 13% supported a crossing at the Northwood Street intersection location. All other locations identified by respondents accounted for less than 1% support, and therefore were not considered as a suitable location.

Further analysis of each respondent's residential address was undertaken in order to understand any correlation between the preferred crossing location and their residence. A weak correlation between a preferred location and residence would indicate a greater benefit to the area as a whole. The Gregory Street intersection and Northwood Street intersection locations both had correlation between preference and residence. However, St. Vincents Avenue, the most preferred location, had very little if no correlation between preferred location and residence (refer Graph 7).



Graph 7 – Residence vs Preferred crossing location

#### Respondents Direction of Travel to Lake Monger:

Respondents were asked which direction they originate from to visit Lake Monger Drive, to provide the Town with a better understanding of where users of the reserve are located. St. Vincents Avenue and Grantham Street were equal highest with 129 submissions each. Other notable areas of direction were Northwood Street with 108, Gregory Street with 87, and the pedestrian laneway that runs from Kavanagh Street to the Lake Monger Drive access road (east of St. Vincents Avenue) with 24.

#### **Comments:**

As reiterated earlier in this report, the Town has previously undertaken a technical study for the three proposed underpass options. This study outlined that there may be a number of constraints associated with an underpass at St. Vincents Avenue. Constraints include the requirement for services diversion, concerns regarding the water table, major earthworks and constructability, all of which will need to be overcome to enable construction of the underpass. Construction of the underpass will require extensive traffic management measures to be implemented. A review of the local traffic network which was undertaken as part of the technical study, concluded that the local road network could not cope with any additional traffic loading. Therefore, the underpass will need to be constructed in two halves, and requires major temporary road diversion works. It is recommended that the Town undertake a detailed feasibility into Option 3 (**refer Attachment 1**), to ensure that the underpass will be viable at this location.

While there is strong support for an underpass, with the preferred location being Lake Monger Drive at St. Vincents Avenue, there is a clear demand for safer crossing points along the entire length of Lake Monger Drive. A more holistic approach to improve the safety of Lake Monger Drive is required.

Lake Monger Reserve is a well visited area by the local and wider community. A place that provides shade and shelter, places to stop and rest, things to see and do, and be active needs to provide safe and easy crossing points for its visitors. A mix of formal and informal crossings is recommended to address safety concerns and support what Lake Monger Reserve provides.

Formal Crossing Adjacent to Northwood Street:

The survey highlighted a high demand for a crossing adjacent to Northwood Street, with 68 of the submissions outlining that this is their preferred location for a crossing. The Town is currently in the initiation phase of a separate project for a proposed crossing adjacent to the Northwood Street intersection. This purpose of this project is to investigate and design the installation of a signalised pedestrian crossing (pelican crossing) on Lake Monger Drive.

The Town has previously sought approval for these works in 2019, however, this was not approved by MRWA. This was due to a video survey suggesting that while there is sufficient traffic volume to meet the above warrants, there was insufficient pedestrians recorded crossing the road to satisfy their requirements. However, these works are now considered more viable due to the activation works at Lake Monger Reserve. Therefore, additional investigations and discussions will take place with MRWA to assist in obtaining their approval. Investigations include undertaking additional surveys in the peak months of January and February 2022 to achieve the pedestrian warrants for the MRWA requirements.

This project provides the opportunity for connectivity to the existing Ruislip Safe Active Street Project, which addresses various comments received from the survey outlining that is the reasoning for Northwood Street being their preferred crossing location.

Informal Crossing Points:

The provision of safe and easy crossing points allow people to choose alternative ways in how they would reach Lake Monger Reserve. Creating easy crossing points is about direct and convenient routes with little to no waiting time. Crossing points located with extensive view of traffic, sufficient refuge space, and in strategic areas will create conditions for a person to shift towards walking or cycling when visiting.

It is recommended that the Town progress with preparing a concept design for four proposed informal crossing points along Lake Monger Drive. It is anticipated that these crossing points will service all users crossing on the eastern end of Lake Monger Drive. There are four proposed informal crossing points, which will include the widening of media strips, and the installation of pram ramps and handrails.

The proposed location for the crossing points are outlined below:



It is anticipated that the installation of the proposed underpass, formal and informal crossings will address the wider communities concerns and cater for all users crossing Lake Monger Drive.

#### **POLICY/STATUTORY IMPLICATIONS:**

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

#### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** This project has attracted an extreme interest from the community, with a clear demand for a safer crossing facility on Lake Monger Drive. If the project does not proceed, the reputational risk would be high due to the strong support for a safer crossing.

#### **FINANCIAL IMPLICATIONS:**

At this time, the Town does not have this project identified in current, or future draft budgets. The estimated costs for the installation of an underpass on Lake Monger Drive is \$4,000,000. It is anticipated that the Town will seek grant funding from an external party. Preliminary estimates for the feasibility study are \$80,000 to \$100,000.

Financial implications associated with the formal and informal crossing points will be identified during the concept design process.

#### **STRATEGIC DIRECTION:**

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:

**Goal 1: A sense of community, pride and belonging**

Strategy 1.1 Encourage and support participation in a range of public activities and events where residents can gather and interact

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

**Goal 3: An active, safe and inclusive community**

Strategy 3.4 Act to create and maintain safe, friendly and open environments that residents can access and enjoy

#### **COMMUNITY ENGAGEMENT:**

This matter has been assessed in line with Policy No: 019 - Community Engagement, and there is no requirement for further community engagement at this point in time. This report summarises the feedback received from the 572 survey respondents, which has been used to determine the Town's recommendation.

An email will be sent to all survey participants to notify them of this report, and the resolution of Council. Information will also be placed on the Town's website to inform the community of the outcome, and explain the next steps being initiated by the Town.

### **Committee Meeting 13 December 2021**

#### **Proximity Interest Declaration – Cr Fredericks**

Prior to consideration of the item, Cr Fredericks in accordance with Section 5.65 of the *Local Government Act 1995*), declared a proximity interest in this matter and left the meeting at 6.10 pm).

### **Council Meeting 21 December 2021**

#### **Proximity Interest Declaration – Cr Fredericks**

Prior to consideration of the item, Cr Fredericks in accordance with Section 5.65 of the *Local Government Act 1995*), declared a proximity interest in this matter and left the meeting at 6.43 pm).

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

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Council:-**

- 1. RECEIVES the community consultation submissions for the proposed Lake Monger Pedestrian Crossing;**
- 2. SUPPORTS the concept of an underpass located on Lake Monger Drive at St. Vincents Avenue, in line with the communities preferred crossing type and location, as detailed in Option 3;**
- 3. APPROVES the Town to undertake a detailed feasibility study into an underpass located on Lake Monger Drive at St. Vincents Avenue, as detailed in Option 3; and**
- 4. APPROVES the Town to prepare concept designs for:**
  - 4.1 Multiple informal crossing points along Lake Monger Drive, between Gregory Street and Southport Street; and**
  - 4.2 A formal crossing point located in close proximity to the Lake Monger and Northwood Street intersection.**

Debate ensued.

Cr Carr departed the meeting at 6.48 pm and returned at 6.51 pm.

**Motion put and CARRIED (7/1)**

For: Mayor Shannon, Crs Barlow, Carr, Cutler, Haddon-Casey, Mack and Timmermanis  
Against: Cr Bradley  
(Cr Fredericks was out of the meeting)

Cr Fredericks returned to the meeting at 6.52 pm.

**CR21.127 CAPITAL WORKS PROGRAM 2021-2022 – PROGRESS REPORT**

**PURPOSE OF REPORT:**

To provide Council with information regarding the progress of the Capital Works Program 2021–2022, as at 30 November 2021.

**SUMMARY:**

The Town’s Infrastructure and Works Directorate are responsible for the delivery of 151 capital projects with a value of \$19,719,900 in the 2021/2022 financial year. As at 30 November 2021, the actual plus commitments is at 52%. It is important to note that this figure includes carry forwards from the 2020/2021 financial year.

The Project Management Framework was implemented at the beginning of the 2021/2022 financial year, with many improvements in the project governance process already being identified. The implementation of this process is assisting the project leaders in ensuring projects are effectively managed within the limitations of time, costs, scope, quality, and risk.

**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input checked="" type="checkbox"/> | Information    | For the Council/Committee to note.   |

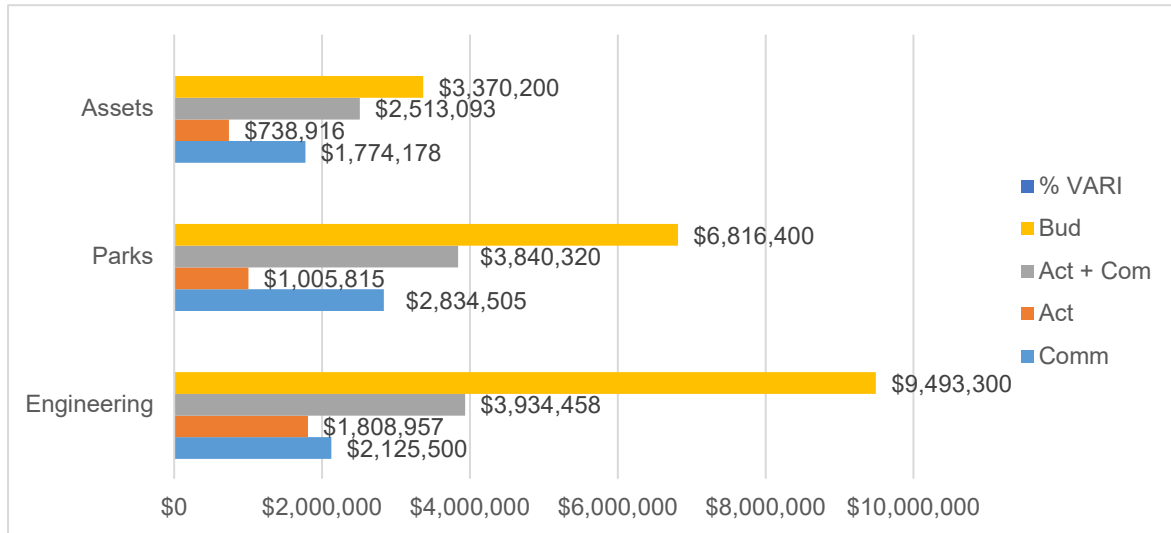
Address/Property Location:	1 Bold Park Drive, Floreat
Report Date:	3 December 2021
Responsible Officer:	Director Infrastructure and Works, Kelton Hincks
Reporting Officer:	Acting Coordinator Projects, Rachael Pearce
Contributing Officers:	Manager Parks and Natural Environment, Andrew Head Manager Engineering Services, Anthony Booth Manager Assets Services, Seema Karami
Reporting Officer Interest:	Nil
Attachment(s):	Nil

**BACKGROUND:**

Each year, the Town undertakes a considerable amount of capital works projects, as well as other activities and programs to ensure infrastructure assets are created, renewed and maintained to provide support to the community. Each quarter, the Town provides an update to Council on the status of the projects listed in the Capital Works Program 2021/2022.

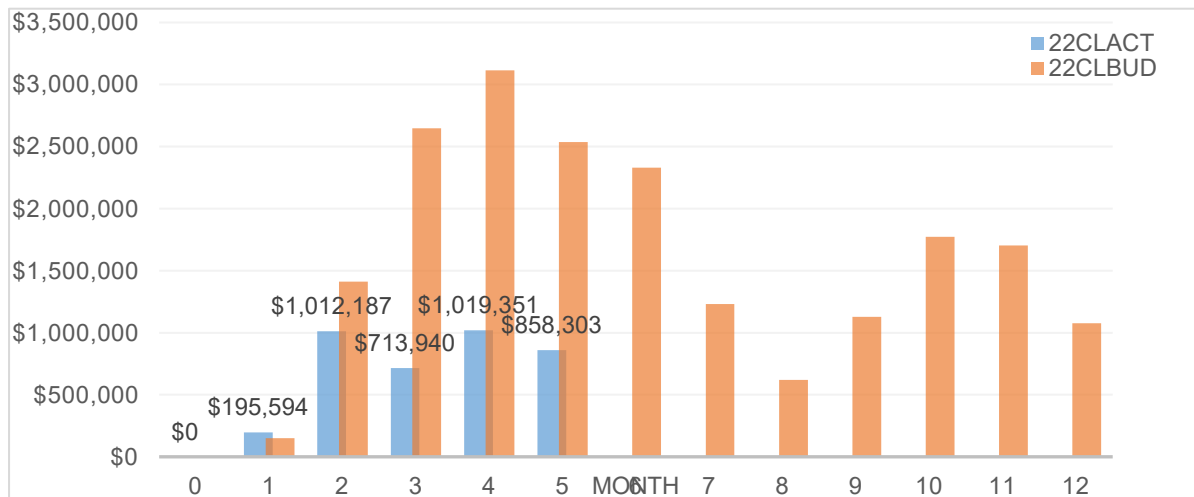
**DETAILS:**

In the 2021/2022 financial year, there are 151 projects listed on the Capital Works Program, which are allocated to the appropriate service area within the Infrastructure and Works Directorate. Each project is also assigned to a project leader who is responsible for delivering the works, ensuring accountability and responsibility throughout the whole project. **Graph 1** below displays a high level financial summary of the projects under the control of each business area in the Infrastructure and Works Directorate.



*Graph 1 - Infrastructure and Works Capital Works Expenditure Summary (unfiltered)*

The total budget for the Capital Works Program is \$19,719,900, with expenditure year to date plus commitments currently sitting at 52%. This indicates that the Infrastructure and Works Directorate are generally on track to deliver the required projects.



*Graph 2 - Infrastructure and Works Capital Works Forecasted vs Actual Expenditure*

As outlined in **Graph 2** above, it is evident that the Infrastructure and Works Directorate has a large variance from the forecasted expenditure per month, compared to actual expenditure per month. It is important to note that the previous graph (**refer Graph 1**) includes actuals plus commitments, while **Graph 2** does not.

It is clear that the Town was ambitious when undertaking the budget phasing process and did not fully consider all factors that affect the budget phasing reports. The forecasted expenditure is directly linked to each project's schedule and was completed in February 2021. There are also delays in the receipting of invoices for works completed on site. Purchase orders are raised at the beginning of a project, and remain as commitments in the finance system until the work has been completed and the required inspections have been undertaken. The Town also has a 30 day payment period once invoices have been received for completed works. These points have now been considered as lessons learned and will be taken into account during the next budget phasing process.

The variance can also be associated with project leaders experiencing difficulty in obtaining prices and booking in contractors due to the overheated construction industry in Western Australia. This is compounding delays in project delivery.

Perry Lakes Water Replenishment Project:

The most significant proportion of this figure is related to the Perry Lakes Water Replenishment Project. This is due to delays in receiving the required approvals to enable the contractors to proceed with the works.

Alderbury Sportsground Pavilion Project:

Alderbury Sportsground Pavilion Project also has a large variance between actual and forecasted expenditure. This is due to the difficulty with engaging contractors, and changes to the schedule which has resulted in the large components of expenditure being left to the end of the project. The project is still on track to be completed by the end of February 2022, including works required to be completed by the Town after handover.

Ruislip Safe Active Street Project:

Another project that contributes to the large variance between the actual and forecasted expenditure is the Ruislip Safe Active Street Project. This variance is due to the time being taken by the design contractor to produce construction drawings for the project to commence. Currently, the Town is working with the Department of Transport to stage the construction drawings into three areas. This will allow the commencement of the works prior to all drawings being complete. The first two stages of the design have now been received, and the Town is in the process of engaging a contractor under its existing contracts to commence works prior to the end of 2021.

It is also expected that the majority of the expenditure will occur in the second half of the financial year. The planning phase of a project generally occurs once the budget is approved, with the implementation and close out of a project happening later on in the financial year.

**Project Status:**

The overall status of each project by service area is summarised in **Table 1** below.

Status	Asset Services	Engineering Services	Parks and Natural Environment	Total
Scheduled	9	40	16	65
On Hold	1	4	0	5
Design	2	17	0	19
Completed	4	15	9	28
Works in Progress	4	10	20	34
<b>Total</b>	<b>20</b>	<b>86</b>	<b>45</b>	<b>151</b>

*Table 2 – Summary of Project Status (30/11/2021)*

A breakdown of each service area is provided in more detail below.

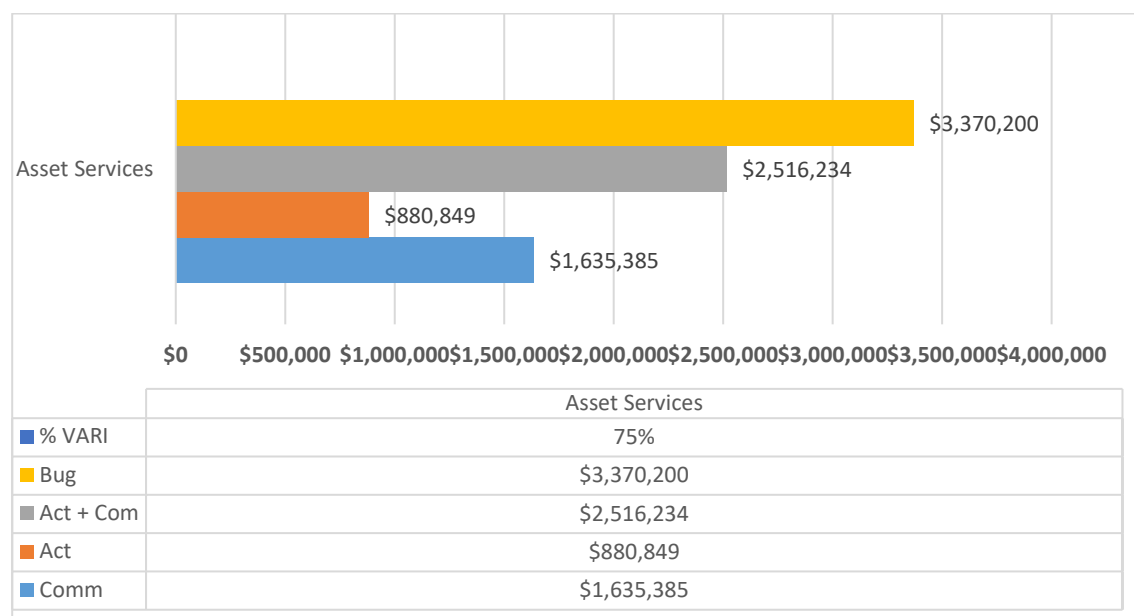
**Asset Services:**

Asset Services is responsible for the delivery of 20 capital projects, which include building related projects as well as various high cost preventative maintenance programs. A high level summary of project status is provided below in **Table 2**.

Project Status	Count of Projects
Scheduled	9
On Hold	1
Design	2
Completed	4
Works in Progress	4
<b>Total</b>	<b>20</b>

Table 3 – Asset Services Project Status Summary (30/11/2021)

**Graph 3** below provides a year to date financial summary of the projects under the responsibility of the Asset Services Team.



Graph 3 – Asset Services Financial Summary (30/11/2021)

The combined total budget for the 20 projects is \$3,370,200. As at the 30 November 2021, the Assets Services team actual plus commitments is sitting at 75% of the budget. The capital projects are progressing successfully, with no major issues being identified. Major projects being carried out by the Asset Services team include the construction of the Alderbury Sports Pavilion, Lake Monger Community Shed internal fit out and the upgrade of the Sydney Cheek Pavilion toilets and change rooms.

There is a delay in the construction works for the Sydney Cheek Pavilion Project due to the comments received from the Design Review Panel, and scheduling constraints that have been identified. To date, there has been no commitment for the project to be constructed this financial year, and therefore may result in it being carried forward. The estimated project costs resulting from the detailed design will also result in an increase required for the 2022/2023 Draft Budget.

**Engineering Services:**

Engineering Services is responsible for the design and construction of various civil engineering projects which are grouped under these main activities:

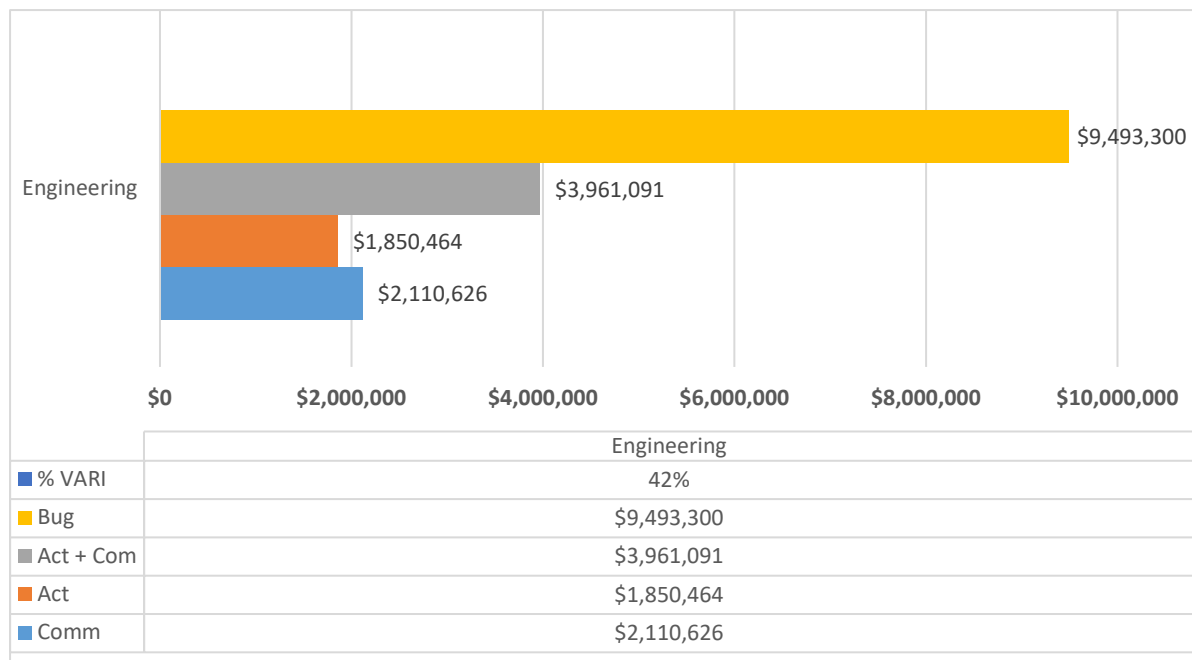
1. Bus Shelters;
2. Carparks;
3. Drainage;
4. Footpaths and Shared Paths;
5. Rights of Ways (Laneways);
6. Traffic Control;
7. Road Surfacing; and
8. Road Reconstruction.

**Table 3** provides a year to date summary of the 86 capital projects under the responsibility of the Engineering Services Team.

Project Status	Count of Projects
Scheduled	40
On Hold	4
Design	17
Completed	15
Works in Progress	10
<b>Total</b>	<b>86</b>

*Table 3 – Engineering Services Project Status Summary (30/11/2021)*

**Graph 4** below provides a year to date financial summary of the projects under the responsibility of the Engineering Services Team.



*Graph 4 - Engineering Services Financial Summary (30/11/2021)*

The combined total budget for the 86 capital projects is \$9,493,300. As at 30 November 2021, the Engineering Services Team have spent 42% of the total capital budget, including commitments.

It is anticipated that the Engineering Team will be removing some capital projects at the mid-year budget review. This includes the Station Street to Gregory tram track removal and the Station to Connolly Eastbound resurfacing. These projects will not be able to be completed due to current contractual obligations. There has also been savings in the road resurfacing program which will also be amended at the mid-year review.

**Parks and Natural Environment:**

The Parks and Natural Environment Team is responsible for the delivery of 45 projects this financial year, which are grouped under the following main activities:

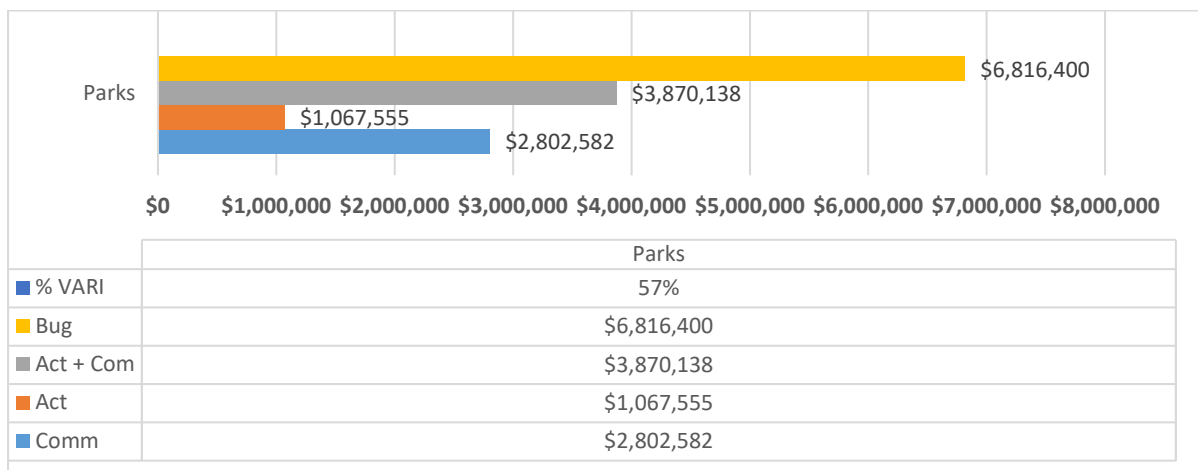
1. Beaches;
2. Built Environment;
3. Park Infrastructure;
4. Irrigation;
5. Parks Construction;
6. Road Reserves;
7. Sports Grounds;
8. Tree Management; and
9. Turf Management.

A summary of the status of projects in the Parks and Natural Environment Team is provided below in **Table 4**.

Project Status	Count
Scheduled	16
On Hold	0
Design	0
Completed	9
Works in Progress	20
<b>Total</b>	<b>45</b>

*Table 4 – Parks and Natural Environment Project Status Summary (30/11/2021)*

**Graph 5** below provides a year to date financial summary of the projects under the responsibility of the Parks and Natural Environment Team.



*Graph 5 - Parks and Natural Environment Financial Summary (30/11/2021)*

The combined total budget for the 45 capital projects is \$6,816,400. As indicated in **Graph 5**, expenditure including commitments is currently at 57% of capital budget allocation. The largest commitment amount is \$2,395,455 for the Perry Lakes Water Replenishment Project. It is anticipated that this will be expended in the second half of the financial year.

**COMMENTS:**

While the Infrastructure and Works Directorate is on track to deliver the capital works program, with actual plus commitments sitting at 52%, it is evident that the overheated construction market has provided some difficulty in scheduling contractors to complete the required works. However, it is expected that the majority of expenditure will take place in the second half of the financial year.

**POLICY/STATUTORY IMPLICATIONS:**

Nil

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This report provides an indication on the progress of current projects and therefore present no risk to the Town.

**FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the receipt of this report.

**STRATEGIC DIRECTION:**

In accordance with the Town's Strategic Community Plan 2018-2028, the following goals and strategies are applicable:

**Our Council**

**Goal 10: The Town is a proactive local government that provides financially sustainable public assets, services and facilities**

Strategy 10.1 Ensure appropriate resources are allocated to the preparation and implementation of day to day decision making, broader strategic planning and major projects.

Strategy 10.2 Promote equity and transparency in the provision of infrastructure and services throughout the Town.

Strategy 10.3 Ensure sound and sustainable financial planning, management and reporting.  
Sustainability implications:

**COMMUNITY ENGAGEMENT:**

In accordance with Policy No: 019 - Community Engagement, consultation was undertaken for these projects and programs as required and included notification to affected properties prior to commencement of any works.

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

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Council RECEIVES the Town's Capital Works Program 2021–2022 Progress Report as at 30 November 2021.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

## CR21.128 RFQ 2021-45 - OCEAN VILLAGE PARK LIGHTING REPLACEMENT

### PURPOSE OF REPORT:

To provide Council with the details of the submissions received for Request for Quotation (RFQ) for replacement of lighting at Ocean Village Park, document the results of the RFQ assessment and make a recommendation on the award of the Contract.

### SUMMARY:

On 16 October 2021, the Town issued a Request for Quotation (RFQ) seeking submissions from providers for RFQ 2021-45: Ocean Village Park Lighting Replacement, to which six (6) submissions were received by the closing date of 17 November 2021.

An evaluation process was undertaken whereby all submissions were assessed against the Qualitative Criteria outlined in the RFQ. An Evaluation and Recommendation Report has been completed (**refer Confidential Attachment 1**), which outlines the recommended Respondent.

### AUTHORITY / DISCRETION

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input checked="" type="checkbox"/> | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	Ocean Village Park, City Beach
Report Date:	29 November 2021
Responsible Officer:	Director of Infrastructure and Works, Kelton Hincks
Reporting Officer:	Manager Parks and Natural Environment, Andrew Head
Contributing Officer:	Senior Landscape Architect, Sam Harry
Reporting Officer Interest:	Nil
Attachment(s):	1. Evaluation and Recommendation Report (Confidential).

### BACKGROUND:

The Lighting levels along the pedestrian pathways in Ocean Village Park are insufficient to meet current minimum requirements under Australian Standards 1158.3.1 2020 (Lighting for roads and public spaces Pedestrian area (Category P) lighting – Performance and design requirements). The existing lighting infrastructure has reached the end of its useful life and requires complete replacement.

A report presenting the design documentation for the lighting replacement was presented to Council in April 2020 (CR20.51) where it was decided to include the project in the 2020/2021 Budget.

On 16 October 2021, the Town issued a RFQ seeking submissions from providers for RFQ 2021-45: Ocean Village Park Lighting Replacement, to which six (6) submissions were received by the closing date of 17 November 2021.

#### **DETAILS:**

The RFQ submission period closed on 17 November 2021 with six (6) submissions received from the following Respondents:

1. Greenlite Electrical Contractors;
2. Techworks Electrical;
3. THM Electrical and Communicatons;
4. Stiles Electrical and Communication Services;
5. Hender Lee Electrical and Instrumentation Contractors; and
6. Prestige Jointing and Electrical.

An evaluation panel (the Panel) comprising of the Senior Landscape Architect, Senior Landscape Officer and Coordinator Parks assessed all submissions as compliant; in accordance to the Town's Policy 72 Contracts and Procurement, Procurement Business Rules; and as per the specifications of the RFQ document.

The evaluation process assessed each Respondent against the Qualitative Criteria, with a comparative assessment performed against each submission. An Evaluation and Recommendation Report (**refer Confidential Attachment 1**) was compiled, with one Respondent recommended based on their submission, with an overall assessment of providing the best value for money outcome for the Town.

The recommended Respondent demonstrated superior value for money as the lowest price offered combined with the highest ranked qualitative score overall. They demonstrated detailed understanding of the required tasks, relevant local project experience and capacity to perform the works.

The recommendation is that the Contract for RFQ 2021-45: Ocean Village Park – Lighting Replacement be awarded as per the recommendation in **Confidential Attachment 1**.

#### **POLICY/STATUTORY IMPLICATIONS:**

The *Local Government Act 1995*  
Procurement Policy P30

#### **FINANCIAL IMPLICATIONS:**

The offer provided by the nominated contractor falls within the allocated project budget of \$210,000 excluding GST for the replacement of lighting at Ocean Village Park.

## **STRATEGIC DIRECTION:**

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:

**Goal 1: A sense of community, pride and belonging**

- Strategy 1.1 Encourage and support participation in a range of public activities and events where residents can gather and interact
- Strategy 1.2 Promote our strong community identity and focus our responses on the needs of local residents, businesses and ratepayers

**Goal 2: Quality local parks and open spaces for the community to enjoy**

- Strategy 2.1 Adopt a more strategic and coordinated approach to the planning of our parks and greenspaces recognising their diverse roles and local community preferences
- Strategy 2.2 Improve the maintenance and provision of amenities in our local parks and district open spaces reflecting local values and priorities and the broader regional demand on facilities

**Goal 3: An active, safe and inclusive community**

- Strategy 3.1 Focus on improving and expanding those places where community groups interact to encourage greater participation
- Strategy 3.3 Encourage a range of activities that better align with the diverse needs of ratepayers of all ages, cultures and abilities
- Strategy 3.4 Act to create and maintain safe, friendly and open environments that residents can access and enjoy

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

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

**Goal 7: Council is environmentally responsible and leads by example**

- Strategy 7.3 Improve our energy efficiency

## **COMMUNITY ENGAGEMENT:**

In accordance with Community Engagement Policy No: 019, community engagement is not required as the overarching benefit to the community as a whole will override the interests of individuals. However, all directly adjoining residents will be advised in writing prior to commencement of works.

### **Committee Meeting 13 December 2021**

During discussion, Members requested further information on the proposed lighting prior to the next meeting of Council.

## **PROCEDURAL MOTION:**

Moved by Cr Fredericks, seconded by Cr Bradley

That the item be submitted to Council for determination.

Procedural Motion put and CARRIED (4/0) (Unanimous)  
(Mayor Shannon was an apology for the meeting)

**COUNCIL DECISION:  
(ADMINISTRATION RECOMMENDATION)**

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Contract RFQ 2021-45: Ocean Village Park Lighting Replacement be awarded, commencing from 22 December 2021, as outlined in Confidential Attachment 1.**

**Motion put and CARRIED (9/0) (Unanimous)**

**CR21.129 RFT 2021-19: PERRY LAKES PLANT PROPAGATION AND PLANTING**

**PURPOSE OF REPORT:**

To provide Council with the details of the submissions received for Request for Quotation (RFT) for plant propagation and planting at Perry Lakes, document the results of the RFT assessment and make a recommendation on the award of the Contract.

**SUMMARY:**

On 3 November 2021, the Town issued a Request for Quotation (RFT) seeking submissions from providers for RFT 2021-19: Perry Lakes Plant Propagation and Planting, to which three submissions were received by the closing date of 24 November 2021.

An evaluation process was undertaken whereby all submissions were assessed against the Qualitative Criteria outlined in the RFT. An Evaluation and Recommendation Report has been completed (**refer Confidential Attachment 1**), which outlines the recommended Respondent.

**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input checked="" type="checkbox"/> | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	Perry Lakes Reserve, Floreat
Report Date:	3 December 2021
Responsible Officer:	Director of Infrastructure and Works, Kelton Hincks
Reporting Officer:	Manager Parks and Natural Environment, Andrew Head
Contributing Officer:	Natural Environment Officer, Sue Waite
Reporting Officer Interest:	Nil
Attachment(s):	1. Evaluation and Recommendation Report (Confidential).

**BACKGROUND:**

The Town received State Government grant funding through the Department of Water Environmental Regulation to undertake a water quality improvement project at Perry Lakes. The project involves the eradication of invasive weeds and revegetation of large sections of the two lake beds with over 80,000 native reeds and sedges and 5,000 native buffer plants around the lake edges.

The project supports the aims of the Perry Lakes Stormwater Diversion Project and Perry Lakes Management Plan to restore the wetlands and ecosystem function. Removing invasive weeds and planting local native species will recreate the wetland structure of Perry Lakes which has been lost over time through clearing, weed invasion, a lowering water table and a drying climate. It is anticipated that the project will result in a significant reduction in weed density and a marked improvement in the abundance and richness of native flora. This will provide habitat for and support a diversity of native wetland fauna. The reinstatement of native reeds and sedges will also improve water quality with the lakes.

On 3 November 2021, the Town issued a RFT seeking submissions for RFT 2021-19: Perry Lakes Plant Propagation and Planting. Three (3) submissions were received by the closing date of 24 November 2021.

#### **DETAILS:**

The RFT submission period closed on 24 November 2021 with three (3) submissions received from the following Respondents:

1. Natural Area Consulting Management Services (Natural Area);
2. Workpower; and
3. LD Total

An evaluation panel (the Panel) comprising of the Manager of Parks and Natural Environment, Senior Landscape Officer and Natural Environment Officer assessed all submissions as compliant; in accordance to the Town's Policy 072 Contracts and Procurement, Procurement Business Rules; and as per the specifications of the RFT document.

The evaluation process assessed each Respondent against the Qualitative Criteria, with a comparative assessment performed against each submission. An Evaluation and Recommendation Report (**refer Confidential Attachment 1**) was compiled and one Respondent was recommended on the basis that their submission provides the best value for money to the Town.

The recommended Respondent offered a competitive price and the highest ranked qualitative score. The Respondent demonstrated detailed understanding of the project requirements, relevant local project experience and capacity to perform the works.

It is recommended that the Contract for RFT 2021-19: Perry Lakes Plant Propagation and Planting be awarded as per the recommendation in **Confidential Attachment 1**.

#### **POLICY/STATUTORY IMPLICATIONS:**

*The Local Government Act 1995*  
Procurement Policy P30

#### **FINANCIAL IMPLICATIONS:**

The offer provided by the nominated contractor falls within the allocated revegetation budget as part of the project grant totalling \$300,000.

## **STRATEGIC DIRECTION:**

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:

**Goal 1: A sense of community, pride and belonging**

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

**Goal 2: Quality local parks and open spaces for the community to enjoy**

Strategy 2.1 Adopt a more strategic and coordinated approach to the planning of our parks and greenspaces recognising their diverse roles and local community preferences

Strategy 2.2 Improve the maintenance and provision of amenities in our local parks and district open spaces reflecting local values and priorities and the broader regional demand on facilities

**Goal 3: An active, safe and inclusive community**

Strategy 3.1 Focus on improving and expanding those places where community groups interact to encourage greater participation

Strategy 3.3 Encourage a range of activities that better align with the diverse needs of ratepayers of all ages, cultures and abilities

**Goals 7: Council is environmentally responsible and leads by example**

Strategy 7.3 Manage our bushland areas and reserve to enhance and protect conservation values and protect our native animals and plant species.

## **COMMUNITY ENGAGEMENT:**

In accordance with Community Engagement Policy No: 019, community engagement is not required as the overarching benefit to the community as a whole will override the interests of individuals. However, all directly adjoining residents will be advised in writing prior to commencement of works.

## **COUNCIL DECISION:**

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Contract RFT 2021-19: Perry Lakes Plant Propagation and Planting be awarded, commencing from 22 December 2021, as outlined in Confidential Attachment 1.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**CR21.130 AWARD OF SUSTAINABLE GRANTS – 2021 PROGRAM – UPDATED REPORT**

**PURPOSE OF REPORT:**

For Council to consider the additional information received from the Community Food Forest Group as requested during the October 2021 Ordinary Council Meeting, (10.6), and to approve the amount of \$2,727 (Excl. GST) in accordance with Policy No: 092 - "Sustainable Grants Program".

**SUMMARY:**

At the October 2021 Ordinary Council Meeting, a report (10.6) was presented requesting the approval of funding towards the development of the Community Food Forest Group. Approval was deferred and additional information was requested from the group to obtain more information regarding the qualifications of the group to access the program.

The members were contacted and additional information was obtained demonstrating their ability to access the program and implement the activities proposed. The funding request is in line with the Strategic Community Plan 2018-2028, Goal 8: A community that embraces environmentally responsible practices.

**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input checked="" type="checkbox"/> | Executive      | The substantial direction setting and oversight role of the Council. Eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                              |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	1. Fred Burton Way, City Beach
Report Date:	25 November 2021
Responsible Officer:	Director Infrastructure and Works, Kelton Hincks
Reporting Officer:	Manager Asset Services, Seema Karami
Contributing Officers:	Sustainability Officer, Janine Roets
Reporting Officer Interest:	Nil.
Attachment(s):	

**BACKGROUND:**

The Sustainable Grants Program aims to support the Town's community goals and encourage Cambridge residents to be more sustainable, increase community networks, and improve local amenity and quality of life.

Funding was requested towards the development of the Community Food Forest Group at the Ordinary Council Meeting held on 12 October 2021 (10.2) under the Sustainable Grants program. The group requested \$2,727 (Excl. GST). The decision was made that Council:

*“DEFERS allocating funds up to the amount of \$2,727 (Excl.GST) to the Community Food Forest Group to enable further information to be obtained regarding their qualifications to access the program.”*

The Community Food Forest members were contacted to obtain additional information to demonstrate their ability to access the funding program and implement the activities proposed.

#### DETAILS:

The group has met all the requirements of the assessment criteria and supports the aim of the program is to encourage Cambridge residents to be more sustainable, increase community networks, and improve local amenity and quality of life. The following criteria were met and is further detailed in Table 1.

Criteria	% Weighting	Comments
1. Supports the following priority areas of the Town's Strategic Community Plan 2018-2028 namely: a. A community that embraces environmentally responsible practices; b. A sense of community, pride and belonging; c. Embraces the Town's locals first philosophy; and d. Offers at least one community benefit, e.g. raises awareness of an aspect of sustainability, increases community participation or improves local amenity	30%	The group is undertaking a project to enhance the natural environment and rehabilitate a degraded area. A sense of community is being fostered among local residents, community participation is increased by allowing open access to the food forest.
2. The project is sustainable and delivers sustainable benefits for the community in accordance with the Town's Sustainability Strategy 2019-2023 and addresses at least one of the topics identified in the Strategy: a. Water; b. Energy and Transport; c. Natural Environment; d. Waste; e. Climate Resilience; and f. Sustainable food.	30%	The project will address the Natural Environment and Sustainable Food areas.
3. The project meets both the general and specific grant conditions to their funding program and where applicable, previous funding received has been satisfactorily acquitted.	25%	The group is an incorporated not for profit organisation and is and has not received any previous funding from the Town.
4. The organisation demonstrates their commitment to the project through monetary and/or in-kind support and seeks assistance from alternative funding sources where applicable. (E.g. State Government, Lotteries Commission, and Waste Authority).	15%	In-kind support has been demonstrated, however, no additional funding has been sought. It must be noted that the principles of a food forest is to operate with minimal infrastructure and expenditures.

*Table 4 – Assessment Criteria – Community Food Forest Group*

In an email response the Treasurer indicated that they have experience in applying for sporting grants and was responsible for the implementation and the acquittal of the grants. They also served on the Board of the South West Academy of Sport and has financial management experience.

Another member who is actively involved in the development of the gardens and the selection of plant species is a Botanist and is employed by the Department of Biodiversity, Conservation and Attractions (DBCA). They are responsible for flora conservation and have extensive experience in revegetation and rehabilitation projects.

The purpose of the Sustainable Community Grant Program is to support smaller local groups to be more sustainable. In some instances the groups might not have all the experience required. To assist groups Town Officers guide them through the process and foster relationships. Progress of projects are monitored and communication takes place on regular intervals.

Based on the additional information gathered and the group meeting the grant assessment criteria, it is recommended that the amount \$2,727 (Excl. GST) is approved.

#### **POLICY/STATUTORY IMPLICATIONS:**

Policy No: 092 – “Sustainable Grants Program”

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** Funding for the Grants Program has been budgeted for and the administration of the Program has been carried out in accordance with Policy No: 092 – “Sustainable Grants Program.”  
All community organisations must obtain a minimum of \$10,000,000 public liability insurance.

#### **FINANCIAL IMPLICATIONS:**

An amount of \$10,000 is allocated within the Sustainability Programs for the 2021/2022 financial year.

#### **STRATEGIC DIRECTION:**

The recommendation embraces the following strategies of the Town's Strategic Community Plan 2018 - 2028:

#### **Our Environment**

- Goal 7: The Town is environmentally responsible and leads by example**
- Strategy 7.1 Manage our bushland areas and reserves to enhance and protect conservation values and protect our native animals and plant species
  - Strategy 7.2 Optimise our use of ground water and improve the efficiency of our clean water consumption
  - Strategy 7.3 Improve energy efficiency
  - Strategy 7.4 Minimise waste to landfill and increase recycling
  - Strategy 7.5 Promote our environmental assets and opportunities and recognise the impacts of climate change in our strategies
- Goal 8: A community that embraces environmentally responsible practices**
- Strategy 8.1 Encourage the community to self-manage minimising energy consumption, water use, emissions, and waste

**COMMUNITY ENGAGEMENT:**

This matter has been assessed in line with the Town's Policy No: 019 – "Community Engagement". In accordance with the assessment criteria it was determined that community engagement is not required.

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

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Council:-**

- 1. NOTES the additional information provided from the Community Food Forest Group as requested at the October 2021 Ordinary Council Meeting, Council Report Number 10.6; and**
- 2. APPROVES the allocation of funds for the 2021 Sustainable Grants Program to the Community Food Forest Group up to the amount of \$2,727 (Excl. GST) subject to providing proof of public liability insurance.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

## CR21.131 COMMUNITY DEVELOPMENT GRANT DISBURSEMENT OF FUNDS

### PURPOSE OF REPORT:

The Administration is seeking approval for the awarding of \$2,000 to the Leederville Sporting Club for their 'Remember When at the Bowlo' project, through the Community Development Grant funding program.

### Summary:

The Administration is seeking approval for the awarding of grant funding through the Community Development Grant funding program.

The Town has received an application from Leederville Sporting Club through the Community Development Grant funding program for an amount of \$2,000 towards their 'Remember When at the Bowlo' community project being held in 2022.

### AUTHORITY / DISCRETION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	78 Cambridge St, West Leederville
Report Date:	26 November 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Community Services, Priya Narula
Contributing Officer:	Community Development Officer, Claire Turnbull
Reporting Officer Interest	Nil
Attachment(s):	1. Confidential Leederville Sporting Club Assessment Matrix

### BACKGROUND:

The purpose of the Community Development 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+ community members) - funding up to \$1,000.
3. Small community or club events (attracting up to 100 community members) - funding up to \$250.

The Town has received one application for funding towards a large size event from Leederville Sporting Club. As outlined in Council Policy No: 016: Community Funding Programs, applications under the Community Development Grant for Large Events or projects require endorsement by Council.

## **DETAILS:**

Leederville Sporting Club will be taking part in the 'Remember When at the Bowlo' art photography project. Participants are encouraged to provide a special photo of themselves, sentimental or nostalgic from when they were younger and ideally the image has a strong connection to Leederville Sporting Club or the Cambridge community. Every participant will be photographed holding their old photo, creating a portrait which represents themselves both now and in their youth.

The exhibition will be an opportunity to celebrate personal stories of the past with a connection to the Leederville Sporting Club or Cambridge community and showcase these stories to the wider community.

The Leederville Sporting Club request for \$2,000 has been assessed through the Community Funding program matrix (**Confidential Attachment 1**) and meets the high recommendation (meets 80-100% of the weighted criteria) and therefore 100% of the total funds requested. It is recommended that \$2,000 be approved.

## **POLICY/STATUTORY IMPLICATIONS:**

This report is guided by Council Policy No: 016: Community Funding Programs.

## **RISK MANAGEMENT IMPLICATIONS:**

**Low:** As the event is not being held within a Town park or reserve the event is considered 'low' risk.

## **FINANCIAL IMPLICATIONS:**

At its meeting held on 10 August 2021 (CR21.70), Council adopted the Budget for the 2021-2022 financial year. An amount of \$37,500 was allocated to Community Funding and to date \$19,520.50 has been awarded.

At its meeting on 23 November 2021 (CR21.119), Council approved funding for Leederville Sporting Club under the Community Organisations Support Grant of \$1,462.50 towards the purchase of picnic tables.

## **STRATEGIC DIRECTION:**

The recommendations of this report are consistent with the following aspects of the Strategic Community Plan 2018-2028.

### **Our Community**

<b>Goal 1:</b>	<b>A sense of community, pride and belonging</b>
Strategy 1.1	Encourage and support participation in a range of public activities and events where residents can gather and interact
Strategy 1.2	Promote our strong community identity and focus our responses on the needs of local residents, businesses and ratepayers

- Goal 3: An active, safe and inclusive community**
- Strategy 3.1 Focus on improving and expanding those places where community groups interact to encourage greater participation.
- Strategy 3.3 Encourage a range of activities that better align with the diverse needs of rate payers of all ages, culture and abilities.
- Strategy 3.4 Act to create and maintain safe, friendly and open environments that residents can access and enjoy.

**COMMUNITY ENGAGEMENT:**

The level of community engagement has been assessed under Council Policy No: 019: Community Engagement Policy, and as this matter is purely administrative in nature with no external impacts envisaged, community engagement is not required.

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

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Council APPROVES the amount of \$2,000 be awarded, through the Community Development Grant Funding program, to the Leederville Sporting Club for their 'Remember When at the Bowlo' community project being held in 2022.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**CR21.132 RFT 2021-13 PROVISION OF LIBRARY MANAGEMENT SOFTWARE REPLACEMENT**

**PURPOSE OF REPORT:**

To provide Council with the details of the submissions received for Tender 2021-13 –Provision of Library Management Software Replacement. Document the results of the Tender assessment and make a recommendation on the award of the Tender.

**AUTHORITY / DISCRETION**

- Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. E.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes & policies.
- Review When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
- Information For the Council/Committee to note.

Address/Property Location:	1 Bold Park Drive, Floreat
Report Date:	26 November 2021
Responsible Officer:	Director Planning and Community Services, Brett Cammell
Reporting Officer:	Manager Community Services, Priya Narula
Contributing Officers:	Coordinator Library Services and Local Studies, Jacqui Pickerill
Reporting Officer Interest:	Nil
Attachment(s):	1. Confidential Evaluation and Recommendation Report.

**BACKGROUND:**

The Town of Cambridge Libraries management software is a key service for delivery of library and local studies services. Cambridge Library has been using OCLC's World Management software (WMS) since 2014. This is an updated version of the library management software (LMS) previously used, OCLC's AMLIB. The existing LMS is not meeting operational needs and needs to be replaced. New software is required for:

1. improved functionality and reporting to enable regular review and development of the service;
2. improved customer experience; and
3. improved and more efficient staff experience.

In addition, vendors are now offering new services including mobile apps, integrated events booking systems, cash management and improved visibility online that are currently not available to Cambridge Library customers using existing software.

At its Ordinary meeting held on 27 April 2021 (CR21.35), Council resolved as follows:

*“That Council:*

- 1. NOTES the progress report on the replacement of the library management software; and*
- 2. APPROVES the Library Management Software (LMS) replacement project and a 5 year funding commitment, including the allocation of funds for this project in the 2021/2022 budget.”*

On 15 September 2021, the Town Issued a Request for Tender (RFT) to the open market, seeking submissions from providers for RFT2021-13 for the Provision of Library Management Software. The purpose of the RFT was to source a replacement library management software that will provide an effective and efficient management system for the ongoing delivery of library services.

Tender 2021-13 was advertised in The West Australian Newspaper and on the Town's website on 15 September 2021. The tender submission period closed on 13 October 2021, with three submissions received from the following tenderers:

1. SirsiDynix;
2. Civica; and
3. Libero.

The Tender is for an initial period of three years, with options for two one-year extensions at the Town's discretion. The recommended term of five years supports a significant cost saving of \$22,000.

#### **DETAILS:**

All submissions were evaluated by a panel comprising of three Town Officers, in accordance with the Town's Procurement Business Rules Manual and the Tender documentation. The assessment of the submissions was carried out against the following qualitative criteria:

- |   |      |
|---|------|
| 1. Value for money                                    | 30%  |
| 2. Demonstrated understanding of the required tasks   | 40%  |
| 3. Capacity to supply the goods and services          | 15%  |
| 4. Demonstrated record of delivering similar projects | 15 % |

**Total: 100%**

#### **POLICY/STATUTORY IMPLICATIONS:**

Council Policy No: 072: Purchasing Policy and the *Local Government Functions and General Regulations 1996* provides guidance for setting up tenders and contracts. The *Local Government Act 1995* requires Requests for Tenders to be conducted when the total contract value, including any extension options, exceeds \$250,000. This tender and contract award process has enabled the Town to procure the required goods in an accountable, transparent, ethical and financially prudent manner.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Town of Cambridge will mitigate risk by engaging contractors who are fully licensed and qualified to provide services in accordance with the appropriate Australian Standards and professional work practices.

## **FINANCIAL IMPLICATIONS:**

An amount of \$85,000 has been allocated for the project in the in the 2021/2022 Capital Budget. This will fulfil the financial year obligations of entering into a contract. Recurrent operational funding of approximately \$100,000 will be required in subsequent years (years two and three of the contract). A further financial year obligation of \$100,000 per year will be required if two one-year extensions are supported by the Town.

1. 2022-23 Financial Year \$50,000
2. 2023-24 Financial Year \$50,000
3. 2024-25 Financial Year \$50,000
4. 2025-26 Financial Year \$50,000

## **STRATEGIC DIRECTION:**

The recommendations embrace the following strategies of the Town's Strategic Community Plan 2018 - 2028:

### **Our Community**

- |                 |   |
|-----------------|---|
| <b>Goal 1:</b>  | <b>A sense of community, pride and belonging</b>  |
| Strategy 1.1    | Encourage and support participation in a range of public activities and events where residents can gather and interact      |
| Strategy 1.2    | Promote our strong community identity and focus our responses on the needs of local residents, businesses and ratepayers    |
| <b>Goal 3:</b>  | <b>An active, safe and inclusive community</b>  |
| Strategy 3.1    | Focus on improving and expanding those places where community groups interact to encourage greater participation.           |
| Strategy 3.3    | Encourage a range of activities that better align with the diverse needs of ratepayers of all ages, cultures and abilities. |
| <b>Goal 11:</b> | <b>An efficient local government</b>  |
| Strategy 11.3   | Embrace innovation and continuously strive to improve services delivered to the community                                   |
| <b>Goal 12:</b> | <b>Advocacy for the Community</b>   |
| Strategy 12.1   | Foster key relationships with all levels of government and other major stakeholders   |

## **COMMUNITY ENGAGEMENT:**

This Tender has been assessed in line with the Council Policy No: 019: 'Community Engagement Policy' and community consultation is not required as it is administrative in nature.

## **COMMITTEE AND ADMINISTRATION RECOMMENDATION:**

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Council APPROVES the award of Tender 2021-13 - Provision for the Supply, Installation, Configuration and Integration of a full Library Management System Software Replacement, as outlined in Confidential Attachment 1.**

Debate ensued. Cr Timmermanis queried the total cost of the project as he stated that there appeared to be a \$200,000 discrepancy in the financial implications detailed the report. He proposed that the item be deferred to enable further information to be obtained.

**PROCEDURAL MOTION:**

**Moved by Cr Timmermanis, seconded by Cr Fredericks**

**That Council DEFERS the item relating to Tender 2021-13 – Provision for the Supply, Installation, Configuration and Integration of a full Library Management System Software Replacement to the February 2022 meeting of the Community and Resources Committee.**

**Procedural Motion put and CARRIED (8/1)**

For: Mayor Shannon, Crs Barlow, Bradley, Carr, Cutler, Fredericks, Haddon-Casey  
and Timmermanis

Against: Cr Mack

**CR21.133 LESSER HALL OCCUPATION LICENCE EXTENSION OPTION – PERTH TANGO CLUB**

**PURPOSE OF REPORT:**

To obtain Council approval to support a three (3) year extension of the Occupation License of the Leederville Town Hall Lesser Hall, commencing from 1 October 2021, in accordance with the terms of the Occupation Licence between the Town and Perth Tango Club.

**SUMMARY:**

The Occupation Licence (the Licence) between the Town of Cambridge and Perth Tango Club Incorporated for the Leederville Town Hall Lesser Hall expired on 30 September 2021. The Perth Tango Club has continued to occupy the Property and fulfil their License obligations under the Holding Over provisions in clause 2.4 of the License.

The Licensee has exercised their option to extend the License under clause 2.3 of the License by email dated 31 March 2021. The Town has prepared the Extension of License documentation which has been executed by the Licensee. It is recommended that the Town grants the Option for Extension of the License as the Perth Tango Club has fulfilled all obligations under the License in their period of occupation.

**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input checked="" type="checkbox"/> | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	82 Cambridge Street, West Leederville
Report Date:	3 December 2021
Responsible Officer:	Director Corporate and Commercial Services, Roy Ruitenga
Reporting Officer:	Manager Corporate Business, Aaron Grant
Contributing Officer:	Coordinator Corporate Business, Paul O'Keefe
Reporting Officer Interest	Nil
Attachment(s):	Nil

**BACKGROUND:**

On 6 July 2016, an Expression of Interest (EOI 19-16) for the use of the Lesser Hall at the Leederville Town Hall was advertised state wide. The EOI closed on Wednesday, 3 August 2016 with one submission received from Perth Tango Club Inc.

At its meeting held on 27 September 2016, the Council decided:

*“That the EOI, submitted by Perth Tango Club Inc, as detailed on EOI 19-16, be accepted for a five year term commencing 1 October 2016 and expiring 30 September 2021, with a three year extension at the Town's option.”*

#### **DETAILS:**

The Occupation Licence (the Licence) between the Town of Cambridge and Perth Tango Club Incorporated, for the Leederville Town Hall Lesser Hall expired on 30 September 2021 and has since been operating on hold over provisions in accordance with the terms and conditions of the Licence. The Licence allows for a three year extension period commencing 1 October 2021, to be exercised at the Town's discretion.

The Perth Tango Club is a not-for-profit incorporated body, which exists for the benefit of its members and the community. The Club has a very strong commitment to supporting and serving members and the community in order for them to gain the most benefit from their membership.

The Club is the only tango establishment in Perth which is membership based, in contrast to other organisations which teach/promote tango. The Club currently consisting of 245 members, who pride themselves on being welcoming and inclusive to people of all ages and dancing abilities.

The Town has to date, not received any complaints regarding the Club or their usage of Lesser Hall. Payments are made on time by the Club and they carry out regular maintenance of the facility in accordance with the occupational license.

The Club has occupied the Lesser Hall since 2007 and the Town has an excellent working relationship with the Perth Tango Club and its executive.

If the Town chooses not to exercise the extension option, the Club may be given one month to vacate the building under the Occupation Licence hold over provisions. The Town will then be required to go out to the wider community for an expression of interest. This process could take between three to four months before a new tenancy is in place and impact revenue being generated from the facility.

#### **POLICY/STATUTORY IMPLICATIONS:**

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

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Perth Tango Club has fulfilled all its obligations under the License, including their request to exercise the extension option, executing the Extension of License documentation and continuing to fulfil their obligations under the Holding Over provisions.

#### **FINANCIAL IMPLICATIONS:**

The Perth Tango Club pays an Occupation fee of \$10,078.94 (ex GST) per annum plus a water usage allowance of \$1,000 (ex GST) per annum. The Occupational Licence provides for an annual Consumer Price Index (CPI) review of the Occupation Fee. The process of going out to market for a new tenancy could have a financial impact, if the premises become vacant in the interim.

## **STRATEGIC DIRECTION:**

Support of Council to extend the Perth Tango Clubs Occupation Licence for a further three (3) years supports a number of goals in a number of priority areas within the Town's Strategic Community Plan 2018 - 2028 specifically:

### **Our Community**

#### **Goal 3 An active, safe and inclusive community**

- Strategy 3.1 Focus on improving and expanding those places where community groups interact to encourage greater participation
- Strategy 3.2 Continue to deliver more programs which support local clubs and community groups and their capacity to run their community activities

## **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy: 019. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is administrative.

## **COUNCIL DECISION:**

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Council:**

- 1. APPROVES the Extension of the Occupation License in accordance with Clause 2.3 of the Occupation License for the Leederville Town Hall Lesser Hall to the Perth Tango Club for a three (3) year period commencing 1 October 2021 and expiring on 30 September 2024; and**
- 2. AUTHORISES the Mayor and Chief Executive Officer to execute the Extension Agreement between the Town and Perth Tango Club under Common Seal, pursuant to section 9.49A of the *Local Government Act 1995*.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**CR21.134 STRATEGIC COMMUNITY PLAN 2022-2032 - PROPOSED PROJECT PLAN AND INDICATIVE TIMEFRAMES**

**PURPOSE OF REPORT:**

The purpose of this report is to seek Council approval for the Administration to proceed with the process for the review of the Strategic Community Plan 2022-2032.

**SUMMARY:**

Section 5.56 of the *Local Government Act 1995* requires all local governments to plan for the future and Division 3 of the *Local Government (Administration) Regulations 1996* requires each local government to have a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).

**AUTHORITY / DISCRETION**

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council, eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests.
<input type="checkbox"/>	Information	For the Council/Committee to note.

Address/Property Location:	Town of Cambridge Administration Centre, 1 Bold Park Drive, Floreat
Report Date:	3 December 2021
Responsible Officer:	Chief Executive Officer – John Giorgi, JP
Reporting Officer:	Chief Executive Officer – John Giorgi, JP
Contributing Officers:	Not Applicable
Reporting Officer Interest:	Nil
Attachments:	1. Project Plan: development of the Town of Cambridge 2022-2032 Strategic Community Plan.

**BACKGROUND:**

All local governments are required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. Regulations have been made under S5.56 (2) of the Act to briefly outline the minimum requirements to achieve this.

The Strategic Community Plan outlines the community long term (10+ years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities. The Strategic Community Plan is not static, with a full review required every four years and a desktop review every two years.

The Integrated Planning and Reporting Framework and Guidelines issued by the State Government reflect a nationally consistent approach to integrated planning. The framework recognises that planning for a local government is holistic in nature and driven by the community.

The elements of the framework focus on building organisational and resource capability to meet community need with consideration of the integration and interdependencies between the components. Performance monitoring is a key element of the framework since it enables local governments to adapt and respond to changes in community needs and the business environment.

A successful integrated planning and reporting process will deliver the following:

- A Strategic Community Plan that clearly links the community's aspirations with the Council's vision and long term strategy
- A Corporate Business Plan that integrates resourcing plans and specific council plans with the Strategic Community Plan, and
- Quarterly and Annual reporting on progress with the implementation of the elements identified in the Corporate Business Plan in pursuit of achieving the Aspirations in the Strategic Community Plan.

#### **DETAILS:**

The Town's Strategic Community Plan (SCP) and Corporate Business Plan was adopted by Council on 26 June 2018 (refer Item 10.5).

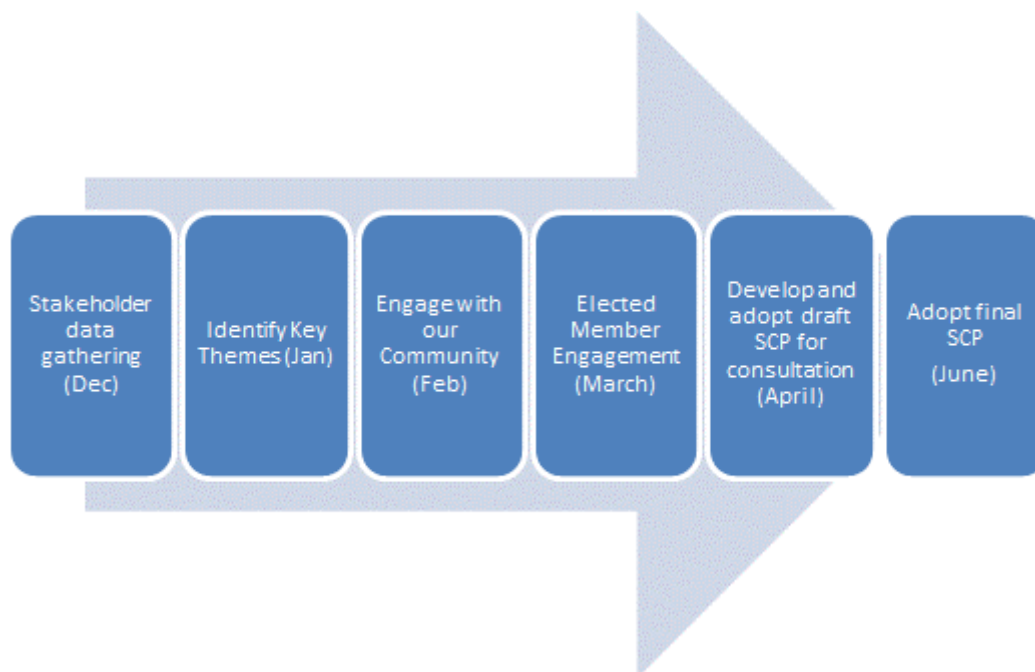
The Town's 2018-2028 Strategic Community Plan is due for a major review in 2022. The process that is proposed will incorporate community feedback from all community interaction over the past 2 years, as well as a survey to be carried out during February/March 2022 via post and digital media to gauge the community's priorities for the Town.

It is expected that the new SCP meets the "Advanced Standard", according to the Integrated Planning and Reporting Advisory Standards. The following outcomes have been identified as the Target Outcomes for the Review of the Strategic Community Plan Project:

<b>Target Outcome</b>	<b>Measure</b>	<b>Completion</b>	<b>Accountability</b>
Vision, community aspirations and a set of strategic objectives to guide the organisation's activities	A new Strategic Community Plan	30 March/April2022	CEO/Manager Governance
Council adopted Strategic Community Plan that is of a best practice standard	Achieve Advisory Standard for 'Advanced' (as shown in Appendix 1 of the Attached Project Plan)	30 June 2022	CEO/Manager Governance
Council adopted Corporate Business Plan that is aligned with the Strategic Community Plan and reported against on a quarterly basis on implementation	Achieve Advisory Standard for 'Advanced' (as shown in Appendix 1 of the Attached Project Plan)	31 July 2022	CEO/Manager Governance

The Output to be delivered by the Major Review of the Strategic Community Plan is a new Strategic Community Plan with a minimum 10 year horizon. Delivery of the final document by the end of June 2022 will enable full integration and alignment of the:

1. Corporate Business Plan;
2. Long Term Financial Plan;
3. Asset Management Plan,
4. Business Unit Service Unit Plans;
5. Workforce Plan and
6. Annual Budget for 2022/2023



#### **POLICY/STATUTORY IMPLICATIONS:**

1. *Local Government Act 1995.*
2. *Local Government (Administration) Regulations 1996.*

All local governments are required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995*. Regulations have been made under S5.56 (2) of the Act to briefly outline the minimum requirements to achieve this.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** There is minimal risk to the Town in association with the recommendation contained within this report. Adoption of the recommendation and implementation of the process would meet the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

#### **FINANCIAL IMPLICATIONS:**

An amount of \$10,000 has been allocated for the Special Projects/Research in the Governance budget. These funds can be applied for the development of the Strategic Community Plan 2022-2032.

## **STRATEGIC DIRECTION:**

### **Our Council**

- Goal 9:** Transparent, accountable governance  
Strategy 9.2 Consult with the community using techniques that engage more widely to inform and be informed on local matters of priority
- Goal 10:** The Town is a proactive local government that provides financially sustainable public assets, services and facilities  
Strategy 10.1 Ensure appropriate resources are allocated to the preparation and implementation of day to day decision making, broader strategic planning and major projects
- Goal 11:** An efficient local government  
Strategy 11.1 Invest our wealth wisely so that current and future generations benefit

## **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Council Policy No: 019 - Community Engagement Policy. In accordance with the assessment criteria it is classified as 'Consult', in which the Town obtains community feedback to assist in decision making.

The process that is proposed will incorporate all community feedback from the past 2 years, as well as a community survey to be carried out in February 2022 via post, the "*have your say*" engagement tool and social media to gauge the community's priorities for the Town and to identify any gaps. Rather than provide an open space for feedback, key themes as identified from the previous 2 years' worth of engagement will be reflect back to the community in the survey with the request for them to prioritise these and to identify any gaps.

The overall outcomes will be presented back at the Elected Member workshop in the first quarter of 2022 for final prioritisation and gap identification before the draft Strategy is developed. This workshop could be facilitated by an external facilitator, if required.

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

**Moved by Cr Cutler, seconded by Cr Barlow**

**That Council APPROVES the proposed Project Plan and Indicative Timeframes for the review of the Strategic Community Plan 2022-2032.**

**Motion put and CARRIED EN-BLOC (9/0) (Unanimous)**

**CR21.135 LOCAL GOVERNMENT REFORMS – TOWN OF CAMBRIDGE SUBMISSION**

**PURPOSE OF REPORT:**

To provide information to the Council concerning the Minister for Local Government's proposed reforms concerning local government and include a draft Town of Cambridge Submission.

**SUMMARY:**

On 10 November 2021, the Minister for Local Government announced proposed reforms for the local government sector. A Town of Cambridge submission has been prepared which is supportive of the proposed changes, with the exception of several items.

**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input checked="" type="checkbox"/> | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	N/A
Report Date:	3 December 2021
Responsible Officer:	Chief Executive Officer, John Giorgi, JP
Reporting Officer:	Chief Executive Officer, John Giorgi, JP
Contributing Officer:	N/A
Reporting Officer Interest:	Nil
Attachment(s):	1. Town of Cambridge Draft Submission dated December 2021 2. Local Government Reforms Proposal – 10 November 2021

**BACKGROUND:**

On 10 November 2021, the Minister for Local Government announced that proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the [Local Government Review Panel Final Report](#).

Major changes to the Local Government Act and Regulations will provide for a stronger, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

## **DETAILS:**

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

## **Consultation**

The Department of Local Government, Sport and Cultural Industries (DLGSCI) is inviting comments from local governments and the wider community to inform implementation of the proposed reforms. The feedback received will inform the drafting of legislation.

The consultation period runs between 10 November 2021 and 4 February 2022.

Comments must be received no later than 5pm 4 February 2022 to be considered.

## **POLICY/STATUTORY IMPLICATIONS:**

The *Local Government Act 1995* and associated legislation will need to be amended to reflect some of the proposed changes.

## **RISK MANAGEMENT IMPLICATIONS:**

**Low:** This matter has been considered as Low risk.

## **FINANCIAL IMPLICATIONS:**

Nil.

However, if the changes are implemented, some of the recommendations will have a financial impact on the Town. The upgrade of the Council Chamber software to allow livestreaming of meetings will cost approximately \$67,000.

## **STRATEGIC DIRECTION:**

### **Our Council**

**Goal 9:** Transparent, accountable governance  
Strategy 9.2 Consult with the community using techniques that engage more widely to inform and be informed on local matters of priority

**Goal 10:** The Town is a proactive local government that provides financially sustainable public assets, services and facilities  
Strategy 10.1 Ensure appropriate resources are allocated to the preparation and implementation of day to day decision making, broader strategic planning and major projects

**Goal 11:** An efficient local government  
Strategy 11.1 Invest our wealth wisely so that current and future generations benefit

## **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. 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.

The consultation process allows members of the public to lodge a submission.

## **ADMINISTRATION RECOMMENDATION:**

That Council:

1. RECEIVES the report dated 21 December 2021 concerning the Minister for Local Government's proposed reforms as part of the Local Government Act Review, as shown in Attachment 1;
2. AUTHORISES the Chief Executive Officer to finalise and submit a Town of Cambridge Submission by no later than 4 February 2022, as shown in Attachment 2; and
3. LISTS for consideration an amount of \$67,000 in the draft Budget 2022-2023 for upgrade of the Council Chamber software to allow livestreaming of Council meetings.

## **COMMITTEE RECOMMENDATION:**

**Moved by Cr Cutler, seconded by Cr Barlow**

**That the item be deferred to an Elected Member Forum for further discussion.**

Debate ensued. Cr Cutler foreshadowed that, should the motion presently before Council be lost, she intended to move that the installation of live streaming of meetings be brought forward and Policy No: 32 be updated accordingly.

**Motion put and CARRIED (6/3)**

For: Crs Barlow, Bradley, Carr, Fredericks, Mack and Timmermanis  
Against: Mayor Shannon, Crs Cutler and Haddon-Casey

Cr Barlow requested clarification on what she had voted on.

## **PROCEDURAL MOTION:**

**Moved by Cr Barlow, seconded by Cr Haddon-Casey**

**That item CR21.135 be recommitted.**

**Procedural motion put and CARRIED (6/3)**

For: Mayor Shannon, Crs Barlow, Carr, Cutler, Fredericks and Haddon-Casey  
Against: Crs Bradley, Mack and Timmermanis

Item CR21.135 was recommitted at 7.05 pm.

Debate ensued.

Mayor Keri Shannon put the Committee Recommendation to the vote.

**COUNCIL DECISION:  
(COMMITTEE RECOMMENDATION)**

**That the item be deferred to an Elected Member Forum for further discussion.**

**Motion put and LOST (4/5)**

For: Crs Bradley, Fredericks, Mack and Timmermanis  
Against: Mayor Shannon, Crs Barlow, Carr, Cutler and Haddon-Casey

Cr Cutler then moved her foreshadowed motion.

**COUNCIL DECISION:**

**Moved by Cr Cutler, seconded by seconded by Cr Barlow**

**That Council:**

- 1. DEFERS parts 1 and 2 of the Administration recommendation to an Elected Member Forum to be held in February 2022 for further discussions;**
- 2. APPROVES BY AN ABSOLUTE MAJORITY an amount up to \$67,000 in the Budget 2021-2022 for upgrade of the Council Chamber to allow livestreaming of Council and Committee meetings by February 2022; and**
- 3. AMENDS Council Policy No: 32 - *'Council and Committee Meetings Recording Policy'*, as shown in Attachment 5 to Item 14.4.**

Debate ensued.

Cr Barlow raised a Point of Order against Cr Bradley for passing notes between Cr Bradley and Cr Mack. Mayor Shannon ruled that passing notes was not acceptable behaviour in the Council Chamber.

**Motion put and LOST (4/5)**

For: Mayor Shannon, Crs Barlow, Cutler and Haddon-Casey  
Against: Crs Bradley, Carr, Fredericks, Mack and Timmermanis

Cr Timmermanis requested that the Item be again recommitted so he could ask for the motion to be divided into separation motions.

Cr Barlow raised a Point of Order against Crs Carr and Mack as they were whispering across the Chamber. The Mayor accepted the Point of Order and requested Crs Bradley and Mack to stop whispering and passing notes in the Council Chamber.

**PROCEDURAL MOTION:**

**Moved by Cr Timmermanis, seconded by Cr Cutler**

**That item CR21.135 be recommitted.**

**Procedural motion put and CARRIED (8/1)**

For: Mayor Shannon, Crs Barlow, Bradley, Cutler, Fredericks, Haddon-Casey, Mack and Timmermanis  
Against: Cr Carr

Item CR21.135 was recommitted at 7.37 pm.

Mayor Shannon advised that, in accordance with Clause 9.8 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the motion be divided and voted upon into separate motions.

**That Council:**

1. **DEFERS part 1 and 2 of the Administration recommendation to an Elected Member Forum to be held in February 2022 for further discussions;**

**Motion put and CARRIED (9/0) (Unanimous)**

2. **APPROVES BY AN ABSOLUTE MAJORITY an amount up to \$67,000 in the Budget 2021-2022 for upgrade of the Council Chamber to allow livestreaming of Council and Committee meetings by February 2022; and**

**Motion put and LOST (4/5)**

For: Mayor Shannon, Crs Barlow, Cutler and Haddon-Casey  
Against: Crs Bradley, Carr, Fredericks, Mack and Timmermanis

3. **AMENDS Council Policy No: 32 - 'Council and Committee Meetings Recording Policy', as shown in Attachment 5 to item 14.4.**

**Motion put and LOST (0/9) (Unanimous)**

**COUNCIL DECISION:**

**That Council DEFERS part 1 and 2 of the Administration recommendation to an Elected Member Forum to be held in February 2022 for further discussions.**

**REASON FOR CHANGING THE RECOMMENDATION:**

Council could not support the cost of altering the Council chamber and software to allow for live-streaming at this point in time.

**8. CONFIDENTIAL REPORT**

**CR21.136 MINDARIE REGIONAL COUNCIL – WASTE TO ENERGY WORKING GROUP**

**Refer Confidential Item 14.1**



Address/Property Location:	N/A
Report Date:	16 December 2021
Responsible Officer:	Director Corporate and Commercial Services, Roy Ruitenga
Reporting Officer:	Director Corporate and Commercial Services, Roy Ruitenga
Contributing Officer:	N/A
Reporting Officer Interest:	Nil
Attachment(s):	1. Account Payment Listing

## **BACKGROUND:**

Section 6.10 of the *Local Government Act 1995* requires the keeping of financial records and general management of payments, which is further specified in regulation 13 of the *Local Government (Financial Management) Regulation 1996*. A list of accounts is to be prepared each month which is to be presented to the Ordinary meeting of Council showing the payee's name, the amount of payment, the date of the payment and sufficient information to identify the transaction.

## **DETAILS:**

A list of the cheques raised and Electronic Funds Transfers for the payment of accounts from the Municipal Account (and Trust Account where applicable) for the past month.

## **POLICY/STATUTORY IMPLICATIONS:**

Payments are in accordance with Policy No: 008 "Bank Accounts and Payments".

## **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The schedule of payments has been produced in accordance with applicable local government legislation.

## **FINANCIAL IMPLICATIONS:**

Expenses incurred are charged to the appropriate items included in the annual budget.

## **STRATEGIC DIRECTION:**

This report recommendation embraces the following strategies of the Town's Community Plan 2018-2028:-

### **Our Council**

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

Strategy 9.1 Implement initiatives that strengthen governance skills, transparency and knowledge

## **COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. In accordance with the assessment criteria it was determined that community engagement is not required.

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

**Moved by Cr Timmermanis, seconded by Haddon-Casey**

**That Council CONFIRMS, in accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, the schedule of accounts, as detailed below and attached, for the month of November 2021.**

**Motion put and CARRIED (9/0) (Unanimous)**

## 10.2 INVESTMENT SCHEDULE – NOVEMBER 2021

### PURPOSE OF REPORT:

To provide information to Council in relation to its investment portfolio performance during the month of November 2021.

### SUMMARY:

The Council invests funds that are surplus to operational requirements with various financial institutions and reports on the amounts invested, the distribution of those funds and the financial performance of each investment, being interest earned, against year to date budget.

### AUTHORITY / DISCRETION

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input checked="" type="checkbox"/> | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input type="checkbox"/>            | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input checked="" type="checkbox"/> | Information    | For the Council/Committee to note.   |

Address/Property Location:	N/A
Report Date:	16 December 2021
Responsible Officer:	Director Corporate and Commercial Services, Roy Ruitenga
Reporting Officer:	Manager Finance, Stuart Monks
Contributing Officer:	N/A
Reporting Officer Interest	Nil
Attachment(s):	1. Prudential Consolidated Investment Report – November 2021

### BACKGROUND:

Council's Investment Policy No: 052 allows for investing of funds into direct investment products and managed funds which comply with both the credit risk rating and terms to maturity guidelines as set out in the policy.

### DETAILS:

#### Investment Portfolio Performance

At its December 2021 meeting, the Reserve Bank of Australia decided to maintain the official cash rate at 0.10%. and confirmed that to consider an increase it would need to see underlying inflation between 2 and 3 percent on a sustainable basis, full employment and materially higher wages growth.

In Australia, the economy is recovering from the setback caused by the Delta outbreak. The emergence of the Omicron strain is a new source of uncertainty, but is not expected to derail the recovery. The economy is expected to return to its pre-Delta path in the first half of 2022. The

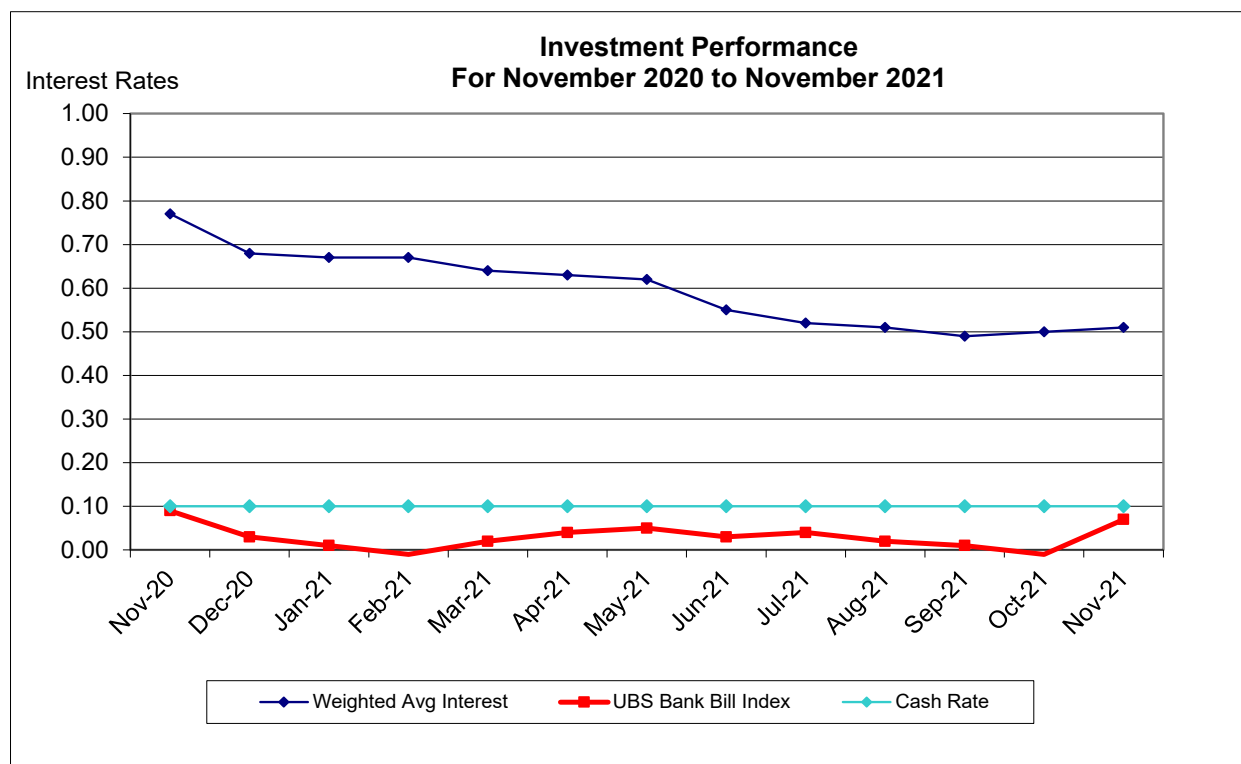
CPI inflation rate is 3 per cent and is being affected by higher petrol prices, higher prices for newly constructed homes and disruptions in global supply chains. The central forecast is for underlying inflation to reach 2.5% over 2023. Strong recovery in the labour market, job advertisements are at a historically high and there are reports of firms finding it difficult to hire workers.

Looking forward, in terms of the Town's investment portfolio, interest rates have declined as a result of the Reserve Bank's low cash rate. The major bank rates for one to three month terms are on average 0.15%, for terms of four to six months on average 0.27% and for terms of seven months to nine months on average 0.36%. The UBS Bank Bill Index rate (an index measuring performance of interest rates over a 90 day period) was 0.07% for November 2021. The 90 days BBSW or Bank Bill Swap rate (a measure of future interest rates) was 0.05% as at 30 November 2021. As Council's investment portfolio is predominantly short term cash products, the cash rate of 0.10% for November 2021 is the more appropriate performance measure.

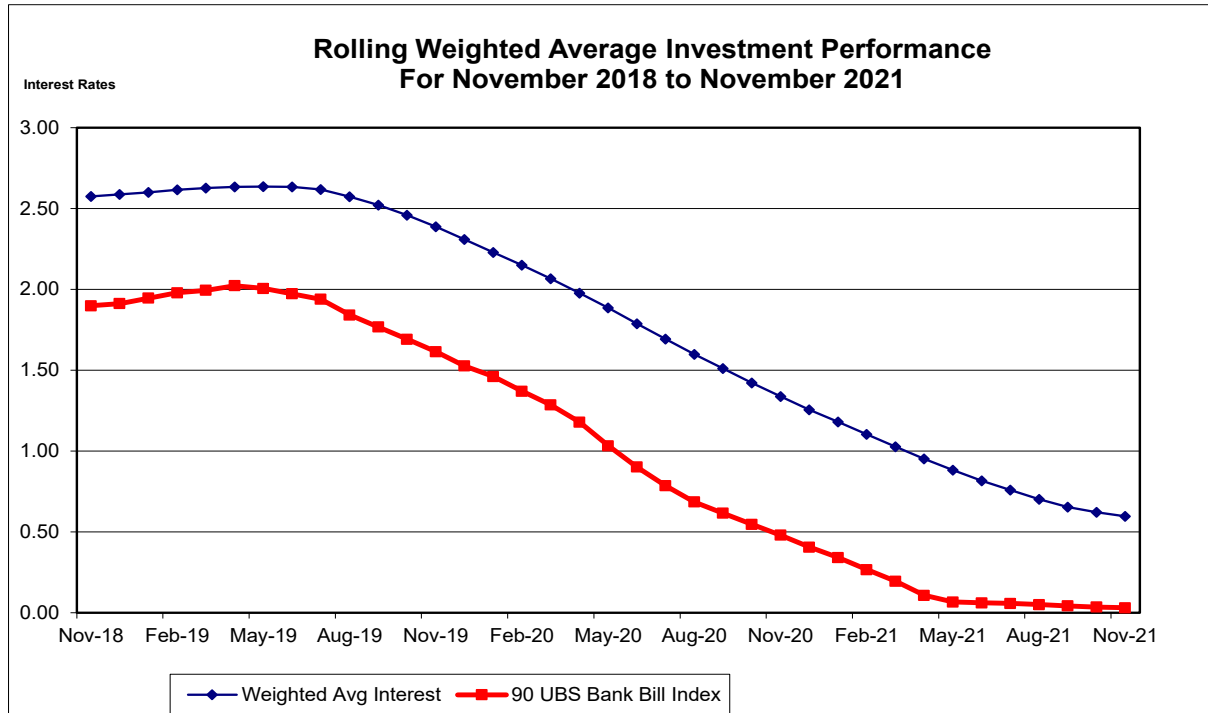
Against these interest rate indicators, the Town's investment portfolio outperformed the cash rate with a weighted average interest rate of 0.51%. The weighted average investment period of 347 days (approximately twelve months) is consistent with term deposit rates (with the major Australian banks) which for this period were an average of 0.49%.

### Investment Portfolio Performance for November 2021

The graph below shows the interest rate performance of the Town's investment portfolio for the 12 month period, specifically November 2020 to November 2021.

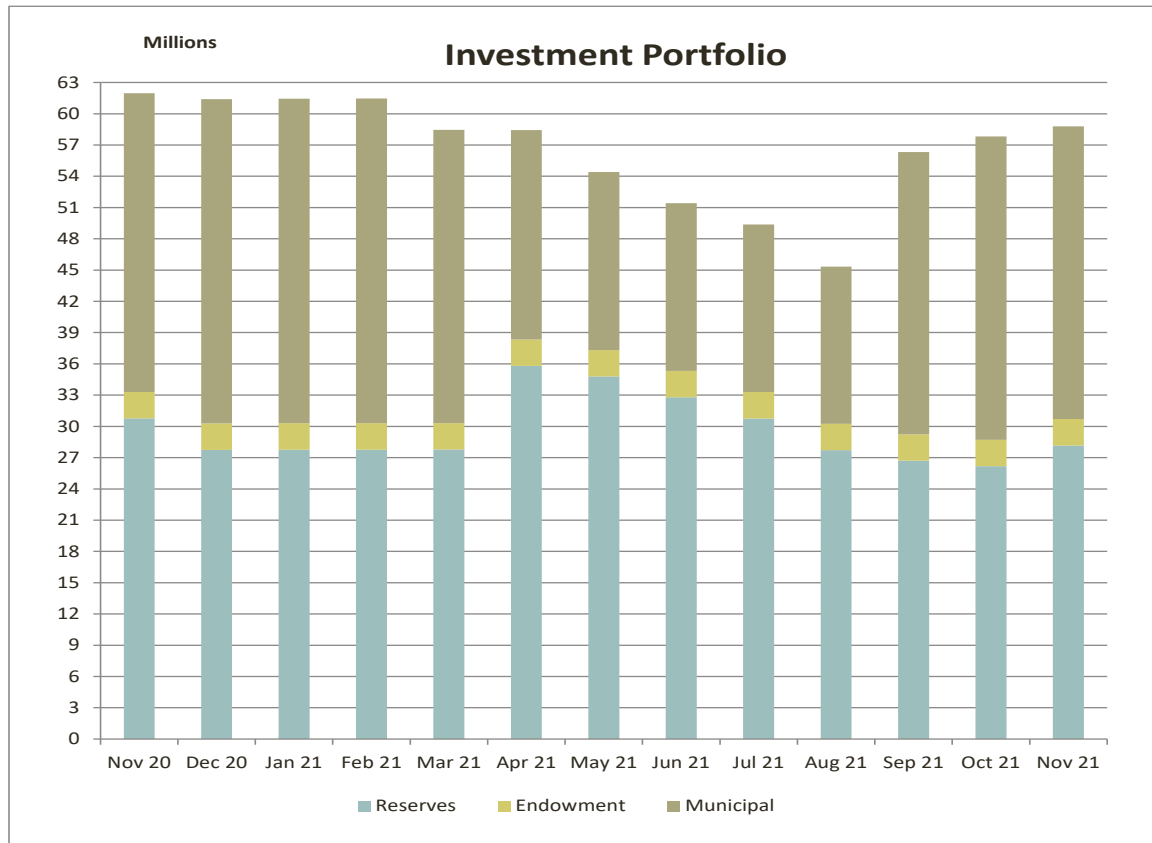


The graph below shows the rolling 12 month weighted average investment performance of the Town's investment portfolio, since November 2018.



The total investment at the end of November 2021 is \$58.8 million which consists of Municipal Funds of \$28.1 million, Reserve Funds of \$28.2 million and Endowment Lands Funds of \$2.5 million

The graph below represents the total investment portfolio of the Town from November 2020 to November 2021.



The Managed Cash Funds performance as at the end of November 2021 is as follows:

	Term (Days)	Rating	Current Interest Rate	Maturity Date	November 2021 Income	Total Amount Invested	% of Funds Invested	Weighted Average Interest
<b>Floating Rate Notes</b>								
Emerald Reverse Mortgage		"AA"	0.49%		\$192	\$485,510	0.83%	0.00%
<b>Sub-total</b>					<b>\$192</b>	<b>\$485,510</b>	<b>0.83%</b>	<b>0.00%</b>
<b>Term Deposits and Bank Bills</b>								
ANZ - Term Deposit	364	"A1+"	0.30%	01 Mar 2022	\$248	\$1,008,387	1.72%	0.01%
ANZ - Term Deposit	365	"A1+"	0.40%	04 Jan 2022	\$336	\$1,025,446	1.74%	0.01%
ANZ - Term Deposit	364	"A1+"	0.32%	29 Mar 2022	\$264	\$1,006,268	1.71%	0.01%
ANZ - Term Deposit	377	"A1+"	0.48%	14 Dec 2021	\$395	\$1,004,787	1.71%	0.01%
ANZ - Term Deposit	384	"A1+"	0.48%	21 Dec 2021	\$986	\$2,511,967	4.27%	0.02%
ANZ - Term Deposit	371	"A1+"	0.33%	12 Apr 2022	\$407	\$1,503,241	2.56%	0.01%
ANZ - Term Deposit	364	"A1+"	0.30%	07 Jun 2022	\$248	\$1,008,038	1.71%	0.01%
NAB - Term Deposit	365	"A1+"	0.47%	18 Jan 2022	\$391	\$1,017,251	1.73%	0.01%
NAB - Term Deposit	365	"A1+"	0.42%	01 Feb 2022	\$349	\$1,013,244	1.72%	0.01%
NAB - Term Deposit	364	"A1+"	0.37%	22 Feb 2022	\$305	\$1,006,022	1.71%	0.01%
NAB - Term Deposit	364	"A1+"	0.42%	08 Feb 2022	\$346	\$1,005,654	1.71%	0.01%
NAB - Term Deposit	361	"A1+"	0.53%	14 Dec 2021	\$871	\$2,010,106	3.42%	0.02%
NAB - Term Deposit	365	"A1+"	0.37%	28 Jun 2022	\$467	\$1,536,894	2.61%	0.01%
NAB - Term Deposit	364	"A1+"	0.35%	06 Sep 2022	\$575	\$2,001,630	3.40%	0.01%
NAB - Term Deposit	301	"A1+"	0.33%	19 Jul 2022	\$542	\$2,001,284	3.40%	0.01%
NAB - Term Deposit	315	"A1+"	0.33%	02 Aug 2022	\$542	\$2,001,284	3.40%	0.01%
NAB - Term Deposit	305	"A1+"	0.35%	09 Aug 2022	\$432	\$1,500,777	2.55%	0.01%
NAB - Term Deposit	361	"A1+"	0.35%	04 Oct 2022	\$288	\$1,000,518	1.70%	0.01%
NAB - Term Deposit	364	"A1+"	0.60%	29 Nov 2022	\$16	\$1,000,016	1.70%	0.01%
NAB - Term Deposit	371	"A1+"	0.60%	06 Dec 2022	\$16	\$1,000,016	1.70%	0.01%
Westpac - Term Deposit	379	"A1+"	0.61%	07 Dec 2021	\$501	\$1,000,134	1.70%	0.01%
Westpac - Term Deposit	362	"A1+"	0.37%	08 Mar 2022	\$304	\$1,000,801	1.70%	0.01%
Westpac - Term Deposit	364	"A1+"	0.34%	31 May 2022	\$447	\$1,599,440	2.72%	0.01%
Westpac - Term Deposit	364	"A1+"	0.32%	06 Sep 2022	\$921	\$3,502,608	5.96%	0.02%
Westpac - Term Deposit	361	"A1+"	0.50%	18 Oct 2022	\$1,233	\$3,001,644	5.11%	0.03%
Westpac - Term Deposit	364	"A1+"	0.54%	08 Nov 2022	\$325	\$1,000,325	1.70%	0.01%
Westpac - Term Deposit	364	"A1+"	0.59%	22 Nov 2022	\$129	\$1,000,129	1.70%	0.01%
Macquarie - Term Deposit	365	"A1"	0.75%	21 Dec 2021	\$616	\$1,007,089	1.71%	0.01%
Macquarie - Term Deposit	363	"A1"	0.45%	12 Apr 2022	\$370	\$1,002,848	1.71%	0.01%
Macquarie - Term Deposit	363	"A1"	0.45%	19 Apr 2022	\$370	\$1,002,762	1.71%	0.01%
Macquarie - Term Deposit	363	"A1"	0.45%	26 Apr 2022	\$370	\$1,002,675	1.71%	0.01%
Macquarie - Term Deposit	362	"A1"	0.45%	03 May 2022	\$370	\$1,002,577	1.71%	0.01%
Macquarie - Term Deposit	363	"A1"	0.45%	10 May 2022	\$370	\$1,002,503	1.71%	0.01%
Macquarie - Term Deposit	362	"A1"	0.45%	17 May 2022	\$370	\$1,002,404	1.70%	0.01%
Macquarie - Term Deposit	236	"A1"	0.45%	01 Mar 2022	\$370	\$1,001,800	1.70%	0.01%
Macquarie - Term Deposit	250	"A1"	0.45%	15 Mar 2022	\$370	\$1,001,800	1.70%	0.01%
Macquarie - Term Deposit	263	"A1"	0.45%	23 May 2022	\$370	\$1,001,110	1.70%	0.01%
Macquarie - Term Deposit	277	"A1"	0.45%	06 Jun 2022	\$370	\$1,001,110	1.70%	0.01%
Macquarie - Term Deposit	291	"A1"	0.45%	20 Jun 2022	\$370	\$1,001,110	1.70%	0.01%
Macquarie - Term Deposit	279	"A1"	0.45%	14 Jun 2022	\$370	\$1,001,036	1.70%	0.01%
Macquarie - Term Deposit	327	"A1"	0.45%	16 Aug 2022	\$370	\$1,000,851	1.70%	0.01%
Macquarie - Term Deposit	341	"A1"	0.45%	30 Aug 2022	\$370	\$1,000,851	1.70%	0.01%
Macquarie - Term Deposit	350	"A1"	0.45%	26 Sep 2022	\$370	\$1,000,629	1.70%	0.01%
Macquarie - Term Deposit	364	"A1"	0.45%	10 Oct 2022	\$370	\$1,000,629	1.70%	0.01%
Suncorp - Term Deposit	364	"A1"	0.35%	15 Feb 2022	\$289	\$1,006,127	1.71%	0.01%
Suncorp - Term Deposit	364	"A1"	0.35%	30 Aug 2022	\$288	\$1,000,882	1.70%	0.01%
TD Matured in November					\$957			
<b>Sub-total</b>					<b>\$19,953</b>	<b>\$58,308,703</b>	<b>99.17%</b>	<b>0.51%</b>
<b>Total Investments</b>					<b>\$20,145</b>	<b>\$58,794,213</b>	<b>100.00%</b>	<b>0.51%</b>
<b>Weighted Average</b>	347		0.51%					

## 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. 052 – Investment.

## RISK MANAGEMENT IMPLICATIONS:

**Low:** The investments are in accordance with Council's adopted Investment Policy 052 and applicable local government legislation.

**FINANCIAL IMPLICATIONS:**

Interest from investments represents a significant revenue item in the Council's Budget and it is therefore important that the Council's investment performance is monitored closely. Detailed monthly reports together with detailed policy investment guidelines support this.

The Investment Schedule, as circulated, provides details of the performance of each individual investment to date. A summary of the investment performance to budget is provided below:

	<b>Actual as at June 2021</b>	<b>Budget 2021/2022</b>	<b>YTD Budget November 2021</b>	<b>Actual as at November 2021</b>	<b>%</b>
General *	171,602	140,000	58,500	43,982	31.4%
Reserves	265,814	144,300	59,400	58,769	40.7%
Endowment Lands	19,734	10,000	4,300	3,931	39.3%
<b>Total Investments</b>	<b>457,150</b>	<b>294,300</b>	<b>122,200</b>	<b>106,682</b>	<b>36.2%</b>

\* Includes Bank Account Interest of \$2,635.

**STRATEGIC DIRECTION:**

The investment of Council funds is consistent with the Town's Strategic Community Plan, specifically:

**Our Council**

**Goal: 11 An efficient local government.**

Strategy: 11.1 Invest our wealth wisely so that current and future generations benefit.

**COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy No: 019. In accordance with the assessment criteria it was determined that community engagement is not required.

**COUNCIL DECISION:  
(ADMINISTRATION RECOMMENDATION)**

**Moved by Cr Cutler, seconded by Cr Fredericks**

**That Council RECEIVES the Investment Schedule for 30 November 2021, as attached.**

**Motion put and CARRIED (9/0) (Unanimous)**

**10.3 MONTHLY FINANCIAL STATEMENTS, REVIEW AND VARIANCES –  
NOVEMBER 2021**

**PURPOSE OF REPORT:**

To receive the Financial Statements for period ended 30 November 2021.

**SUMMARY:**

The November 2021 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 for the period year to date 30 November 2021.

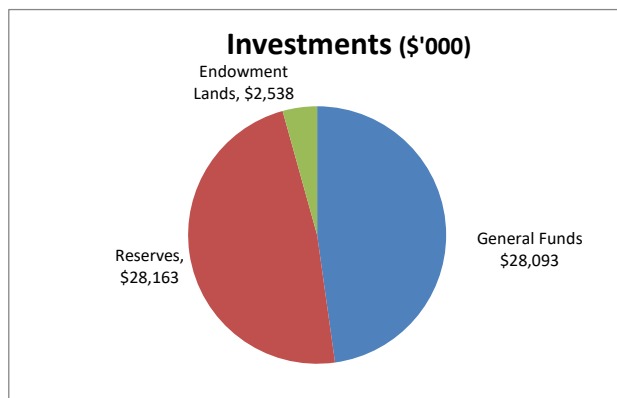
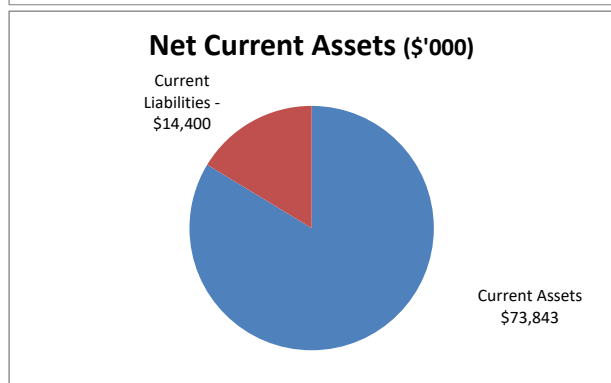
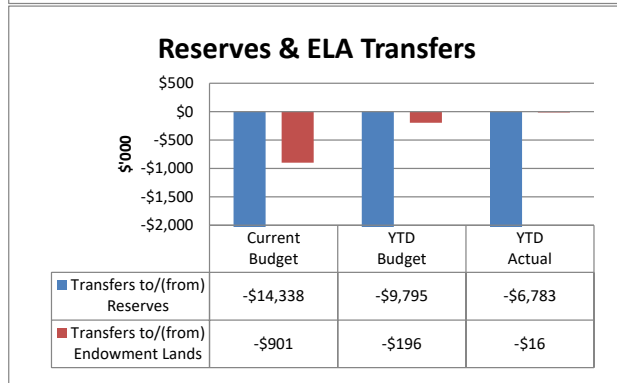
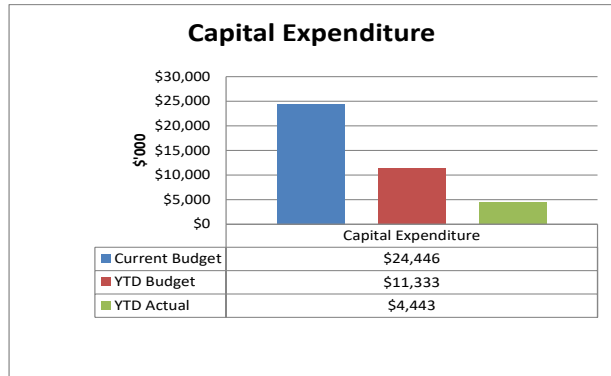
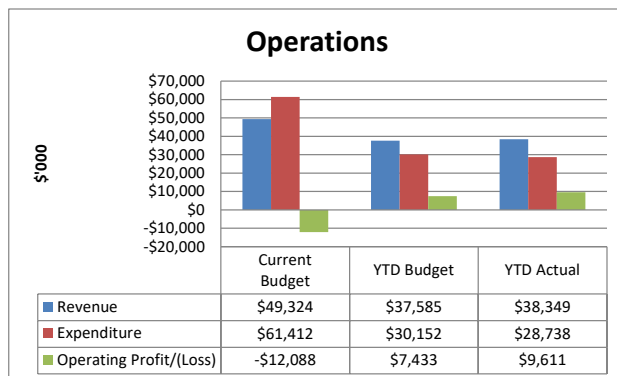
**AUTHORITY / DISCRETION**

- |                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.   |
| <input checked="" type="checkbox"/> | Executive      | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                             |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, town planning schemes & policies.  |
| <input type="checkbox"/>            | Review         | When the Council operates as a review authority on decisions made by Officers for appeal purposes.   |
| <input type="checkbox"/>            | Quasi-Judicial | When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. |
| <input type="checkbox"/>            | Information    | For the Council/Committee to note.   |

Address/Property Location:	N/A
Report Date:	16 December 2021
Responsible Officer:	Director Corporate and Commercial Services, Roy Ruitenga
Reporting Officer:	Manager Finance, Stuart Monks
Contributing Officer	N/A
Reporting Officer Interest:	Nil
Attachments:	1. Financial Statements November 2021

**DETAILS:**

Charts of key financial indicators are provided below comparing year to date actual figures against the year to date budget.



The following comments are provided and should be read in conjunction with the Statement of Financial Activity for November 2021 (Rate Setting Statement) in **Attachment 1**.

## 1. Operating Revenue

Operating revenue year to date is \$38.3 million compared to YTD budget of \$37.6 million, giving a favourable variance of \$764k. Significant variances are as follow:

### a. Fees and Charges

Actual fees and charges for November 2021 YTD is \$11.1 million compared to YTD budget of \$10.5 million, giving a favourable variance of \$594k or 5.7%. Favourable variances include the Bold Park Aquatic fees \$129k over YTD budget and Wembley Golf Course, Green fees (\$116k), Driving Range fees (\$272k) and golf shop (\$94k) over YTD budget.

The following variances exist:

### Fees & Charges

Items	YTD Budget \$'000	30 Nov Actual \$'000	Variance \$'000	Variance %
WGC - Driving Range Fees & Teaching Fee	1,719	1,991	272	16%
BPAC Fees	841	971	129	15%
WGC - Green Fees	1,710	1,826	116	7%
WGC - Golf Shop	619	713	94	15%
Parking Control	884	825	(59)	-7%
<b>Total</b>	<b>5,773</b>	<b>6,325</b>	<b>553</b>	

## 2. Operating Expenses

Operating expenses year to date is \$28.7 million compared to YTD budget of \$30.2 million, giving a favourable variance of \$1.4 million or 4.7%. Significant variances are as follows:

### a. Materials and Contracts

Actual expenditure for November YTD is \$6.4 million against YTD budget of \$7.3 million, giving a favourable variance of \$827k or 11.4%.

The following variances exist:

#### Material & Contracts

Items	YTD Budget \$'000	30 Nov Actual \$'000	Variance \$'000	Variance %
Wembley Golf Course - Course Mtce	887	688	(199)	-22%
Parks ground maintenance	1,116	942	(175)	-16%
Waste - Verge Collection	250	83	(167)	-67%
Information Technology - Software Licences	351	238	(113)	-32%
Road Infrastructure maintenance	909	797	(112)	-12%
Ocean beaches ground maintenance	204	99	(105)	-51%
Wembley Golf Course - Non-Capital Works	225	165	(60)	-27%
Ocean beaches building maintenance	147	92	(55)	-37%
Bold Park Aquatic Centre - Building Mtce	168	220	52	31%
<b>Total</b>	<b>4,257</b>	<b>3,324</b>	<b>(933)</b>	

### b. Employee Costs

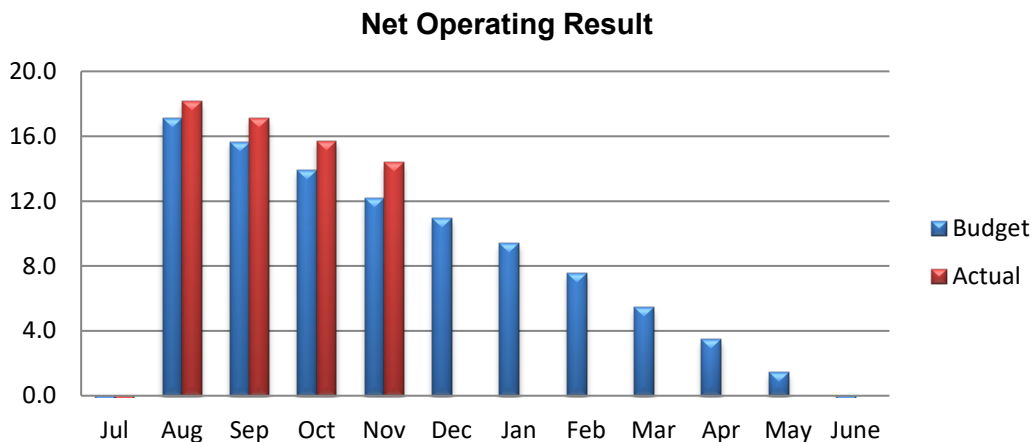
Actual employee costs for November YTD is \$8.1 million compared to YTD budget of \$8.4 million, giving a favourable variance of \$320k or 3.8%. A number of vacancies throughout the organisation have contributed towards the variance, however it should be noted that a number of new staff are expected to commence in early 2022.

### c. Other Expenditure

Actual expenditure for November YTD is \$8.3 million compared to YTD budget of \$8.5 million, giving a favourable variance of \$214k or 2.5%. Underground Power Project surplus refunds is \$129k under YTD budget, with refunds to property owners currently in progress.

### 3. Net Operating Result

The net operating surplus from operations is \$14.4 million compared to YTD budget of \$12.2 million, giving a favourable variance of \$2.2 million.



### 4. Capital Works Programs

The total amount of funds spent on the Town’s capital works program for the period ended 30 November 2021 is \$4.4 million against a budget of \$11.3 million, giving a favourable variance of \$6.9 million.

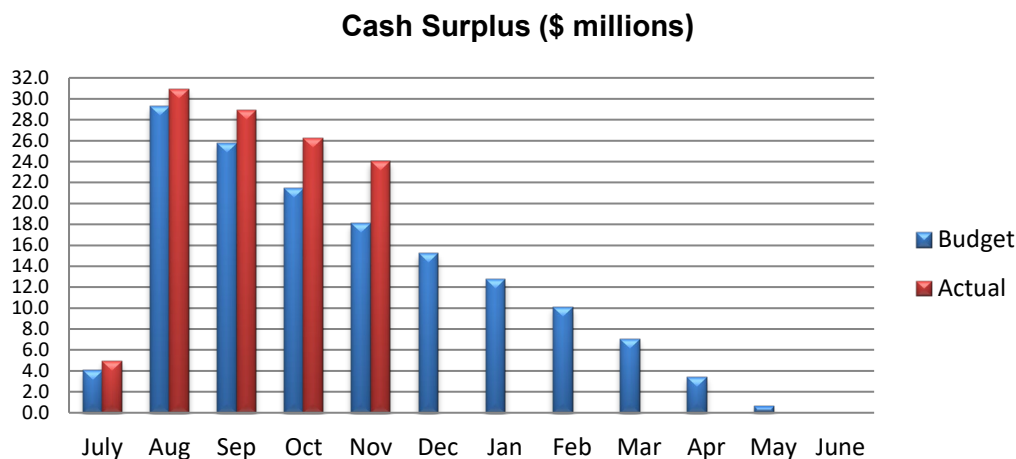
A brief overview of the capital works programs at year end shows the following timing variances:

1. Buildings - \$1.1 million spent against year to date budget of \$2.1 million;
2. Parks and Reserves - \$1.1 million spent against year to date budget of \$3.4 million;
3. Roads and Lanes - \$1.3 million spent against year to date budget of \$3.5 million;
4. Drainage - \$48k spent against year to date budget of \$52k;
5. Footpaths - \$421k spent against year to date budget of \$978k.

### 5. Cash Surplus (Closing Funds)

The cash surplus as at 30 November 2021 is \$24 million which is above the year to date budget of \$18.1 million, giving a favourable variance of \$5.9 million. The surplus is predominantly due to the under expenditure with respect to materials and contracts and capital works.

This surplus will decline as the year progresses with day to day operational expenditure and the carrying out of budgeted capital works.



## **6. Material Variances**

Permanent variances above \$30k and timing variances above \$100k for specific line items are normally reported upon. As at 30 November 2021, there are a few material permanent and timing variances to report upon as follows:

1. Underground Power Project surplus refund \$129k under YTD budget, with refunds to property owners currently in progress;
2. Wembley Golf Course course maintenance \$199k under YTD budget;
3. Waste Management – Verge collection \$167k under YTD budget;
4. Lake Monger Reserve – South West playground (C6655) capital work \$37k over budget; and
5. Selby Street Shared Path (C5306) capital work \$140k over budget. This will be offset by savings within the capital works programme.

In summary, apart from the variance noted above, the YTD budget is generally tracking to the actual results. The variances noted are generally attributable to timing differences or the profile of the monthly distribution of the budget, over the year.

### **POLICY/STATUTORY IMPLICATIONS:**

The *Local Government Act 1995*, Section 6.4 requires the preparation of financial reports. The Local Government (Financial Management) Regulations 1996, in particular Regulation 34, expands on this requirement to include a monthly financial report to be prepared identifying significant variations between actual and budget. This report complies with this requirement.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The financial statements have been produced in accordance with the adopted budget for the 2021/2022 financial year and in accordance with applicable local government legislation.

### **FINANCIAL IMPLICATIONS:**

The variations in expenditure and revenue line items, compared to budget, may have an impact on Council funds.

### **STRATEGIC DIRECTION:**

The management of budgeted funds is consistent with the Town's Strategic Community Plan'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 No: 019. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is purely administrative in nature with no external impacts envisaged.

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

**Moved by Cr Timmermanis, seconded by Cr Fredericks**

**That Council RECEIVES the report on the Financial Statements for period 30 November 2021.**

**Motion put and CARRIED (9/0) (Unanimous)**

**10.4 EMPIRE PARK, CITY BEACH - PROPOSED FREEPLAY ZONE TRIAL – CONSIDERATION OF SUBMISSIONS AND COUNCIL DETERMINATION FOLLOWING PUBLIC NOTICE**

**PURPOSE OF REPORT:**

The purpose of this report is to inform Council of the feedback received during the public notice period in relation to the designation of a 'Freeplay Zone' within Empire Park and to ensure Council has adequate information to make a decision in relation to the matter.

**SUMMARY:**

The Town received 20 submissions from the local community in relation to the determination. The main themes for non-support related to the environment, safety, traffic and adequate facilities elsewhere. A number of supportive submissions were received which suggested there is a need for this type of activity within the local area to address demand and get children out of the house and actively recreating within the local area.

Based on the feedback and points raised within the community, there would be a need to closely monitor and manage the site if the trial was approved. This would be to ensure the users are complying with the rules of use as identified within the previous report. Specifically, there is a requirement to protect natural vegetation, not to disturb existing soil on the site and to ensure that foreign objects such as bins, pallets, signs and other materials are not used in the construction of mounds within the site.

**AUTHORITY / DISCRETION**

- Advocacy            When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive            The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative            Includes adopting local laws, town planning schemes & policies.
- Review                When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial        When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
- Information            For the Council/Committee to note.

Address/Property Location:	Empire Park, Wembley Downs
Report Date:	20 December 2021
Responsible Officer:	Director Infrastructure and Works, Kelton Hincks
Reporting Officer:	Manager Parks and Natural Environment, Andrew Head
Contributing Officer:	Chief Executive Officer John Giorgi, JP
Reporting Officer Interest:	Nil
Attachment(s):	1. Public Feedback (As at 20 December 2021) 2. Proposed determination 3. Freeplay Park Sign 4. Public Notice/Letter 5. Photos supplied as part of submissions

## **BACKGROUND:**

At its Ordinary Council Meeting of 23 November 2021, a Notice of Motion was received relating to a proposal for a Freeplay Zone for local children be considered within a section of Empire Park. It was resolved at that meeting;

*“That Council:-*

1. *AUTHORISES pursuant to the Town of Cambridge Local Government and Public Property Local Law 2017, clause 2.7(b); the riding of bicycles on a delineated section of Empire Park for the purpose of a trial of a Freeplay Zone in Empire Park; as shown in this report on page 41;*
2. *REQUESTS the CEO to prepare a plan for the trial of a Freeplay zone in the eastern section of Empire Park which includes:-*
  - (a) *The erection of signage to advise:-*
    - (i) *users of the park that a section of the park has been delineated as a Freeplay Zone and that children on bikes are allowed to cycle in that area and that mounds have been constructed;*
    - (ii) *children that they are not allowed to dig holes in the Freeplay Zone and must use the soil provided by the Town for the construction of mounds and they should be respectful of and must not damage or interfere with the existing bushland and use the existing trails through the bushland;*
    - (iii) *the Freeplay Zone will be a trial for a period of 12 months, ending on 31 December 2022; (b) The provision of soil for children to use in the construction of mounds for their bicycles to ride over;*
  - (c) *Public notices in local print and in social media outlining the conditions for use of the Freeplay Zone; and (d) Such other measures as recommended by the administration for the conduct of the Freeplay zone trial;*
3. *APPROVES BY AN ABSOLUTE MAJORITY the allocation of \$4,000 for the Town to install fencing to delineate the proposed area, install the necessary statutory signage, provide soil to use in the construction of mounds and on-going safety inspections by the Town’s officers;*
4. *REQUESTS the CEO to:*
  - 4.1 *undertake the required statutory advertising and public consultation of the Freeplay Zone trial as soon as is practicable after the Council meeting held on 23 November 2021; and*
  - 4.2 *submit a report detailing the outcome of any submissions for the consideration of the Council at its meeting to be held on 21 December 2021.”*

## **DETAILS:**

At the close of the consultation period, the Town had received 20 submissions in relation to the determination. There were a number of concerns raised by the unsupportive submissions while the supportive responses highlighted the desire of a few locals for this type of facility in the local area (**refer Attachment 1**).

In summary, there were various comments not in favour of the trial and the respondents raised various potential issues across a number of areas. These comments have been grouped together into themes which are discussed below.

### **Damage to the Natural Environment**

Many of the unsupportive submissions were concerned about the damage caused to the remnant bushland, however, the site is not a conservation area but a designated dog off lead exercise area.

The proposed freeplay area has some established grasstrees, macrozamia palms and tuart trees among a high weed load and some woody weeds such as Japanese Pepper, Castor Oil plant and Agave. The area is quite degraded and contains a high load of introduced grasses and the site could benefit from an 'Adopt a Park' or local 'Friends' group. There may be an opportunity to engage the users in activities to provide a balance between conservation and recreation while improving the species richness and vegetation health.

The Town has undertaken baseline photo point monitoring and also undertaken aerial surveys of the vegetation annually in line with the Urban Forest Strategy. So the vegetation health will be regularly monitored and reviewed as required to check that the vegetation is not diminished by this activity.

There were reports of impacts to wildlife seen within the reserve such as lizards and birdlife, however, the areas of highest fauna habitat value are situated to the south of the reserve near to the Wembley Golf Course and Durston Road area. Off lead dogs who are not under effective control would be more distressing to fauna than what they may experience with a few children riding push bikes down a very modest track of approximately 75 metres in length.

### **Safety and Traffic**

Some comments were received which suggested concern around the safety of children having to interact with vehicle traffic at the Durston Road and Empire Avenue intersection and the lack of parking for people who may wish to drive to the site. Conversely it was noted that some children are using Malton Place for skateboarding and bikes which creates a safety issue. Providing a freeplay facility may reduce some of these issues.

The idea is this trail will not be desirable for people who need to drive a distance to get to it. The intention is that being a small track in a local reserve will only attract those locals who are nearby and a short riding distance away. The location is topographically ideal as the slope is away from the roads which will eliminate the potential risk of conflict with vehicles driving on Empire Avenue.

### **Adequate Facilities Elsewhere**

A few respondents highlighted that there are many facilities the Town provides for youth in the area including the Perry Lakes skate park, Bold Park Aquatic Centre and the soon to be constructed Lake Monger Pump Jump Track.

These facilities are fantastic, however they do not provide the same opportunity as what is being proposed at this site. The Town recognises the diverse needs of the community and strives to provide a range of services and facilities to meet the needs of our local area. Based on known sites used by the local children for creating small jumps and trails, there is a demonstrated need to address this demand while also balancing the needs to protect bushland. By providing a site for this type of activity, it is expected it will take the pressure off other sites of higher conservation value.

## Better Sites Elsewhere

One submission highlighted that a BMX track should be built behind the Town Administration Building on the slopes next to the old Skyline Drive-in Site. Another respondent suggests building a mountain bike track in another more isolated location away from residential properties.

Both of these ideas have merit and were previously captured through previous recreational cycling community surveys and are suitable for some sort of cycling activity. If the Empire Park site was not approved by Council, the Administration Building site could be an option to consider for this type of activity.

## Previously Unsupported by Council

There were a few comments relating to the previous Council decision relating to the use of Empire Park for a mountain bike trail. The trail length for mountain biking is normally around 2.5 kilometres in length, however this proposal is for an area of only 95 metres long and 45 metres wide, so only short jump runs can be created. Therefore the facility is different to the previous proposal.

## Inadequate Budget Allocation

Feedback provided suggests that the budget allocation would be inadequate to provide a good outcome or cover the cost of installing a fence. The cost of a fence would be high given the dimensions, the topography and the distribution of the existing vegetation. The budget allocated will cover the installation of around six signs across the site as shown in the image below.



*Image of proposed signage locations*

The Town will not be proposing the installation of a barrier fence as mentioned in the last report as it will adversely impact the site vegetation and cost too much to be properly implemented. Delineation will be easy enough to achieve with the six signs in prominent locations next to paths and the boundary of the site. The remaining budget will cover the cost of imported soil and the

removal of items such as bins, pallets and other foreign objects which have accumulated at the site over the last few weeks.

**COMMENT:**

If the Freeplay Zone is approved, regular patrols will be conducted, vegetation will be monitored and unapproved activities such as building structures, littering and damage to vegetation will be reported and may result in more targeted surveillance and subsequent prosecutions.

However in the first instance, the preference would be to engage with the users, educate them about the environment, civic duties and community, and get them involved in revegetation activities during the winter months such as weed eradication and planting to help improve the sites biodiversity and condition.

The Town is yet to receive official advice from its insurance company which is expected in February 2022. In the interim, the site will be inspected weekly to ensure the site is safe and all high risks that could pose a hazard to the users of the park are removed.

If the trial is approved, it is recommended that following the first 12 months of operation a report is presented to Council to provide a review of the site to determine if the Freeplay Zone should continue at Empire Park.

**POLICY/STATUTORY IMPLICATIONS:**

*Local Government Act 1995*

Local Government and Public Property Local Law 2017, Part 2 Determinations in Respect of Local Government Property and Buildings.

**PART 2 DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY AND BUILDINGS  
DIVISION 1 DETERMINATIONS**

**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.*



## **FINANCIAL IMPLICATIONS:**

A nominal budget of \$4,000 is proposed to install signage to delineate the Freeplay Zone and to deliver six cubic metres of sand/soil to the site.

## **STRATEGIC DIRECTION:**

The report recommendation embraces the following strategies of the Town's Strategic Community Plan 2018-2028:

### **Our Community**

#### **Goal 1: A sense of community, pride and belonging**

- Strategy 1.1 Encourage and support participation in a range of public activities and events where residents can gather and interact
- Strategy 1.2 Promote our strong community identity and focus our responses on the needs of local residents, businesses and ratepayers

#### **Goal 2: Quality local parks and open spaces for the community to enjoy**

- Strategy 2.1 Adopt a more strategic and coordinated approach to the planning of our parks and greenspaces recognising their diverse roles and local community preferences
- Strategy 2.2 Improve the maintenance and provision of amenities in our local parks and district open spaces reflecting local values and priorities and the broader regional demand on facilities

#### **Goal 3: An active, safe and inclusive community**

- Strategy 3.3 Encourage a range of activities that better align with the diverse needs of ratepayers of all ages, cultures and abilities
- Strategy 3.4 Act to create and maintain safe, friendly and open environments that residents can access and enjoy

### **Our Environment**

#### **Goal 7: The Town is environmentally responsible and leads by example**

- Strategy 7.1 Manage our bushland areas and reserves to enhance and protect conservation values and protect our native animals and plant species

### **Our Council**

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

- Strategy 9.2 Consult with the community using techniques that engage more widely to inform and be informed on local matters of priority

#### **Goal 12: Advocacy for the Community**

- Strategy 12.3 Take actions and make decisions that adopt a "locals first" approach at all times

## **COMMUNITY ENGAGEMENT:**

A public notice was also placed in Saturdays West Australian on the 27 November. All residents who live directly opposite Empire Park were letter dropped on the 29 November 2021 and signage was placed within the reserve to seek feedback from park users directly.

If Council approves of the proposed Determination, it is required to give public notice, advising when the Determination is effective.

**ADMINISTRATION RECOMMENDATION:**

Moved by Cr Haddon-Casey, seconded by Cr Cutler

That Council:-

1. **CONSIDERS** the submissions from the community in relation to the proposed Empire Park Freeplay Zone trial, as at 20 December 2021, as shown in Attachment 1;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to either;
  - \*2.1 **PROCEED**, without amendment, a determination pursuant to clause 2.2(5) of the *Town of Cambridge Local Government and Public Property Local Law 2017*, for the riding of bicycles on a delineated section within the north east corner of Empire Park, City Beach as detailed in this report, for the purpose of a Freeplay Zone for a trial period of one year, effective from 1 January 2022, as shown in Attachment 2;

or

  - \*2.2 **NOT PROCEED** with the proposal and enforce the existing Local Law provisions regarding approved activities within the local government property; and

[\*delete either clause]
3. **REQUESTS** the CEO to:
  - 3.1 **give** the required statutory local public notice of the Freeplay Zone trial as soon as is practicable after the Council meeting; and
  - 3.2 **submit** a report detailing the outcome of the trial at its meeting to be held in December 2022.

Debate ensued. Cr Haddon-Casey proposed that option 2.1 be proceeded with. In accordance with Clause 9.11 of the *Town of Cambridge Meeting Procedures Local Law 2019*, the mover of the motion, with the consent of the seconder amended clauses 2 of the motion as follows:

2. **APPROVES BY AN ABSOLUTE MAJORITY** to **PROCEED**, without amendment, a determination pursuant to clause 2.2(5) of the *Town of Cambridge Local Government and Public Property Local Law 2017*, for the riding of bicycles on a delineated section within the north east corner of Empire Park, City Beach as detailed in this report, for the purpose of a Freeplay Zone for a trial period of one year, effective from 1 January 2022, as shown in Attachment 2;

During discussion, Cr Timmermanis foreshadowed that should the motion presently before Council be lost, he intended to move 2.2.

**COUNCIL DECISION:**

**That Council:-**

1. **CONSIDERS** the submissions from the community in relation to the proposed Empire Park Freeplay Zone trial, as at 20 December 2021, as shown in Attachment 1;
2. **APPROVES BY AN ABSOLUTE MAJORITY to PROCEED**, without amendment, a determination pursuant to clause 2.2(5) of the *Town of Cambridge Local Government and Public Property Local Law 2017*, for the riding of bicycles on a delineated section within the north east corner of Empire Park, City Beach as detailed in this report, for the purpose of a Freeplay Zone for a trial period of one year, effective from 1 January 2022, as shown in Attachment 2;
3. **REQUESTS** the CEO to:
  - 3.1 **give the required statutory local public notice of the Freeplay Zone trial as soon as is practicable after the Council meeting; and**
  - 3.2 **submit a report detailing the outcome of the trial at its meeting to be held in December 2022.**

**Motion put and CARRIED BY AN ABSOLUTE MAJORITY (5/4)**

For: Mayor Shannon, Crs Barlow, Carr, Cutler and Haddon-Casey  
Against: Crs Bradley, Fredericks, Mack and Timmermanis

## 11. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

<b>11.1 ELECTED MEMBER CONDUCT AND BEHAVIOUR (CONFIDENTIAL)</b>
---

### Notice of Motion by Cr Bradley

Mayor Shannon suggested that, as the motion is confidential, it be considered after Item 14.3.

### PROCEDURAL MOTION:

**Moved by Cr Cutler, seconded by Cr Barlow**

**That item 11.1 be considered following Item 14.3.**

**Procedural Motion put and CARRIED (8/1)**

For: Mayor Shannon, Crs Barlow, Carr, Cutler, Fredericks, Haddon-Casey, Mack  
and Timmermanis  
Against: Cr Bradley

**Moved by Cr Bradley, seconded by Cr Fredericks**

**That Council APPROVES the Confidential Motion submitted by Cr Bradley.**

Cr Bradley spoke to his motion.

Cr Timmermanis called a Point of Order. He stated that some of Cr Bradley's comments were considered defamatory.

Mayor Shannon ruled that Cr Bradley's motion was 'Out of Order' in accordance with clause 3.13 of the *Town of Cambridge Meeting Procedures Local Law 2019*.

### PROCEDURAL MOTION:

**Moved by Cr Bradley, seconded by Cr Fredericks**

**That the Ruling of the Presiding Member be disagreed with.**

**Procedural Motion put and LOST (3/6)**

For: Crs Bradley, Fredericks and Mack  
Against: Mayor Shannon, Cr Barlow, Carr, Cutler, Haddon-Casey and Timmermanis

**12. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**13. URGENT BUSINESS**

Nil

#### 14. CONFIDENTIAL REPORTS

Cr Fredericks departed the meeting at 8.12 pm.

#### PROCEDURAL MOTION:

##### Meeting Behind Closed Doors

Moved by Cr Haddon-Casey, seconded by Cr Barlow

That the following matters be regarded as confidential in accordance with Section 5.23 (2) of the *Local Government Act 1995*.

**Procedural Motion put and CARRIED (5/3)**  
(Cr Fredericks was out of the meeting)

For: Mayor Shannon, Crs Bradley, Carr, Cutler and Haddon-Casey  
Against: Crs Bradley, Mack and Timmermanis

At 8.13 pm, the Mayor requested all persons other than Elected Members and Council Officers to leave the Council Chamber. The media persons departed.

Cr Carr departed the meeting at 8.13 pm.

<b>CR21.136 MINDARIE REGIONAL COUNCIL – WASTE TO ENERGY WORKING GROUP</b>
---

#### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995 (LG Act)* which provides that the Council may close to members of the public a meeting, or part of a meeting, if the meeting (or part meeting) deals with any of the following:

s 5.23(2)(b) *the personal affairs of any person; and*

s 5.23(2)(e) *a matter if disclosed would reveal –*  
(iii) *information about the business, professional, commercial or financial affairs of a person;*

Elected Members are reminded that, should Council resolve to close to members of the public that part of its meeting at which this Report and related documents is to be considered, then they are to ensure that the information remains **CONFIDENTIAL** and should not disclose the content of this report or any related document to any other person. To do so may be an improper use of information under s.5.93 of the LG Act and a minor breach under s 5.105 of the LG Act.

#### COUNCIL DECISION:

Moved by Cr Cutler, seconded by Cr Haddon-Casey

That Council **APPROVES** the Confidential Recommendation as contained in the Confidential Report.

Cr Fredericks returned to the meeting at 8.14 pm.

Cr Carr returned to the meeting at 8.16 pm.

**Motion put and CARRIED (9/0) (Unanimous)**

**14.2 CITY OF PERTH SURF CLUB LATENT CONSTRUCTION DEFECTS –  
PROGRESS REPORT NO: 10**

**REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995 (LG Act)* which provides that the Council may close to members of the public a meeting, or part of a meeting, if the meeting (or part meeting) deals with any of the following:

- s 5.23(2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- s 5.23(2)(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

Elected Members are reminded that, should Council resolve to close to members of the public that part of its meeting at which this Report and related documents is to be considered, then they are to ensure that the information remains **CONFIDENTIAL** and should not disclose the content of this report or any related document to any other person. To do so may be an improper use of information under s.5.93 of the LG Act and a minor breach under s 5.105 of the LG Act.

**Impartiality Interest Declaration – Cr Mack**

Prior to consideration of the item, Cr Mack disclosed an interest affecting impartiality and declared as follow: “with regard to Item 14.2, I declare that I am a current financial member of the City of Perth SLSC 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:  
(ADMINISTRATION RECOMMENDATION)**

**Moved by Cr Haddon-Casey, seconded by Cr Cutler**

**That Council APPROVES the Confidential Recommendation, as detailed in the Confidential Report.**

**Motion put and CARRIED (9/0) (Unanimous)**

<b>14.3 TENDER RFT 2021-15 SUPPLY AND MAINTENANCE OF ELECTRIC GOLF CARTS FOR THE WEMBLEY GOLF COURSE</b>
--

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995 (LG Act)* which provides that the Council may close to members of the public a meeting, or part of a meeting, if the meeting (or part meeting) deals with any of the following:

*s.5.23 (2)(e)(i) a trade secret*

*s.5.23 (2)(e)(ii) information that has a commercial value to a person; or*

*s.5.23 (2)(e)(iii) information about the business, professional, commercial or financial affairs of a person.*

Elected Members are reminded that, should Council resolve to close to members of the public that part of its meeting at which this Report and related documents is to be considered, then they are to ensure that the information remains **CONFIDENTIAL** and should not disclose the content of this report or any related document to any other person. To do so may be an improper use of information under s.5.93 of the LG Act and a minor breach under s 5.105 of the LG Act.

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

**Moved by Cr Timmermanis, seconded by Cr Barlow**

**That Council APPROVES the Confidential Recommendation, as detailed in the Confidential Report.**

**Motion put and CARRIED (9/0) (Unanimous)**

At 8.37 pm, the Presiding Member Mayor Shannon requested all officers, except the CEO to leave the meeting. The officers departed the meeting and did not return.

**14.4 WORKSAFE IMPROVEMENT NOTICES – PROGRESS REPORT NO: 1**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995 (LG Act)* which provides that the Council may close to members of the public a meeting, or part of a meeting, if the meeting (or part meeting) deals with any of the following:

*s.5.23(2)(a) a matter affecting an employee or employees;”*

Elected Members are reminded that, should Council resolve to close to members of the public that part of its meeting at which this Report and related documents is to be considered, then they are to ensure that the information remains **CONFIDENTIAL** and should not disclose the content of this report or any related document to any other person. To do so may be an improper use of information under s.5.93 of the LG Act and a minor breach under s 5.105 of the LG Act.

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

**Moved by Cr Cutler, seconded by Cr Mack**

**That Council DEFERS the Confidential Recommendation, as AMENDED, and detailed in the Confidential Report to an Audit and Risk Committee meeting to be held in January 2022.**

**Motion put and CARRIED (9/0) (Unanimous)**

**14.5 CEO RECRUITMENT MATTERS**

**REASON FOR CONFIDENTIALTY**

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995 (LG Act)* which provides that the Council may close to members of the public a meeting, or part of a meeting, if the meeting (or part meeting) deals with :

s.5.23(2)(a) *a matter affecting an employee or employees.*

Elected Members are reminded that, should Council resolve to close to members of the public that part of the meeting at which this Report and related documents is to be considered, then they are to ensure that the information remains CONFIDENTIAL and should not disclose the content of this report or any related document to any other person. To do so may be an improper use of information under s.5.93 of the LG Act and a minor breach under s.105 of the LG Act.

**PURPOSE OF REPORT:**

The purpose of this report is to allow the Council to consider progress of the CEO Recruitment Panel established in accordance with the Council Decision of 23 November 2021 (Item 14.2).

**SUMMARY:**

An executive summary of the report.

**AUTHORITY / DISCRETION**

- Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes & policies.
- Review When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice.
- Information For the Council/Committee to note.

Address/Property Location:	1 Bold Park Drive Floreat
Report Date:	17 December 2021
Responsible Officer:	CEO Recruitment Panel & Council
Reporting Officer:	Cr Cutler, Chair CEO Recruitment Panel
Contributing Officer:	Nil
Officer Interest	The CEO, Mr John Giorgi, JP discloses a financial interest in this matter. The extent of his interest being that it relates to future contract of employment.
Attachment(s):	<ol style="list-style-type: none"> <li>1. Process for Selection of a CEO (Confidential Attachment)</li> <li>2. Evaluation Report RFQ 2021-52 Recruitment of Chief Executive Officer 2022 (Confidential Attachment)</li> <li>3. Position Description : Chief Executive Officer, May 2018</li> </ol>

## **BACKGROUND:**

On 23 November 2021, Council established a CEO Recruitment Panel and Terms of Reference. Elected Members Cr Cutler (Chair), Mayor Shannon and Cr Mack and Independent Member (to be advised) were appointed to the Panel.

The Council requested that the CEO Recruitment Panel provide a report to the Council by no later than 21 December 2021 to:

- a) Recommend a preferred recruitment consultant;
- b) Recommend a process for the selection of a CEO for endorsement by Council.

## **DETAILS:**

### **Independent Member**

The Panel identified Michael Bradford, CEO City of South Perth as a Local Government CEO, who would provide independent and knowledgeable input into the recruit that is informed by his recent experience transitioning into the City of South Perth from outside the sector.

### **Position Description Chief Executive Officer**

The current position description shown at **Attachment 3** was approved in May 2018 and reflected the particular needs at the time and was aligned to a 3 year contract, The CEO Recruitment Panel has formed a view that the position description requires updating to ensure that is forward looking and correctly reflects the balance of skills and experience required to achieve the Town of Cambridge vision and implement strategy.

## **POLICY/STATUTORY IMPLICATIONS:**

Policy or Statutory Implications related to this report have already been considered by Council at agenda item 14.2 on 23 November 2021 and there are no subsequent changes.

## **RISK MANAGEMENT IMPLICATIONS:**

**Low:** This matter has been assessed as having a low risk to the town.

## **FINANCIAL IMPLICATIONS:**

The cost of a consultant will be a part of the Human Resources operating budget.

## **STRATEGIC DIRECTION:**

The recommendations embrace the following strategies of the Town's Strategic Community Plan 2018-2028:

### **Our Council**

#### **Goal 9: Transparent and Accountable Governance**

Strategy 9.1 Implement initiatives that strengthen governance skills, transparency and knowledge.

**COMMUNITY ENGAGEMENT:**

This matter has been assessed in line with the Council Policy No: 019 – “Community Engagement” as not requiring community consultation.

**Financial Interest Declaration – CEO, Mr John Giorgi, JP**

Prior to consideration of the item, CEO Mr John Giorgi, JP, in accordance with Section 5.65 of the *Local Government Act 1995* declared a financial interest in the matter as it relates to his contract of employment.

CEO Mr John Giorgi, JP departed the meeting at 8.55 pm and did not return.

**COUNCIL DECISION:**  
(CEO RECRUITMENT PANEL RECOMMENDATION)

**Moved by Cr Cutler, seconded by Cr Haddon-Casey**

**That Council:**

1. **APPOINTS Michael Bradford, CEO City of South Perth, as Independent Member of the CEO Recruitment Panel;**
2. **ENDORSES the proposed process for the selection of a Chief Executive Officer shown at Attachment 1;**
3. **APPROVES the appointment of Mills Corporation to undertake the recruitment of the Chief Executive Officer 2022 as recommended by the Recruitment Panel following evaluation of responses to RFQ2021-52 as shown at Attachment 2;**
4. **REQUESTS that the CEO Recruitment Panel, in collaboration with the CEO Recruitment Consultant, reviews the CEO Position Description as shown at Attachment 3 and provides a recommendation (by circular) to Council no later than 14 January 2022; and**
5. **NOTES that the CEO Recruitment Panel will seek a legal “refresh” of the CEO contract from Daniel White of Mills Oakley to ensure alignment with current legislation and advice from the Recruitment Consultant regarding the proposed contract term of 5 years with a termination 6 months.**

Debate ensued. Members agreed that Attachments 1 and 2 remain confidential and Attachment 3 should be public.

**Motion put and CARRIED (9/0) (Unanimous)**

**PROCEDURAL MOTION:**

**Moved by Cr Haddon-Casey, seconded by Cr Mack**

**That the meeting be reopened to the public.**

**Procedural motion put and CARRIED (9/0) (Unanimous)**

At 8.56 pm, the meeting was reopened to the public.

## 15. CLOSURE

There being no further business, the Presiding Member Mayor Keri Shannon thanked those present for their attendance and declared the meeting closed at 9.02 pm, with the following persons in attendance:

<b>PRESENT:</b>	Mayor Keri Shannon	Presiding Member
	Cr Kate Barlow	Wembley Ward
	Cr Rod Bradley	Coast Ward
	Cr Xavier Carr	Coast Ward
	Cr Jane Cutler	Coast Ward
	Cr Robert Fredericks	Wembley Ward
	Cr Alaine Haddon-Casey	Wembley Ward
	Cr Gary Mack	Wembley Ward
	Cr Andres Timmermanis	Coast Ward

**Officers:** Nil

**Media:** Nil

**Public:** Nil