



**City of  
Kalgoorlie  
Boulder**

# **AGENDA**

**Notice is hereby given  
for the ORDINARY Meeting of Council  
commencing at 7:00PM**

**on**

**28 SEPTEMBER, 2021**

**at the**

**Kalgoorlie Town Hall**

23 September 2021



## **NOTICE OF MEETING**

An Ordinary Council meeting of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Tuesday, 28 September 2021** commencing at **7:00pm**.

Regards

A handwritten signature in blue ink, appearing to read "Alex Wiese".

**ALEX WIESE**  
Acting Chief Executive Officer

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**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS****2 OPENING PRAYER**

To be conducted by Pastor Joseph Yipwe from Churchwest.

**3 DISCLAIMER READING**

THE MAYOR WILL READ THE DISCLAIMER TO THOSE PRESENT.

PLEASE NOTE THIS MEETING IS BEING RECORDED AND STREAMED LIVE ON THE COUNCIL'S WEBSITE IN ACCORDANCE WITH COUNCIL'S RECORDING AND STREAMING OF COUNCIL MEETINGS POLICY, WHICH CAN BE VIEWED ON COUNCIL'S WEBSITE.

ALL REASONABLE CARE IS TAKEN TO MAINTAIN YOUR PRIVACY; HOWEVER, AS A VISITOR IN THE PUBLIC GALLERY, YOUR PRESENCE MAY BE RECORDED. BY REMAINING IN THE PUBLIC GALLERY, IT IS ASSUMED YOUR CONSENT IS GIVEN IF YOUR IMAGE IS BROADCAST.

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICER'S RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCIL'S DECISION.

**4 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**IN ATTENDANCE:**

**MEMBERS OF STAFF:**

**VISITORS:**

**PRESS:**

**APOLOGIES – ELECTED MEMBERS:**

**APOLOGIES – MEMBERS OF STAFF:**

Chief Executive Officer John Walker

**LEAVE OF ABSENCE:**

- 5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 6 PUBLIC ACCESS AND PUBLIC QUESTION TIME**
- 7 PETITIONS/DEPUTATIONS/PRESENTATIONS**
- 8 NOTATIONS OF INTEREST**
- 8.1 INTEREST AFFECTING IMPARTIALITY CITY OF KALGOORLIE–BOULDER CODE OF CONDUCT**
- 8.2 FINANCIAL INTEREST LOCAL GOVERNMENT ACT SECTION 5.60A**
- 8.3 PROXIMITY INTEREST LOCAL GOVERNMENT ACT SECTION 5.60B**
- 9 APPLICATIONS FOR LEAVE OF ABSENCE**
- 10 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSIONS**
- 11 CONFIRMATION OF MINUTES**

[Minutes of Ordinary Council Meeting held on 23 August 2021](#)

That the minutes of the **Ordinary** meeting held on 23 August 2021 be confirmed as a true record of that meeting.

- 12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil
- 13 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**
- 14 REPORTS OF COMMITTEES**  
Nil

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## 15 REPORTS OF OFFICERS

### 15.1 CHIEF EXECUTIVE OFFICER

#### 15.1.1 CASHLESS DEBIT CARD SUPPORT HUB CONTRACT

<b>Responsible Officer:</b>	<b>Alex Wiese Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Mia Hicks Executive Manager Communications and Community Development</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

#### VOTING REQUIREMENTS

Absolute

#### OFFICER RECOMMENDATION

That Council:

1. Endorse the contract signed by the acting CEO City of Kalgoorlie-Boulder and the Australian Government, Commonwealth Contract - Services reference ID: 90013647 (with a total value of \$915,000 inc GST) to deliver services to Cashless Debit Card participants in the Goldfields region via a Support Hub; and
2. Approve an amendment to the 2021-22 annual budget to include \$644,772 (ex GST) expenditure for the Cashless Debit Card service provision, fully funded by \$644,772 (ex GST) grant income instalments.

#### EXECUTIVE SUMMARY

The purpose of this report is to advise Council of the contract agreement between the City of Kalgoorlie-Boulder and the Australian Government, Department of Social Services to provide Cashless Debit Card participants with access to a Support Services Hub. The contract for these services was approved by the acting CEO, David Trevaskis on 15 September 2021.

#### COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- CAPABLE: We will have the resources to contribute to our community and economy.

#### BUDGET IMPLICATIONS

The approved Commonwealth contract is for \$915,000 (inc GST) to be paid in instalments across the FY 2021/22 and FY 2022/23.

**REPORT**

The Cashless Debit Card (CDC) commenced on 1 February 2016 and currently operates in the regional areas of the East Kimberley and the Goldfields in Western Australia, Ceduna in South Australia, Bundaberg and Hervey Bay and the Cape York in Queensland.

The Australian Government has committed \$30 million for a Jobs Fund and job ready initiative as part of the 2021-22 Budget.

The initiative forms part of the new Economic and Employment Services Package to support CDC participants, and only applies to the CDC sites of East Kimberley, Goldfields, Ceduna, and the Bundaberg and Hervey Bay region.

The aim of the initiative is to create employment opportunities for participants residing in the four CDC sites by supporting employment initiatives and providing training, education, or support for participants.

Funding will be focused on targeted, practical support that may take the form of training, work skills development and work experience to capitalise on employment opportunities that exist within the community or other initiatives that can generate and sustain employment readiness or employment outcomes.

The Department of Social Services (DSS) invited local governments in the Goldfields region where the CDC operates to submit an "Approach to Market" Request for Quotation (RFQ). The RFQ was submitted by the City of Kalgoorlie-Boulder on 21 July 2021 valued at \$915,000 (GST inclusive). The project will cease on 31 December 2022 with an extension option to 30 June 2023.

**STATUTORY IMPLICATIONS**

In accordance with s6.8 of the *Local Government Act 1995* the City can approve expenditure not included in the annual budget if authorised in advance by resolution (absolute majority required).

**POLICY IMPLICATIONS**

As per the Electoral Caretaker Period Policy – EXEC-CEO-013, the Officer Recommendation has been reviewed in context of the City of Kalgoorlie-Boulder's Electoral Caretaker Period Policy and the CEO has determined that it does not constitute a Major Policy Decision. The CEO therefore provides this report for Council's consideration.

**COMMUNITY ENGAGEMENT CONSULTATION**

- Department of Social Services
- Meeting with Rick Wilson MP and Senator Matt O'Sullivan on 15 September 2021 and in attendance were representatives from the Shires of Coolgardie, Menzies, Leonora and Laverton



**CONFIDENTIAL ATTACHMENTS**

Commonwealth Contract - Services

**15.2 GENERAL MANAGER – INFRASTRUCTURE AND ENVIRONMENT****15.2.1 APPLICATION FOR PLANNING APPROVAL - PROPOSED CHILD CARE PREMISE - LOT 10 (NO. 2) WARD STREET, LAMINGTON (P121/21)**

<b>Responsible Officer:</b>	<b>Italo Pisedda General Manager Infrastructure and Environment</b>
<b>Author:</b>	<b>Kaitlin Redmond-Ball Senior Planning Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Assessment Number:</b>	<b>A11552</b>
<b>Owners Name:</b>	<b>Edna Bourman</b>
<b>Application Number:</b>	<b>P121/21</b>
<b>Applicants Name:</b>	<b>Rechitects Architecture and Design</b>
<b>Development Value:</b>	<b>\$700,000</b>

**VOTING REQUIREMENTS**

Simple

**OFFICER RECOMMENDATION**

That Council resolve to grant development approval for the application for a 'Child Care Premises' at Lot 10 (No. 2) Ward Street, Lamington, subject to the following conditions:

**General Conditions**

- 1. This development must substantially commence within two (2) years from the date of this decision letter, unless an extension of the approval is received from the City, prior to this approval expiring.**
- 2. This development taking place in accordance with the approved plans received by the City on 28 July 2021: A01.01, A03.00, A06.01 and A40.01.**
- 3. The natural ground levels and finished floor levels shown on the approved plans are not permitted to be altered without seeking further approval from the City.**

**Conditions to be met prior to applying for a building permit**

- 4. Prior to the lodgement of an application for a building permit, a construction management plan must be submitted and approved by the City, addressing the following:**
  - a) public safety and amenity;**
  - b) site plan and security;**
  - c) contact details of essential site personnel, construction period and operating hours;**

- d) community information, consultation and complaints management plan;
  - e) noise, vibration, air and dust management;
  - f) traffic, access and parking management;
  - g) waste management and materials re-use;
  - h) earthworks, excavation, land retention/piling and associated matters;
  - i) stormwater and sediment control;
  - j) street tree management and protection; and
  - k) asbestos removal management plan.
5. Prior to lodgement of an application for a building permit, detailed stormwater plans must be submitted and approved by the City. The detailed stormwater plans must address the disposal of air conditioner water and the disposal method for stormwater beyond the bubble up pit.
  6. Prior to the lodgement of an application for a building permit, hydraulic drawings detailing how the proposed development will connect to the City's sewer main must be submitted and approved by the City.
  7. Prior to lodging an application for a building permit, a landscaping and maintenance plan must be submitted and approved by the City. The landscaping plan must detail the following:
    - a) the location, number, size, density and species type of proposed grass, trees and shrubs;
    - b) those areas to be reticulated/irrigated and mulched;
    - c) must indicate local vegetation contained in Local Planning Scheme No. 01 - Schedule 6 Native Vegetation, or the City's Plant List;
    - d) Landscaping maintenance schedule for establishment and ongoing maintenance;
  8. Prior to lodgement of an application for building permit, a qualified structural engineer must demonstrate the method of demolition for the retaining wall and certify the structural integrity of the remaining portion of retaining wall.
  9. Amended plans must be submitted at the lodgement of an application for building permit showing the location of the bin enclosure swapped with the location of Equipment Room 1 as marked on the approved plans.

**Conditions required to be met prior to use of this development**

10. Prior to the use of this development, all noise attenuation measures identified by the ND Engineering Environmental Assessment (Ref. 2106068 dated 4 August 2021) are to be implemented.
11. Prior to the use of this development, the vehicle crossover on Ward Street shall be constructed to the satisfaction of the City.
12. Prior to the use of this development, the car parking, loading and vehicle access shown on the approved site plan is to be constructed, drained, and line marked to the satisfaction of the City.

13. Car parking bays 20 – 27 as shown on the approved site plan are to be line marked or signed for 'Staff Only'.
14. Prior to the use of this development, car parking is to be constructed in the following locations:
  - a) Twenty (20) on-site parking bays
  - b) Seven (7) on-street car parking baysAs shown on the approved plans.
15. The on-site and on-street car parking bays are to be provided in accordance with Australian Standard AS 2890.1, AS 2890.5 and AS 2890.6, including the provision of wheelstops for car parking bays 8-19 and -25.
16. Prior to the use of this development, the Right of Way is required to be sealed in accordance with the approved detailed stormwater plans, to the satisfaction of the City.
17. Prior to the use of this development, stormwater drainage works must be completed in accordance with the approved stormwater drainage plans to the satisfaction of the City.
18. Prior to the use of this development shall be connected to the City's sewer system, to the satisfaction of the City.
19. Prior to the use of this development, sewer headworks charges are to be paid to the City in accordance with the City's Sewer Headworks Contributions Policy (DS-DS001). Sewerage headworks charges will be \$6204.50 if paid prior to 30 June 2022.
20. Prior to the use of this development, any pre-treatment device(s) must be inspected by the City. Any liquid waste generated on site is pre-treated prior to discharge to the City's reticulated sewer system no greater than 38°C.
21. Prior to the use of the development, landscaping shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
22. Prior to the use of the development, the bin enclosure is to:
  - a) Be fenced and lockable;
  - b) Include a water tap;
  - c) Have a floor constructed of an impermeable material with a minimum thickness of 75mm, and;
  - d) Have a floor that is graded to a drainage pit that is connected to the City's sewer system.
23. Prior to the use of this development, the requirements of the submitted Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning (dated 15 July 2021, version 1.0) must be implemented on the site and the

land maintained to this standard in perpetuity, to the satisfaction of the City.

**Condition to be met on an ongoing basis**

24. The 'Child Care Premises' is limited to a maximum number of 82 children and 13 staff at any given time.
25. The hours of operation must be limited to 6:30am to 6:00pm Monday to Friday.
26. The outdoor child play areas must not be utilised until after 7:00am during the approved hours of operation of the facility.
27. The recommendations made by the ND Engineering Environmental Assessment must be complied with at all times to the satisfaction of the City.
28. Staff must use the marked staff parking bays before any other bay at the site.
29. The stormwater generated by the development site must not be discharged onto the adjoining properties to the satisfaction of the City.
30. Twenty (20) onsite car parking bays, seven (7) on-street car parking bays and appropriate vehicle access, loading areas must be maintained and available for car parking, vehicle access, loading and circulation on an ongoing basis to the satisfaction of the City.
31. Approved landscaping must be maintained on an ongoing basis to the satisfaction of the City.
32. Any liquid industrial waste generated on site must be pre-treated prior to discharge to the City's sewer system.
33. The approved Waste Management Plan must be implemented at all times to the satisfaction of the City.

**EXECUTIVE SUMMARY**

Planning approval is sought for a proposed Child Care Centre to be located at Lot 10 (No. 2) Ward Street, Lamington. The subject site is zoned 'General Residential' under the City's LPS1. The use class 'Child Care Premises' is an 'SA' land use in the 'General Residential' zone; that is discretionary, subject to advertising.

The proposed development was advertised to surrounding landowners and occupiers within 50m of the subject site (9 properties). Of the properties affected, one (1) submission, an objection, was received which cited concerns with noise, parking, traffic, drainage and the partial demolition of the existing retaining wall.

City staff are satisfied that the proposal will not detract from the amenity of the surrounding area in terms of noise and traffic and is consistent with orderly and proper planning. Conditional approval is therefore recommended.

**COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the following Guiding Theme:

- SUSTAINABLE: We advocate for the provision of land use.

### **BUDGET IMPLICATIONS**

There are no financial implications resulting from the recommendations of this report.

### **REPORT**

Planning approval is sought for a proposed Child Care Centre to be located at Lot 10 (No. 2) Ward Street, Lamington. The key details of the proposal are as follows:

- Demolition of the existing single house and an incidental structure
- Construction of a single storey building with a footprint of 447m<sup>2</sup>;
- 590m<sup>2</sup> of outdoor play space;
- Construction of 20 on-site parking bays and 7 on-street parking bays within the St Albans Road verge;
- The premise is proposed to operate Monday to Friday 6:30am to 6:00pm
- The Child Care Premise proposes to cater for a maximum of 82 children comprising of:
  - 12 x Babies (0-2 years)
  - 20 x Toddlers (2-3 years)
  - 20 x Pre-Kindy children (3-4 years)
  - 20 x Kindy children (4-5 years)
  - 10 x Outside School Hours Care children (5-12 years)
- The maximum number of staff employed on site is thirteen (13) rostered in the following manner:
  - 2 x staff opening shift (6:30am to 3pm)
  - 4 x staff middle shift (8:30am to 5pm)
  - 2 x staff late shift (9:30am to 6pm)
  - 4 x staff lunch cover (10am to 3pm)
  - 1 x staff split shift (6:30am to 9:30am and 3pm to 6pm)

### **Site Context**

The subject site is located on the corner of Ward Street and St Albans Road. The development site has a total site area of 1555m<sup>2</sup> and is irregular in shape with a 56m street frontage to St Albans Road and a 17.5m frontage to Ward Street. The site naturally slopes to the north east.

The site currently comprises of a single house and an incidental structure and is sparsely vegetated. The development site is located opposite the Leonora-Esperance railway line. The surrounding land uses are predominantly residential.



### Local Planning Scheme No. 1

The subject land is zoned 'General Residential' under Local Planning Scheme No. 1 (LPS1). The proposed use is considered to be a 'Child Care Premises' which is defined as:

**"Child Care Premises"** means premises specified in a licence or permit as premises in which a child care service may be provided.

A 'Child Care Premises' is an 'SA' use within the General Residential zone; in other words is not permitted unless the local government has exercised its discretion and has given notice of the application to nearby owners and occupiers who in the opinion of the Council are likely to be affected.

The objectives of the 'General Residential' zone are as follows:

- (a) *To enhance the character and amenity of existing residential areas and to facilitate new residential development which is compatible with this existing development.*
- (b) *To facilitate a high standard of residential development while providing housing choice, suited to the needs of the Kalgoorlie-Boulder Community.*
- (c) *To ensure both the architectural and subdivisional heritage character of residential areas are retained.*
- (d) *To facilitate appropriate non-residential development to meet the day to day needs of surrounding residents*

The proposal is consider against the objectives as follows:

Objective (a) seeks to ensure that all development is consistent with the expectations of the character and amenity of the area. The development is single storey in nature and is therefore consistent with the prevailing built form surrounding the subject site.

Objectives (b) and (c) are not considered to be relevant to this application.

Objective (d) provides capacity to accommodate ancillary development that meets the needs of local communities provided that they are appropriate to the area. It is inferred that appropriate non-residential land uses/development will not prejudice the safety and amenity of the residential environment.

There are various State Administrative Tribunal (SAT) cases that address the suitability of Child Care Centres in Residential zones. Ienco and City of Melville [2007] WASAT 56 addresses the issue of whether or not a Child Care Premise is an appropriate land use in the Residential zone.

The SAT stated the following in Ienco and City of Melville [2007] WASAT 56 in regards to the suitability of the Child Care Premises in the Residential zone:

*“The Tribunal has found in innumerable cases over a long period of time, that child care centres are an appropriate use in a residential area. There are many very good reasons which underpin the long established principle that child care centres [sic] are appropriately located in residential areas, not the least of which is that, notwithstanding the commercial basis of their operation, they provide a community service and it can be expected that the need for them is generated by at least some of the residents of the locality within which the centre [sic] is located. The benefits of locating uses such as child care centres are recognised in the purpose of the [various planning instruments and policies].”*

Based on the above, a ‘Child Care Premises’ is considered to be a land use which is complementary to the immediate residential development and will serve a need of the community.

### **Planning Bulletin 72/2009 – Child Care Centres**

Planning Bulletin 72/2009 was established to provide general guidance regarding the

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location, design and rationale of Child Care Premises as well as minimising the impact such development may have on surrounding properties. Assessment of the proposed Child Care Premises against the objectives of the bulletin demonstrates general compliance, with the siting of the premises easy to reach by car and foot and located on land that is greater than 1000m<sup>2</sup>.

Furthermore, the Child Care Centre is single storey in height and does not present a built form that is too dissimilar from surrounding residential properties. The total building site coverage of 466m<sup>2</sup> (inclusive of equipment store rooms) equates to 29.97% of the total site area. In light of the above, the proposal is considered to satisfy the objectives of Planning Bulletin 72/2009.

### Development Standards

Local Planning Scheme No. 1 specifies standards and requirements for various uses permitted within the Scheme area. The minimum setbacks are recommended and proposed are as follows:

	Primary Street	Secondary Street	Rear	Side
Recommended	6m	3m	6m	3m
Proposed	4m	9m	1m	13.5m

The primary street is defined as the sole or principal public road that provides access to the major entry (front door) to the building. In this instance, the front door is oriented toward St Albans Road. The primary street and rear setbacks have been considered below.

City staff considered it appropriate to refer to the Design Principles of *State Planning Policy 7.3 – Residential Design Codes (R-Codes)* when assessing the proposed setbacks as the subject site is located within a Residential area.

#### *Street Setback - Primary*

The Design Principles for Street Setback that may be relevant to this development seeks to ensure that buildings are setback from the street boundaries an appropriate distance such that they:

- Contribute to and are consistent with an established streetscape; and
- Accommodate site planning requirements such as parking, landscape and utilities.

It is noted that the irregular shape of the lot results in the most western corner of the building being setback 4m from the primary street. For the most part the development more than meets the recommended 6m setback. The proposed development is considered to be less of an imposition on the streetscape than the existing two storey dwelling adjacent to this development on the corner of St Albans Road and Lyall Street which is setback from St Albans Road approximately 1m. The development has been able to accommodate site planning requirements such as parking, more than the required landscaping (34% in lieu of the recommended 30%) and utilities.

### *Rear Boundary Setback*

The Design Principles for Lot Boundary setbacks that may be relevant to this development seeks to setback buildings from lot boundaries so as to:

- Reduce impacts of building bulk on adjoining properties;
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties

The proposed development is to be single storey. The subject wall is 27.2m in length equating to 54% of the length of the boundary. The shadow cast by the proposed development does not exceed 25% (13% proposed) as required by the R-Codes for properties coded R25 and lower. The portion of wall facing 4 Ward Street contains one door to be used by staff only, all other access is to be obtained from the entry door off St Albans Road. There is an existing retaining wall on the boundary with an existing 1.8m high Colorbond fence which will screen portions of the development from view of the adjoining property as shown on the elevation plan. Based on the above, it is considered the proposal meets the design principles.

The submission received by the City objects to the development being built so close to the adjoining property at 4 Ward Street. The predominant issue raised in relation to this relates to noise given the proximity of 4 Ward Street to the proposed development.

The applicant has submitted an Environmental Assessment (prepared by ND Engineering) in support of the application. The assessment considers noise associated with children playing outside, vehicles accessing the car park and the operation of mechanical services and concludes that the operation of the proposed Child Care Premise would comply with the day period noise levels assigned under the *Environmental Protection (Noise) Regulations 1997*. The assessment also considers the requirements of *State Planning Policy 5.4 – Road and Rail Noise*.

With regard to the concerns pertaining to the noise generated from the Child Care Premise, the centre has been designed such that the children's outdoor play areas have been located as far as practicable from the nearby dwellings. Further, the Environmental Assessment not only makes recommendations on the operation, children's play areas, music, mechanical services and the carpark; but also building specifications to be implemented at the construction stage.

The environmental assessment has been reviewed by City Staff with no concerns raised. It is recommended that a condition be applied requiring the development to implement and comply with the recommendations contained in the report as part of any approval.

### **Parking Adequacy**

The Child Care Premises proposes 82 children with 13 staff members. The City's Local Planning Scheme No. 1 recommends one (1) bay for every four (4) children, plus one (1) bay per employee amounting to a total requirement of 34 bays.

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The applicant has submitted a Transport Impact Statement (prepared by KCTT) in support of the application. The Transport Impact Statement (TIS) has provided a shift breakdown for the staff which indicates that no more than 7 staff are to be on site at the expected drop off and pick up times (07:00-09:00 and 16:00-18:00). Therefore whilst the development technically requires 34 bays to be provided; it is considered, based on the above, that only 28 bays may be required at the peak period. The development proposes 27 bays in lieu of the adjusted 28 required parking bays, resulting in a one (1) bay shortfall.

The submission received by the City raises concern with regard to the proposed shortfall in car parking provided on site and the perceived impact of vehicles potentially being parked on the verge of adjoining properties.

The application disperses the proposed bays at eight (8) staff bays, twelve (12) on site parent/guardian parking and a further seven (7) on street parking bays for parent/guardian parking bays; totalling 27 bays.

The TIS contends in relation to parking:

- The capacity of the child care centre is 82 children. It is improbable that the child care centre would operate at the maximum capacity at all times.
- The peak time for child care centres is typically a two hour period. As stated in NSW RTA – Guide to Traffic Generating Developments, the average length of stay is 6.8 minutes. Even assuming conservative 10 minutes average length of stay, patrons' vehicles' actual arrivals/departure rate is likely to be spread throughout the 2-hour peak time.
- Assuming the conservative 10 minute average length of stay, KCTT have calculated that the maximum anticipated demand for pick up/drop off is 6 parking bays which can be effectively catered for on the premise.
- The above calculations do not allow for siblings attending the centre. Based on KCTT's experience, siblings usually make up 15-25% of attendees. In these instances, more than one child will be brought in a single vehicle, therefore reducing the parking requirement.

Based on the above, it is considered that the proposed one (1) car bay shortfall is negligible and will not cause adverse impacts to the streetscape or amenity of the area.

Clause 2.4 of the City's *Local Planning Policy 01 – Variation of Development Standards and/or Requirements of the Town Planning Scheme* accepts, in some circumstances, the provision of tandem parking. When considering such a proposal, the City must take into consideration who will use the spaces and how frequently the occupation of the spaces will change. Further, it is noted that tandem parking spaces will generally only be acceptable for use by staff and are required to be marked as such.

The application proposes 6 bays to be used in tandem (2 rows of 3 bays) for staff. The proposal is considered acceptable given the various shifts staff may work. A

condition of any approval is recommended such that these bays are line marked/signed for staff only.

### **Traffic and Access to the Site**

The Transport Impact Statement produced by KCTT also models traffic flow distribution. The report outlines the following technical findings:

- The proposed development is expected to generate a total of 354 daily vehicular trips, 66 vehicle trips in the AM peak and 57 vehicle trips in the PM peak.
- The additional traffic impact from the proposed development would be 345 daily vehicular trips, 65 vehicle trips in the AM peak and 56 vehicle trips in the PM peak. The proposed development would have a moderate impact on the surrounding road network as per WAPC Guidelines.
- KCTT believe the surrounding road network can successfully accommodate additional traffic from the proposed development.

The submission received by the City raises concern with regard to the use of the Right of Way (ROW), contending that the ROW is not a road and that there is no speed limit signs.

City officers confirm that the ROW is declared a public road under the *Land Administration Act 1997* and the intended maximum speed limit is 50km/hr. It is generally understood however that the visual side friction created by fences on boundaries and the narrow nature of an ROW are likely to reduce the operating speed within the ROW.

Further, the modelled traffic flow indicates that the development will result in 69 additional vehicle trips (in and out) per day within the ROW using the Murray Street access/egress; 7 in the AM peak hour and 6 in the PM peak hour. It is considered that this portion of the laneway will be the least frequently trafficked route to and from the development site.

The Transport Impact Statement has been reviewed by City staff with no concerns raised; specifically in relation to the increased traffic, trips generated for the site during peak periods and access to the proposed car bays. Since the City cannot require the provision of a pedestrian access path on private property as a development condition, the City will include in the decision notice an advice note that a pedestrian access path should be installed in accordance with Australian Standard AS1428.4.1 to ensure safe access to the premises from the rear parking bays.

### **Drainage**

The submission received by the City raised concerns with regard to drainage particularly in relation to the sealing of the ROW. The City has reviewed a preliminary drainage plan and raised a similar concern as to where stormwater will be disposed of if the onsite bubble up pit were to overflow. To address this the applicant will be required to either connect to Council's existing drainage pit at the corner of the ROW and Murray Street or seal the full length of the ROW to allow for an overland flow path. The detailed stormwater drainage details are to be provided

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prior to the lodgement of a building permit and will be required to address the above. This is to be applied as a condition of any approval.

### **Retaining Wall**

Currently, a retaining wall runs the length of the shared boundary between 2 and 4 Ward Street and continues along the boundary between 2 Ward Street and the ROW. The application proposes to remove the portion of retaining wall between 2 Ward Street and the ROW. The objection contends that the structural integrity of the retaining wall will be impacted. The applicant submits that a structural engineer will be engaged to provide the details of the demolition methodology and to assure the structural integrity is maintained. A condition to this effect is recommended as part of any approval. City staff note that the applicant will also need to ensure the remaining portion of retaining wall is structurally sound as their development also relies on this wall to retain the pad for their own development.

### **Other Concerns Raised**

Other issues were raised in the submission received by the City that do not relate to valid planning considerations. The following comments however are noted.

Concern was raised with regard to the removal of the existing telephone pole in the ROW or the disruption to this or any other services. As per the plans, the existing telephone pole located in the ROW is to be retained, with the proposed vehicle parking bays setback from the pole as required. It is recommended that the applicant undertake a 'Dial Before You Dig' enquiry to identify where all other services may be located. Further, the applicant notes that notice is provided in advance by the relevant service authority should there be any disruption during the construction of the project.

Concern was raised in regard to the length of time required to construct the development and for the ROW to be blocked in light of the requirement for its sealing. The period of time taken to construct the development and to undertake the sealing of the ROW are often unknown as these rely on a various number of factors. The applicant submits that the construction program is currently expected to be 9 months however with the generally known labour and material shortages in WA, this could be longer. A 'Construction Management Plan' is recommended to be submitted to minimise any disruption (noise, dust, access etc.) to the surrounding properties during the construction stage. This is recommended as a condition of any approval.

Concern was also raised with regard to the plans and whether any further changes could be made. Should Council support the proposal, the attached plans form part of the approval documentation. Any modifications to these plans will likely require further approval from the City and the nature of these changes may result in further advertising being required.

## Conclusion

City staff are satisfied that the proposal will not detract from the amenity of the surrounding area in terms of noise and traffic and is consistent with orderly and proper planning. Furthermore, the Child Care Centre is considered to provide a vital service to an area currently without easy and convenient access to child care services. Conditional approval is recommended.

## STATUTORY IMPLICATIONS

If the applicant and/or owner wish to appeal the decision or the development conditions, a review must be lodged with the State Administrative Tribunal within 28 days of the decision being made by the City. An advice note to this effect will be included in the decision notice.

## POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

## COMMUNITY ENGAGEMENT CONSULTATION

Public consultation was undertaken as the Scheme does not permit the use unless the local government has exercised its discretion and has given notice of the application to nearby owners and occupiers who in the opinion of Council are likely to be affected.

Public Consultation was carried out in the following manner:

**Duration:** 14 Days between 23 August 2021 and 6 September 2021

**Method:** A letter to all land owners and occupiers within a 50m radius (9 properties)

Submissions Received: Of those properties affected, one (1) submission of objection was received. The objection cites concerns with:

- The potential for the proposal to impact on the adjoining property through noise in light of the proposed setback
- Parking, traffic management and the use of the laneway
- Drainage
- The partial demolition of the retaining wall located in the eastern corner of the block

The key issues raised have been addressed in the body of the report.

## ATTACHMENTS

Development Plans 

Environmental Assessment 

Transport Impact Statement 

Bushfire Management Plan 

Waste Management Plan 

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**15.2.2 APPLICATION FOR PLANNING APPROVAL - SINGLE DWELLING - LOT 149 (NO16) PIRRING WAY, HANNANS (P124/21)**

<b>Responsible Officer:</b>	<b>Italo Pisedda General Manager Infrastructure and Environment</b>
<b>Author:</b>	<b>Liam Johnson Planning Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Assessment Number:</b>	<b>A31854</b>
<b>Owners Name:</b>	<b>Rheann Allen</b>
<b>Application Number:</b>	<b>P124/21</b>
<b>Applicants Name:</b>	<b>Rheann Allen</b>
<b>Development Value:</b>	<b>\$450,000</b>

**VOTING REQUIREMENTS**

Simple

**OFFICER RECOMMENDATION**

That Council approve the development subject to conditions:

**Standard Conditions**

- 1. This development must substantially commence within two (2) years from the date of this decision letter, unless an extension of the approval is received from the City, prior to this approval expiring.**
- 2. This development taking place in accordance with the approved plans received by the City on 16/09/2021: 0366-DAY-A01, 0366-DAY-A02, 0366-DAY-A03, 0366-DAY-A04, 0366-DAY-A05, 0366-DAY-A06, 0366-DAY-A07, 0366-DAY-A08, 0366-DAY-A09**
- 3. The natural ground levels and finished floor levels shown on the approved plans are not permitted to be altered without seeking further approval from the City.**

**Conditions to be Met Prior to Use**

- 4. Prior to occupation of this development, the vehicle crossover shall be constructed and are to be to the satisfaction of the City.**
- 5. Prior to occupation of this development, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the City.**
- 6. Prior to occupation, this development shall be connected to the City's sewer system to the specifications of the City.**

**Conditions to be met on an Ongoing Basis**

- 7. The stormwater shall be discharged and maintained in a manner so that there is no discharge onto the adjoining properties or the rear laneway**

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and is to be to the satisfaction of the City.

### **EXECUTIVE SUMMARY**

Planning approval is sought for a Single Dwelling at Lot 149 (16) Purring Way, Hannans. This proposed development is a two storey single dwelling, with a retaining wall, outdoor living area, swimming pool and two crossovers. The proposed development has a total lot footprint of 317.90m<sup>2</sup>. Council approval is required as one objection to the development was received by an adjoining property owner/occupier in regards to variations to the deemed-to-comply criteria of the *Residential Design Codes of Western Australia* (R-Codes) proposed in the development plans.

Conditional approval is recommended by City officers as the development application has met the design principles of the R-Codes and is deemed to not significantly impact the amenity of adjoining property owners.

### **COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the following Guiding Theme:

- **SUSTAINABLE:** We advocate for the provision of land use.

### **BUDGET IMPLICATIONS**

There are no financial implications resulting from the recommendations of this report.

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### **REPORT**

Planning approval is sought for a Single Dwelling at Lot 149 (16) Purring Way, Hannans. This development comprises of a new two storey single dwelling, with a retaining wall, outdoor living area and swimming pool and two crossovers. The proposed development has a total lot footprint of 317.90m<sup>2</sup>.

#### **Site Context**

Lot 149 (16) Purring Way (the site) is an irregular pentagonal lot with an area of 901m<sup>2</sup>. The site is heavily sloped towards the western (front) lot boundary and ranges from 399.42 to 404.59 metres above sea level. The site is adjacent to other residential dwellings to the south and east.





Image 1: Intramaps Site Image



Images 2 and 3: Site Context – significant gradient sloping upward from the front lot boundary

### Town Planning Scheme No.1 (TPS1)

The site is zoned as a “General Residential” land use with R10 coding. The proposed use of the land falls within the use class ‘Dwelling – Single House’ which is defined in the R-Codes as:

*A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.*

This type of development is a “P” use in the General Residential Zone under TPS1.

### Supported Draft Local Planning Scheme No.2 (LPS2)

Under the supported draft LPS2, the site is to remain zoned as “Residential” land use with but with a R20 coding. This type of development is a “P” use in this zone under TPS2. This change of coding was made to support reduced set setbacks to align with development concessions granted to adjacent lots in the surrounding estate and to maintain uniformity of development in this area.

### State Planning Policy 7.3 – Residential Design Codes of Western Australia

In accordance with Clause 3.11.1 of LPS 1, where residential development is proposed as a single use only, the provisions of the Residential Design Codes (R-Codes) shall apply. Compliance with the R-Codes can be achieved by way of meeting the ‘deemed-to-comply’ provisions or alternatively fulfilling the relevant ‘design principles’. Single dwellings that meet the ‘deemed-to-comply’ provisions of the R-Codes are exempt from planning approval under Clause 6.2 – Exemptions

from Planning Approval in TPS1. As this proposed development does not meet the deemed to comply criteria listed below, council approval to construct the dwelling is required.

The development was assessed to meet the deemed-to-comply of the R-Codes for all criteria, excluding the following clauses:

- 5.1.2 Street Setback
- 5.1.3 Lot Boundary Setback
- 5.2.1 Setback of Garages and Carports
- 5.4.1 Visual Privacy
- 5.3.7 Site Works

As the proposed development does not meet the listed deemed to comply criteria for the aforementioned clauses, its suitability is required to be assessed against the respective design principles.

*City of Kalgoorlie Boulder Local Planning Policy 08 – Residential Design Codes Policy*

This development does not meet the deemed to comply criteria of part 5.1.2 of the City's Local Planning Policy No.8 – Residential Design Codes Policy. As per the policy R10 coded residential areas buildings other than carports and garages are to be setback 6 metres from the primary street.

The design principle for part 5.1.2 of the R-Codes states that buildings are to be setback from street boundaries an appropriate distance to ensure they:

- Contribute to and are consistent with an established streetscape
- Provide adequate privacy and open space for dwellings
- Accommodate site planning requirements such as parking, landscape and utilities; and
- Allow safety clearances for easements and essential service corridors

It is considered that this proposed development is consistent with the above design principles for the following reasons:

- The proposed development is set back in alignment with its neighbouring property at 14 Purring Way, thus presenting a unified and consistent streetscape
- Sufficient open space of 60% for an R10 coded dwelling and privacy has been achieved.
- Landscaping and utilities provision have been achieved and no easements or service corridors exist within the street setback area.

*R Code 5.1.3 Lot Boundary Setbacks*

This development does not meet the deemed to comply criteria of part 5.1.3 due to the setback of the south-western (side) wall, required to be 6.6 metres from the boundary, and the south-eastern (rear) wall required to be set back 6 metres from the rear boundary. The development seeks a setback of 1.5 metres for each of

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these setbacks respectively. The design principle for Part 5.1.3 states that buildings are to be setback from lot boundaries so as to:

- Reduce impacts of building bulk on adjoining properties;
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

It is also worth noting that in the Council supported Local Planning Scheme no.2 the site, and surrounding properties on Piring Way are to be given an R20 residential Coding. Under this R20 coding there are no minimum rear setback requirements per Table 1 of the R-Codes, and thus setback requirements for walls would be calculated using tables 2a and 2b, to which this development complies. It is considered that the setbacks the development seeks are consistent with the above design principles for the following reasons:

- Rear (South-Eastern) Wall Bulk

While the rear setback does not comply with Table 1 of the R-Codes which requires a 6 metre rear setback, the south eastern wall of the proposed development is consistent with table 2a of the R-Codes (boundary setbacks for walls with no major openings). As per table 2a, a wall that is 7.38 metres long and three metres tall with no major openings is required to be set back 1 metre from a property boundary, and in this instance the south-eastern wall is set back 1.5 metres. As the south-eastern wall is compliant with table 2a, it is assessed that the building bulk imposed on 45 Tindals Crescent is not unreasonable and meets the objectives of the R-Codes.

In addition, the finished floor level of the south-eastern wall is proposed to be 470mm to 600mm lower than the natural ground level of the rear property boundary. The rear boundary fence on the border with 45 Tindals Crescent is also raised by a retaining wall (Image 4), with the height from the top of the fence to ground level measured to be 1.9 metres tall. As such, given the three metre wall height combined with these elements, the wall height of the proposed dwelling will only protrude 500mm to 630mm above the adjoining fence line. City Officers consider that the proposal would not to create a significant bulk and scale impact on its rear border, and consider the impact to the visual amenity to 45 Tindals Crescent to be minimal.



Image 4: Rear fence supported by retaining wall above natural ground level

- Side Boundary (South-Western) Wall Bulk

Due to the site being sloped heavily from back to front, the bulk impact of a 6.4 metre wall height is not felt along the entire length of the boundary. While the front of the proposed dwelling the wall height is 6.4 metres above natural ground level, at the rear end of the dwelling this height is effectively reduced to 2.5 metres above the sites natural ground level. Likewise, the impact of building bulk is also reduced on the adjacent property, 14 Pirring Way, as its 6 metre wide driveway is located on the northern lot boundary. This in turn creates a 7.5 metre building separation between the dwelling on 14 Pirring Way and the proposed development on this site. City officers consider the location of the side boundary wall 1.5m from the side lot boundary to have minimal negligible impact on the adjoining property, and is consistent with the bulk and scale currently presented in the streetscape. In addition, the applicant has revised their plans to include additional windows to reduce the bulk impact of the wall on the adjacent property, and will be providing screening using vegetation to reduce the visual impact of the wall.

- Overshadowing

As part of this planning application, an overshadowing calculation was provided to assess adjoining properties to determine how they would be impacted. As per R-Code section 5.4.2 Solar Access for Adjoining Sites, properties coded R25 and lower are not permitted to exceed 25% overshadowing to adjoining properties. The overshadowing calculation provided by the applicant determined that a total of 108.8m<sup>2</sup> of overshadowing will be created by the development. Overshadowing equates to 10.3% to 14 Pirring Way and 2.7% to 45 Tindals Crescent. Both of these calculations are well under the less than 25% requirement of the R-Codes.

*R-Code 5.2.1 Setback of Garages and Carports*

This development does not meet the deemed to comply criteria of part 5.2.1 as the dwelling's garage is set-back 3.6 metres from the front lot boundary. In accordance with design principle C1.1, garages are to be set back 4.5 metres from the primary street.

The design principles for part 5.2.1 states that development demonstrates compliance with the following:

- Setback to maintain clear sight lines along the street, no not obstruct views of dwellings from the street and vice versa, and designed to contribute positively to streetscapes and to the appearance of dwellings
- Setback to ensure any vehicle parking on a driveway does not impede on any existing or planned adjoining pedestrian cycle or dual use path.

It is considered that the proposed development is consistent with the above design principles for the following reasons:

- The proposed garage is set back in line with the adjacent house at 14 Pirring Way, and as such will not impact on the sightlines along the street.

- The length of the crossovers proposed to be constructed is greater than the neighbouring properties due to the angled frontage of the lot, and as such the visual impact of the garage on the streetscape won't appear to be out of proportion.
- As the garage is proposed on the ground floor, with the living area of the dwelling on the first floor, the view of the dwelling will not be obstructed from the street.
- The appearance of the garage will not dominate the streetscape as it is only set 1.8 metres further forward than the first floor with living spaces (balcony) located above it, there is a clearly defined entry point adjacent to the garage.
- There is currently no pedestrian footpath in front of the property.

#### *R Code 5.3.7 Site Works*

The deemed to comply criteria of part 5.3.7 has not been met as excavation exceeding 500m is proposed to occur between the front boundary and front setback (6m) required of the dwelling and a retaining wall 3 metres tall is proposed with nil setback to the side lot boundary.

The design principle for part 5.3.7 states that development demonstrates compliance with the following;

- Development that considers and responds to the natural features of the site and requires minimal excavation/fill
- Where excavation and fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street
- Retaining walls that result in land which can be effectively used for the benefit of residents and not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

It is considered that the proposed development is consistent with the above design principles for the following reasons:

- As the rear of the lot is four metres higher than the front of the lot, excavation or land fill is necessary to develop on the site. The design of the proposed development has been developed in accordance with the geography of the land, and as such proposes a two storey street level façade, with a single storey at the rear of the site to mitigate the overall required site works required to prepare the site for development.
- Excavation within the front setback area is proposed so that the finished floor level (FFL) of the ground level (401.00) is not excessively different to the FFL at the lot boundary (400.56).
- The 3.04 metre tall retaining wall to the north of the dwelling with nil setback to the northern lot boundary is required to retain fill needed to create a relatively flat outdoor active living area and first floor of the proposed dwelling.
- The retaining wall adjacent to the northern boundary is not deemed to negatively impact on the adjoining lot, and is consistent with the existing retaining wall already constructed at 18 Pirring Way. The proposed retaining wall is not deemed to cause any overlooking issues from the upper outdoor active living spaces on the site as the adjoining property has already been filled and fenced to a similar level.

*R-Code 5.4.1 Visual Privacy*

This development does not meet the deemed to comply criteria of part 5.4.1 of the R-Codes as overlooking into adjoining properties is caused by windows 12, 14 and 15 as shown on drawing no. 0366-DAY-A06.

The design principle for part 5.4.1 states that minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through;

- Building layout and location
- Design of major openings
- Landscape screening of outdoor active habitable spaces; and/or
- Location of screening devices.

It is considered that the proposed development is consistent with the above design principles for the following reasons;

- Without the incorporation of design elements as mentioned in the design principles for visual privacy outlined in part 5.4.1 of the R-Codes no overlooking into active habitable spaces, windows or outdoor living areas will be generated by the proposed development
- Despite overlooking from windows 12, 14 and 16 that remains as per the cone of vision calculation conducted in accordance with the R-Codes, overlooking is towards the driveway of 14 Purring Way, and thus is deemed to have reduced impact to the adjoining property

**CONCLUSION**

Planning approval is sought for a single dwelling at Lot 149 (16) Purring Way due to R-Code variations.

The proposed development was assessed and considered to comply with the relevant 'deemed-to-comply' provisions with the exception of the proposed side setbacks. The rear setbacks sought are consistent with the design principles of the R-Codes (clause 5.1.3) as they are not considered to have an adverse impact on the amenity of the adjoining lot. The side boundary wall will have minimal impact on the adjoining property as it is not situated against any active habitable space of the adjoining lot, and is consistent with the bulk and scale currently presented in the streetscape. The site works proposed are deemed necessary to undertake development of the site. Overlooking has reduced impact on adjoining blocks as it is towards their driveways. The front setback is in line with adjoining properties and is consistent with the surrounding streetscape.

It is recommended that Council conditionally support this proposal as presented.

**STATUTORY IMPLICATIONS**

If the applicant and/or owner wish to appeal the decision or the development conditions, a review must be lodged with the State Administrative Tribunal within 28 days of the decision being made by the City. An advice note to this effect will be included in the decision notice.

**POLICY IMPLICATIONS**

There are no policy implications resulting from the recommendations of this report.

**COMMUNITY ENGAGEMENT CONSULTATION**

The application was advertised by way of letter to the adjoining property owners and occupiers of 14 Purring Way, 18 Purring Way and 45 Tindals Crescent for a period of 14 days between August 13<sup>th</sup> and August 27<sup>th</sup>, 2021.

Objection letters were received from properties 14 Purring Way and 45 Tindals Crescent. Upon the submission of revised plans from the applicant, the objection from 14 Purring Way was withdrawn. Objection was made to the proposed development by the residents at 45 Tindals Crescent on the grounds that;

- Overshadowing caused by the proposed development would adversely impact on their amenity.
- The rear setback of the proposed development did not comply with section 5.1.3 – Lot Boundary Setback, of the Residential Design Codes of Western Australia.

Whilst both are valid planning objections, as explained in previous sections of this report, the overshadowing created by the proposed development meets the deemed-to-comply criteria of section 5.4.2 of the R-Codes and the rear setback is consistent with the design guidelines outlined in section 5.1.3 of the R Codes.

**ATTACHMENTS**

Development Plans 

## 15.3 DEPUTY CHIEF EXECUTIVE OFFICER

### 15.3.1 MONTHLY FINANCIAL REPORT - JULY 2021

<b>Responsible Officer:</b>	<b>Xandra Curnock Chief Financial Officer</b>
<b>Author:</b>	<b>Ishani Subaharan Corporate Accountant</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

#### VOTING REQUIREMENTS

Absolute

#### OFFICER RECOMMENDATION

**That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receive the Statement of Financial Activity for the period ending 31 July 2021.**

#### EXECUTIVE SUMMARY

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996* (“**the Regulations**”), the City is to prepare a monthly Statement of Financial Activity for approval by Council. Attached for consideration is the completed Statement of Financial Activity for the period ending 31 July 2021.

#### COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Themes:

- **CAPABLE:** We will have the resources to contribute to our community and economy.
- **EMPOWERED:** We ensure considered decision making based on collaborative, transparent and accountable leadership.

#### BUDGET IMPLICATIONS

There are no budget implications resulting from the recommendations of this report.

## REPORT

The Statement of Financial Activity was introduced by the Department of Local Government from 1 July 2005. The change was implemented to provide elected members with a better idea of operating and capital revenues and expenditures. It was also intended to link operating results with balance sheet items and reconcile with the end of month balances.

In accordance with the Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) 10% or \$50,000, whichever is the greater.



For the year to date to 31 July 2021 income is over budget by 0.13% and expenditure is under budget by 11.02%, commentary is provided at sub program level. A nil variance means that the year to date actual value is identical to the year to date budget estimate. Comments are therefore provided where the variance value is > 10% and > \$50,000 under or over budget.

### INCOME CATEGORIES

Overall stated income is 0.13%, \$59,373 over budget. The sub programs which are outside the allowable variance are as follows.

#### Economic Development

Description	YTD Budget	YTD Actual	YTD Variance
Economic Development	\$140,292	\$23,015	(\$117,277)

This is due less income from sale of effluent water compared to budget.

### EXPENSE CATEGORIES

Overall stated expenditure is 11.02% \$594,828 under budget. The sub programs which are outside the allowable variance are as follows.

#### HACC

Description	YTD Budget	YTD Actual	YTD Variance
HACC	\$3,444	\$101,872	\$98,427

This variance of \$98k is due to termination payments of EGCC staff that were not included in the budget.

#### Sanitation – Household Refuse

Description	YTD Budget	YTD Actual	YTD Variance
Sanitation – Household Refuse	\$349,648	\$505,545	\$155,897

The variance is due to depreciation allocated for Yarri Road Landfill – Intangible Asset that is new in 2021/22, which was not included in budget.

#### Other Recreation & Sport

Description	YTD Budget	YTD Actual	YTD Variance
Other Recreation & Sport	\$1,360,536	\$1,186,824	(\$173,712)

(\$45k) of the variance is due to less contract costs, (\$6k) due to less employee costs and (\$6k) is due lower other expenses.

#### Maintenance – Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
Maintenance – Roads Bridges Depots	\$1,159,322	\$810,056	(\$349,266)

This is due to less expenditure on other expenses of (\$132k), contract works of (\$110k), employee costs of (\$77k) and utilities of (\$30k) less than budget.

### CAPITAL CATEGORIES

July 2021 capital expenditure is under budget by (\$80k) YTD. Actual YTD expenditure is \$0.93m versus budgeted YTD spend of \$0.85m.

**STATUTORY IMPLICATIONS**

The Statement of Financial Activity has been prepared in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

**POLICY IMPLICATIONS**

There are no policy implications resulting from the recommendations of this report.

**COMMUNITY ENGAGEMENT CONSULTATION**

No community consultation was considered necessary in relation to the recommendations of the report.

**ATTACHMENTS**

Monthly Financial Report - July 2021 

**15.3.2 ACCOUNTS PAYABLE FOR THE MONTH OF AUGUST 2021**

**Responsible Officer:** Xandra Curnock  
**Chief Financial Officer**

**Author:** Casey Radford  
**Finance and Compliance Coordinator**

**Disclosure of Interest:** Nil

**VOTING REQUIREMENTS**

Simple

**OFFICER RECOMMENDATION**

**That Council receive the list of payments totalling \$5,144,291.62 as presented for the month of August 2021.**

**EXECUTIVE SUMMARY**

The purpose of this report is for Council to receive the list of payments made from the Municipal and Trust funds including a summary report of the Corporate Credit Card transactions incurred by authorised card holders.

The Chief Executive Officer has been delegated the power to make payments from the Municipal and Trust funds in accordance with budget allocations. The City provides payment facilities to suppliers either by cheque, electronic funds transfer (EFT), direct debit, debit card and credit card.

**COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the following Guiding Theme:

- **EMPOWERED:** We ensure considered decision making based on collaborative, transparent and accountable leadership.

**BUDGET IMPLICATIONS**

There are no financial implications resulting from the recommendations of this report.

**REPORT**

Attached to this report are the lists of all cheque and EFT payments made during the month of August 2021 and a list of corporate credit card transactions by card holder of the same period totalling \$ 5,144,291.62.

Municipal EFT	\$	4,821,921.76
Municipal Cheque	\$	76,321.08
Direct Debit	\$	204,497.84
Debit Card	\$	1,311.41
Credit Cards	\$	40,239.53
<b>Grand Total</b>	<b>\$</b>	<b>5,144,291.62</b>

**STATUTORY IMPLICATIONS**

The Accounts Payable for the Month of August 2021 has been prepared in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.


**POLICY IMPLICATIONS**

All purchases by authorised officers are to be completed in accordance with Policy CORP AP 001– Purchasing

**COMMUNITY ENGAGEMENT CONSULTATION**

No community consultation was considered necessary in relation to the recommendations of the report.

**ATTACHMENTS**

EFT Municipal Payments August 2021 

Cheque Municipal Payments August 2021 

Direct Debit Payments August 2021 

Debit Card Payments August 2021 

Credit Card Payments August 2021 

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### 15.3.3 LANDMARK SCULPTURE PROJECT

<b>Responsible Officer:</b>	<b>David Trevaskis Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Jill O'Brien Manager Community and Recreation</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

#### VOTING REQUIREMENTS

Simple

#### OFFICER RECOMMENDATION

That Council:

- 1. Award the Landmark Sculpture project to Christian de Vietri for the Kulgoolah Sculpture;**
- 2. Authorise the CEO or their delegated officer to discuss possible locations for the Kulgoolah Sculpture with a final recommendation to be brought back to Council for approval; and**
- 3. Request the CEO to include an estimate of expenditure in the draft 2022/23 annual budget for the William Feuerman Golden Void art piece.**

#### EXECUTIVE SUMMARY

Following the Council resolution on July 2021 where the Landmark Sculpture briefing document encompassing submissions was tabled, City Officers developed a final evaluation criteria and evaluation matrix to critically assess the submissions. As part of the evaluation, members from the Arts and Culture Round Table, held 10 September 2020, and Councillors were provided with voting rights attributing to the award of the successful artist.

#### COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Themes:

- **SAFE:** We will be safe and free from harm and crime.
- **CONNECTED:** We will be connected to our history, culture and community.
- **FUTURISTIC:** We plan for the future proofing of our City by being a thinking and innovative society.
- **SUSTAINABLE:** We are a green ecologically sustainable City for current and future generations.
- **CAPABLE:** We will have the resources to contribute to our community and economy.

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**BUDGET IMPLICATIONS**

The City has allocated \$100,000 for the project as per the Arts and Culture Recovery Fund, initially established 2020/21 Financial Year.

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**REPORT**

The Landmark Sculpture Project launched expressions of interest nationally from February 2021. Subsequently 24 prospective artists and key arts agencies registered their interest, with 11 completed submissions.

From there, submissions were tabled for the review panel for shortlisting with five (5) successful artists being awarded \$1000 each to assist with developing final design concepts and budgets to support their submissions.

Members from the Arts and Culture Round Table held 10 September 2020 and Councillors were provided with voting rights attributing to the award of the successful artist.

Following the results of the community and Councillor vote, it is recommended that Council award the successful tender to Christian de Vietri for the 'Kulgoolah Sculpture' and the options for possible locations for the 'Kulgoolah Sculpture' be brought back to Council for approval.

It is further recommended that the estimated cost for William Feuerman's sculpture 'Golden Void' at \$100,000 be included in the 2022/23 annual budget for consideration.

The full proposal has been attached as an appendix to this report.

**Vision**

A compelling form that embodies the uniqueness of Kalgoorlie-Boulder.

**Concept**

Kulgooluh is a sculpture made of bronze in the simplified shape of a 'silky pear', *Marsdenia australis*. The concept behind the sculpture is that its surface will be left uncoated, and therefore it will naturally oxidise and gradually change colour from a coppery-gold to grey-green over a period of about 30 years. It will be carefully installed and secured to the earth so that it appears to be balancing having just touched the ground after falling from above. When it is first installed it will be like a golden egg, and as time goes by its colour will change like a ripening fruit.

**Budget**

\$100,000 provisions include:

- Artist fee;
- Pattern making and preparation;

- Moulding, casting and finishing;
- Transportation and installation; and
- Environmental and waste removal.

**STATUTORY IMPLICATIONS**

There will be a requirement for Entry Statements to submit a Development application to be assessed as per Local Government Process.

**POLICY IMPLICATIONS**

As per the Electoral Caretaker Period Policy – EXEC-CEO-013, the Officer Recommendation has been reviewed in context of the City of Kalgoorlie-Boulder's Electoral Caretaker Period Policy and the CEO has determined that it does not constitute a Major Policy Decision. The CEO therefore provides this report for Council's consideration.

**COMMUNITY ENGAGEMENT CONSULTATION**

The Arts & Culture Forum encompassed 44 community representatives from a range of tourism and arts businesses, emerging and established artists, Councillors and government representatives. All were invited to take part in an evaluation of submissions.

**ATTACHMENTS**

Landmark Sculpture - Presentation 

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### 15.3.4 POLICY - TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO

<b>Responsible Officer:</b>	<b>David Trevaskis Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>David Trevaskis Deputy Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

#### VOTING REQUIREMENTS

Absolute

#### OFFICER RECOMMENDATION

**That Council adopt the policy EXEC-CEO-003 Temporary Employment or Appointment of CEO as presented.**

#### EXECUTIVE SUMMARY

This report is presented to Council for consideration of the policy EXEC-CEO-003 Temporary Employment or Appointment of CEO.

Under s5.39C of the *Local Government Act 1995* (“**the Act**”) a local government must prepare and adopt a policy that sets out the process it is to follow in relation to the employment of a person in the position of CEO for a term not exceeding 1 year; and the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

The proposed EXEC-CEO-003 Temporary Employment or Appointment of CEO has been drafted to enable the City to meet its compliance obligations.

#### COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **EMPOWERED:** We ensure considered decision making based on collaborative, transparent and accountable leadership.

#### BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

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### REPORT

Local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. Vacancies of a year or more are covered in the legislation.

The policy must include the decision-maker(s) for appointing an acting CEO. As an example, the policy may include employee position titles, signalling that the Council



considers a person holding those positions to be suitably qualified and experienced for the position of CEO.

Section 5.39C of the Act was introduced in 2019 as part of the *Local Government Act 1995* review. It states that when preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section. Further amendments to the Act associated with CEO employment have not introduced any prescribed requirements for this policy. Accordingly it is now appropriate for Council to consider adoption of this policy.

The proposed policy is based on the WALGA template policy Temporary Employment or Appointment of CEO, which was drafted earlier this year to address the requirements of s5.39C. The template provided suggested wording only. The attached EXEC-CEO-003 Temporary Employment or Appointment of CEO has been altered in part to meet the City of Kalgoorlie Boulder's operational requirements.

In accordance with s5.39C, if adopted, the policy will be made available on the City of Kalgoorlie-Boulder official website.

## STATUTORY IMPLICATIONS

### **5.39C. Policy for temporary employment or appointment of CEO**

- (1) *A local government must prepare and adopt\* a policy that sets out the process to be followed by the local government in relation to the following —*
  - (a) *the employment of a person in the position of CEO for a term not exceeding 1 year;*
  - (b) *the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

*\* Absolute majority required.*

- (2) *A local government may amend\* the policy.*

*\* Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

## POLICY IMPLICATIONS

As per the Electoral Caretaker Period Policy – EXEC-CEO-013, the Officer Recommendation has been reviewed in context of the City of Kalgoorlie-Boulder's Electoral Caretaker Period Policy and the CEO has determined that it does not constitute a Major Policy Decision. The CEO therefore provides this report for Council's consideration.

**COMMUNITY ENGAGEMENT CONSULTATION**

No community consultation was considered necessary in relation to the recommendations of the report.

**ATTACHMENTS**

EXEC-CEO-003 Temporary employment or appointment of CEO 

**16 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**17 INFORMATION BULLETIN****17.1 CHIEF EXECUTIVE OFFICER****17.1.1 INFORMATION ITEM 28 SEPTEMBER 2021**

<b>Responsible Officer:</b>	<b>Alex Wiese Director Economy and Growth</b>
<b>Author:</b>	<b>Joshua Coombes Tender Administration Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

**VOTING REQUIREMENTS**

Simple

**OFFICER RECOMMENDATION**

**That Council receive the information.**

**EXECUTIVE SUMMARY**

The purpose of this report is to keep Elected Members informed on items for information as received by the City.

**COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the following Guiding Theme:

- **EMPOWERED:** We ensure considered decision making based on collaborative, transparent and accountable leadership.

**BUDGET IMPLICATIONS**

There are no financial implications resulting from the recommendations of this report.

**REPORT**

The City of Kalgoorlie-Boulder regularly receives and produces information for receipt by the Elected Members.

<b>INFORMATION ITEM:</b>	<b>DATE:</b>
Seal Register	September 2021
Facebook Statistics	August to September 2021
Contract Variations	Nil
PDRS Information Bulletin	August 2021
Letter of Thanks	September 2021

**STATUTORY IMPLICATIONS**

There are no statutory implications resulting from the recommendations of this report.

**POLICY IMPLICATIONS**

There are no policy implications resulting from the recommendations of this report.

**COMMUNITY ENGAGEMENT CONSULTATION**

No community consultation was considered necessary in relation to the recommendations of the report.

**ATTACHMENTS**

Letter of Thanks 

PDRS Information Bulletin - August 2021 

Facebook Statistics 

Seal Register 

**18 CONFIDENTIAL ITEMS****18.1.1 CHANGE OF NAME - LOT 350 FIVE (5) HECTARE LEASE AND SUBLEASE**

**Responsible Officer:** Alex Wiese  
Acting Chief Executive Officer

**Author:** Lauren Chapman-Holle  
Lead Policy & Research Advisor

**Disclosure of Interest:** Nil

**OFFICER RECOMMENDATION**

- That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:
- 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
- legal advice obtained, or which may be obtained, by the local government, and which relates to a matter to be discussed at the meeting
- a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government
- a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government

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**EXECUTIVE SUMMARY**

It is the recommendation of the Responsible Officer that this item be considered “in camera” due to the private and confidential nature of its contents.

**19 DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be on Monday 25 October 2021.

**20 CLOSURE**