

## MINUTES

### COUNCIL MEETING

COUNCIL CHAMBERS  
241 ROKEBY ROAD, SUBIACO

TUESDAY, 23 FEBRUARY 2016

COMMENCEMENT: 5.30PM  
CLOSURE: 8.40PM

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\* Separate attachments

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The presiding member declared the meeting open at 5.30pm and welcomed the councilors, the media and members of the public.

## 2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

### Elected Members Present:

Mayor Henderson (Presiding Member)	
Councillor Arbuckle (arrived 5.55pm)	Central Ward
Councillor Gedero	Central Ward
Councillor Mummery	Central Ward
Councillor Clements	East Ward
Councillor Matheson	East Ward
Councillor Rowe (arrived 5.36pm)	East Ward
Councillor Hemsley	South Ward
Councillor Hewett (left 6.27pm)	South Ward
Councillor Richardson	South Ward
Councillor Burns (left 7.27pm)	North Ward
Councillor McAllister	North Ward
Councillor Stroud	North Ward

### Staff Members Present:

Don Burnett	Chief Executive Officer
Kathy Bonus	Director Development Services
Debbie Terelinck	Director Community Development
Alan Millard	Director Technical Services
Scott Hawkins	Director Corporate Services
Cheyne Cameron	Manager Recreation Services
Neil Wilson	Manager Governance & Customer Service
Michael Duckett	Manager Field Services
Kerry Plantinga	Minutes Secretary
Sandi Found	Public Liaison

### Approved Leave of Absence:

Nil

### Apologies:

### Public gallery present:

Members of the public	21
Members of the press	2

### 3. DISCLOSURE OF INTEREST

#### D7 Draft Parking Permits Policy

Councillor Hemsley disclosed a financial interest in item D7 as he has purchased a visitors parking permit from the City of Subiaco.

### 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 5. PUBLIC QUESTION TIME

#### **New Planning and Development Regulations 2015 – Local Planning Schemes – Single Dwelling Demolitions Without Planning Approval**

*Linda Rogers, 152 Park Street Subiaco asked:*

Under the deemed provisions of the new Planning Regulations 2015, the demolition of a single house does not require planning approval unless the property is formally recognised as having heritage significance (so is included on the State Heritage register, the Scheme heritage List or in a Heritage Area).

I believe this an issue the City is pursuing with the Department of Planning, but in the meantime there appears to be a lack of resources to undertake assessments of all of the properties in Subiaco that required assessment, to ensure that the City has some level of control over demolitions.

My questions are therefore as follows:

#### Question 1

Protection of our built environment was identified by the community in think 2030 and is inbuilt in the City's Strategic Plan. Is that still a **major priority** for the city?

#### Question 2

What strategies have been put in place to address protection of the built environment and can the community be reassured that sufficient funds and resources will be available in the 2016/2017 budget to fast track the establishment of Conservation areas in the City?

*The Director Development Services advised:*

#### Question 1

*Yes. Protecting the built environment of the city continues to be identified as objectives in the Strategic Community Plan and the Corporate Business Plan.*

#### Question 2

*The city has a wide range of strategies for protecting the built environment, including but not limited to, Heritage Listings and Conservation Areas, incentives to maintain and restore heritage buildings, a Design Review Panel that encourages respect of the city's character, and a robust and consultative planning process that has maintaining*

*Subiaco's character as a key objective. Requests will be made in the 2016/17 budget to continue to support these measures however the funds that can be made available will be determined by Council taking into account all of the requirements across the city.*

Councillor Rowe entered the chamber at 5.36pm.

*Jackie Greenshields, 97 Salisbury Street Subiaco asked:*

I understand that the new Government State Town Planning Regulations were introduced on 19 October 2015.

I am unsure if the elected members have received a staff report detailing how the changes will impact on the City of Subiaco. The main intent of the changes is for the State Government to fast track the planning approvals process by depriving local councils of input into these significant planning decisions.

These changes have the potential to significantly alter Subiaco's character and the very essence of our city, as properties can be demolished unless they are heritage listed and /or contained in a heritage area (conservation area).

In addition, I understand that if a single dwelling and associated development complies with the R-Codes, it will be exempt from planning approval and not subject to the City's Town Planning Scheme provisions and the Residential Design Guidelines. Further, neighbours will not be informed of compliant developments and have no knowledge of a proposed development until the site works begin.

As stated these State Government changes will seriously alter the very character of our city which Council after Council have vigorously fought to protect.

I congratulate the Council for adopting the recommendation at the January 2016 Full Council meeting which requested the CEO to write to the Minister for Planning expressing the City's disappointment and concern with the new regulations.

While it is noble to write to the Minister, the real issues are the State Government further usurping Local Government powers; and protecting our city by fast tracking the City of Subiaco program for determining designated Heritage Areas and Heritage\_Listed properties. That is the only State Government accepted practise which will protect our city from rampant development and loss of our historic housing stock.

I firmly believe that our Council has a duty to ensure that all residents and property owners understand exactly what the State Government plans to do to our city by adopting these new Local Planning Scheme (LPS) regulations, without providing Councils in the older established areas sufficient time to complete their heritage assessments.

### Questions

Given the urgency of this matter, I ask two questions of Council:

#### Question 1

What extra resources (staff and budget) are necessary to carry out the work required to declare defined areas in our city worthy of heritage status and also heritage listed properties in Subiaco?

Question 2

Due to the urgency, this work needs to be undertaken within a six month time period commencing March 2016. Can this be achieved and if so, what would need to change to achieve it?

*The Director Development Services advised:*

Question 1

*These activities are currently funded in the City's budget. Consideration of any change to resources will take place during the preparation of the 2016/17 budget. Currently, officers are focussing on assessing whether localities may meet the threshold requirements for assessment as Heritage Areas and there will be reports coming to Council in the coming months making recommendations to progress (or not) based on these findings.*

Question 2

*The city has strategies in place to continue reviewing appropriate heritage listings and heritage areas in a considered and consultative manner. Should additional funds be allocated then obviously some of the work can be progressed more quickly however this can raise issues in terms of appropriate consultation timeframes and clarity about the extent of the work being undertaken so requires careful management. This highlights the importance of supporting and appropriately resourcing the city's existing strategies.*

## 6. PUBLIC STATEMENT TIME

### **D3 Tenancy 15, 55 Salvado Road, Subiaco - Change of Use From Showroom to Veterinary Clinic**

Nick Ford, c/o Greencross Limited submitted and read a statement in support of the officer recommendation.

Ciaran Cook, 55 Salvado Road, Subiaco submitted and read a statement in support of the officer recommendation.

### **D4 Tenancy 20 and 21, 55 Salvado Road, Subiaco - Change of Use From Showroom to Shop (Growers Lane)**

Diep Tran, 9/602 Victoria Avenue, Perth submitted and read a statement in support of the officer recommendation.

Grant Johnston, 5/11 Roydhouse Street, Subiaco submitted and read a statement in opposition to the officer recommendation.

Michael Monaghan, c/o Subiaco Hotel, 465 Hay Street, Subiaco submitted and read a statement in opposition to the officer recommendation.

Councillor Arbuckle entered the chamber at 5.55pm.



Gino Premici, 55 Salvado Road, Subiaco submitted and read a statement in support of the officer recommendation.

David Wilkins, 10 Orwell Crescent, Woodvale submitted and read a statement in opposition to the officer recommendation.

John Gilmore, 4/420 Roberts Road, Subiaco submitted and read a statement in support of the officer recommendation.

Tan Tran, 84 Nicholas Road, Hocking submitted and read a statement in support of the officer recommendation.

Barry Jones, c/o FJM Property, Barker Road, Subiaco submitted and read a statement in opposition to the officer recommendation.

David Maxwell, Subiaco Village Retailers Association submitted and read a statement in opposition to the officer recommendation.

### **Daglish Station Crossing**

Monia Alegre, 78 Redfern Street, Subiaco read a statement requesting support of the signalisation of the Daglish Station Crossing.

Darron Freegard, 240 Hamersley Road, Subiaco submitted and read a statement in support of the signalisation of the Daglish Station Crossing.

## **7. PETITIONS AND APPROVED DEPUTATIONS**

Councillor Matheson presented a petition from Jackie Greenshields of 8 Kings Road Subiaco containing 13 signatures stating:

*"We the undersigned residents and property owners of Kings Road, Subiaco, through our elected representatives, request that council prioritise Kings Road residents' application to commence the process for heritage status (Conservation Area).*

*The reasons are as follows:*

- In 2010, Kings Road residents supported the retention of Number 6 Kings Road and Subiaco Council refused approval for a demolition application for the property.*
- The character of our significant heritage street continues to be at threat with the State Government now over-riding Local Government policy with regard to demolition approvals.*
- Should Kings Road be entered on the City of Subiaco Register, State Government decisions would not over-ride council.*
- Council funds for residents to engage in the Heritage listing process are limited. Kings Road has significant architectural, social and historic merit that contributes significantly to the distinctive character of Subiaco. It is a priority for the city that this be retained. This can be achieved through heritage listing before it is too late.*

*The residents and owners of properties in Kings Road understand that the future character of the street can only be secured by engaging in the Heritage Survey process. They are aware of the need to engage in the process as soon as possible. The outcome is determined by the residents of Kings Road.*

## 8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### COUNCIL DECISION

Moved Cr Hewett/seconded Cr McAllister

**That the minutes of the Ordinary Council meeting held on Tuesday 19 January 2016 be confirmed.**

CARRIED 13/0  
6.26pm

## 9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

Councillor Hewett left the chamber at 6.27pm and did not return.

## 10. REPORTS OF COMMITTEES AND EMPLOYEES

### 10.1 DEVELOPMENT SERVICES COMMITTEE

The following items were determined by the Development Services Committee under delegation at its meeting on Tuesday 9 February 2016:

- D1 5 Munsie Avenue, Daglish – Proposed Two-Storey Dwelling
- D2 68 Coghlan Road, Subiaco – Change Of Use From 'Office' To 'Consulting Rooms'

### ENBLOC DECISION

Moved Cr Matheson/seconded Cr Arbuckle

**That the recommendations relating to D8 contained in the minutes of the Development Services Committee meeting of 9 February 2016 be adopted.**

CARRIED 12/0  
6.29pm

### COUNCIL DECISION

Moved Cr Rowe/seconded Cr Mummery

**That the order of business be changed to allow that item D4 be heard before item D3.**

CARRIED 12/0  
6.30pm

**D4 TENANCY 20 AND 21, 55 SALVADO ROAD, SUBIACO - CHANGE OF USE FROM SHOWROOM TO SHOP (GROWERS LANE)****REPORT FROM MANAGER PLANNING SERVICES**

**Author:** Petar Mrdja  
**Date:** 15 January 2016  
**File Reference:** PE/7996  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**COUNCIL DECISION**

**That in accordance with the provisions of Town Planning Scheme No. 4, the Metropolitan Region Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015 the application submitted by D & T Tran date stamped 13 October 2015 for change of use from showroom to shop and associated signage at Tenancy 20 and 21, No. 55 (Lot 801 on D/P 73741) Salvado Road, Subiaco as shown on plans date stamped 13 October 2015, be REFUSED.**

**COMMITTEE RESOLUTION**

That in accordance with Clause 7.1(g) of the Meeting Procedures Local Law, this matter be referred to the 23 February 2016 Council Meeting.

**OFFICER RECOMMENDATION**

Moved Cr Stroud/seconded Cr Hemsley

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by D & T Tran date stamped 13 October 2015 for change of use from showroom to shop and associated signage at Tenancy 20 and 21, No. 55 (Lot 801 on D/P 73741) Salvado Road, Subiaco as shown on plans date stamped 13 October 2015, be APPROVED subject to the following conditions:

1. The development shall be carried out in accordance with the plans and drawings date stamped 13 October 2015 included with the application for development approval.
2. The operating hours of the shop are restricted to Monday to Sunday – 7:00am to 7:00pm;
3. The text/lettering of each advertising sign shall not exceed 10m<sup>2</sup> on each of the three facades of the tenancy. Signage shall not pulse or flash.
4. Prior to commencement of development, a noise management plan shall be submitted detailing measures that will be undertaken to ensure noise levels are maintained within the levels prescribed in the Environmental Protection (Noise) Regulations 1997. The plan shall be prepared by a suitably qualified consultant and shall include:
  - Sound proofing measures used in the design and construction of the development;
  - Predictions of noise levels (including delivery/service vehicles, amplified music/loud speakers);
  - Control measures to be undertaken (including monitoring procedures); and
  - A complaint response procedure.

All sound attenuation measures identified by the plan or as additionally required by the City of Subiaco, shall be implemented prior to occupancy of the

development or as otherwise required by the City of Subiaco and the requirements of the plan shall be observed at all times.

LOST 4/8

MAYOR HENDERSON, CRS MCALLISTER, BURNS, RICHARDSON, MATHESON, CLEMENTS, ROWE AND ARBUCKLE VOTED AGAINST

7.06pm

#### ALTERNATIVE RECOMMENDATION

Moved Cr Burns/seconded Cr Matheson

That in accordance with the provisions of Town Planning Scheme No. 4, the Metropolitan Region Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015 the application submitted by D & T Tran date stamped 13 October 2015 for change of use from showroom to shop and associated signage at Tenancy 20 and 21, No. 55 (Lot 801 on D/P 73741) Salvado Road, Subiaco as shown on plans date stamped 13 October 2015, be REFUSED.

CARRIED 8/4

CRS STROUD, RICHARDSON, HEMSLEY AND GEDERO VOTED AGAINST

7.27pm

*Cr Burns provided the following reasons:*

*Subject to the following reasons, Council has the right to Refuse this "AA" use ("AA" means that the use is not permitted unless the Council has exercised its discretion by granting planning approval...):*

1. *That the Planning and Development (Local Planning Scheme) Regulations 2015 as gazetted 25 August 2015 No 132 states in Schedule 2 Part 9 Clause 67 (v) that:*  
*Matters to be considered by local government*  
*In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*  
*(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses.*  
*Thus Council can and should take into full consideration any "potential loss of any community service or benefit resulting from the development" hence Council must be unmindful that the proposed Change-of-Use to Shop will decentralise the City's Town Centre; much of which is contained within the City's Heritage Precinct that also houses State Heritage listed buildings some also classified by the National Trust.*
2. *The land area commonly known as "Subi Centro" was never envisaged as an area designated for retail proliferation, in fact quite the opposite is true, it was understood that beyond the area surrounding the Train Station there would be no new retail shops. Recently, and beyond the control of the City of Subiaco outside authorities have approved a Coles Supermarket, Target Department Store and multiple specialty retail shops; all against the wishes of the Council and the community in general. To now support the proliferation of retail uses into Subi Centro (at Home Base) slaps in the face of retailers, hospitality operators and general business struggling to survive in 'Old Subi'.*

3. *As to traffic implication: (See the attached Growers Lane Traffic Impact Statement – Preliminary Review Note)*
- a. *The proposal does not comply with the requirements of the Scheme as Council has failed to demonstrate that the ‘Key Issues of Assessment’ indicated in the DSC Minutes have been met with respect to traffic impacts and car parking provision: i.e.:*
- Key Issue 3: The Traffic Impact Statement does not assess or address “safe pedestrian and vehicle co-existence and/ or segregation” nor does it “promote design elements with regard to car parking areas which serve to enhance the streetscape and the amenity of the locality”. In addition to this, the Review Note has determined that the existing car parking bays are substandard in their design when assessed in accordance with the TPS and Australian Standard AS 2890.1.*
- Key Issue 6: The Traffic Impact Statement does not assess likely impacts of increased traffic on Harbourne Street, Roydhouse St or Centro Ave or the key traffic signal controlled and roundabout intersections along these streets. The DSC Minutes have incorrectly used a Showroom land use for Bunnings when determining parking allocation and hence availability of parking spaces for the Growers Lane development despite a requirement in TPS4 for these to be determined by the Council having regard to other relevant or similar uses. There is also a strong possibility that the forecast number of trips to be generated by the Growers Lane proposal have been underestimated, as there has not been any comparison with similar operations such as The Boat Shed or The Herdsman Markets. The Traffic Impact Statement does not consider the other significant traffic generating developments within and adjacent to the site and hence the cumulative impact of this on the external road network. The Review Note has indicated that up to an additional 97 trips per hour could be generated by the proposal. Due to this, it has not been possible to demonstrate that “the protection and enhancement of the amenity and general environmental standards of existing and future development within and adjoin this zone” as indicated is required.*
- b. *The following Assessments within the DSC Minutes that have been used in support of the proposal have been identified as potentially flawed:*
- Scheme Clause 44(3): The Review Note has identified a significant error in the determination of parking allocation for the Bunnings land use resulting from non-compliance with Section 70(2) of Part 6 (Car Parking) of TPS4. The application of the correct parking allocation for the Bunnings land use could result in an overall shortfall of parking spaces on site when considering the Growers Lane proposal. The statement within the DSC Minutes that “It is demonstrated that the site has sufficient car parking to accommodate the parking requirements of the shop” is most likely to be incorrect and misleading. The following statement that “The amenity of pedestrians and vehicles in the Home Base complex will not be compromised by the approval of this use” is not supported by any studies or documentation as is required.*
- Scheme Clause 44(6): It is difficult to substantiate the statement that “The proposal is acceptable from a Planning Perspective” given that:*
- i) car parking assessment has not been carried out in accordance with the requirements of TPS4 (i.e. Section 70(2));*
  - ii) the existing and proposed design of the car parking spaces do not comply with the design requirements of TPS4 (i.e. Section 72 of TPS4);*

- iii) *no consideration has been given to the requirements of parking spaces for people with a disability in close proximity to the Growers Lane site (i.e. Section 72 of TPS4) ;*
  - iv) *no consideration has been given to the provision of bicycle facilities in close proximity to the Growers Lane site (i.e. Section 70(a) of TPS4);*
  - v) *no consideration has been given to the requirements of Section 71 of TPS4 with respect to the joint use of parking spaces despite this being identified as the basis for the parking assessment;*
  - vi) *there is no assessment of the traffic impacts of the proposed Growers Lane on peak hour performance of roads and intersections in the vicinity of the proposal; and*
  - vii) *there is no assessment of the cumulative impacts of other significant traffic generating developments in the vicinity of the site.*
4. *I would also note in my reasoning all of the Planning arguments, analysis and assessments made within Lavan Legal's letter to the CEO dated 22 February 2015, but I do not include their point 46 as a part of my recommendation.*

### **Executive Summary**

The application is for a change of use from showroom to shop (growers lane) for tenancy 20 and 21 at No. 55 Salvado Road, Subiaco. This application is referred to Council for determination because the property is in the ownership of the City of Subiaco.

### **Background**

<b>Landowner:</b>	City of Subiaco
<b>Applicant:</b>	D & T Tran
<b>Application Date:</b>	13 October 2015
<b>DA Reference:</b>	7.2015.188.1
<b>Lot size:</b>	33,649m <sup>2</sup>
<b>TPS Zoning:</b>	Commercial/Residential
<b>TPS Precinct:</b>	Centro Precinct
<b>Land Use:</b>	Shop
<b>Land Use Permissibility:</b>	AA
<b>Existing Development:</b>	Single storey building comprising a showroom
<b>Heritage Listing:</b>	Not listed

### *Site Context and Development History*

The subject property is located in the Homebase complex at No. 55 Salvado Road, Subiaco. This area is bounded by Roydhouse Street to its south and east, Harborne Street to its west and Salvado Road to its north. The site is located on the south side of the Local Government boundary between the City of Subiaco and Town of Cambridge.

The Homebase complex contains a mix of uses which service Subiaco and the wider area, including the Homebase expo showroom and Bunnings Warehouse. Car parking for 391 vehicles is distributed across the site and can be accessed by patrons from multiple entrance points off Salvado Road, Harborne Street and Roydhouse Street.

The area surrounding the complex is characterised by a diverse range of uses, including the National Storage site to the west, offices and grouped dwellings to the north of the site in the Town of Cambridge and mixed use development along the south-east side of the site, most of which is under the jurisdiction of the Metropolitan Redevelopment Authority (MRA).

The subject site comprises two tenancies which will combine into one tenancy of 700sq.m in size. The tenancy is situated at the western end of the complex in a free standing building with five tenancies located near the Harborne St vehicle access point. The leaseholders of tenancies 20 and 21 are relocating to a smaller tenancy within the building.

The shop (Growers Lane) will operate a fresh fruit and grocery business which will incorporate a mix of services including a gourmet delicatessen section, baker, butcher, juice bar and fish supplier.

### **Comment**

An assessment of the proposal has been conducted against the provisions of Town Planning Scheme No. 4 (the Scheme) and Planning Policies:

- Town Planning Scheme Clause 44 'Aims and Objectives';
- Town Planning Scheme Clause 76 'Car Parking Requirements; and
- Local Planning Policy 2.18 'Advertising Signs'

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

- Land Use consideration.
- Car Parking.
- Signage.

### **Key Issues of Assessment**

#### *Land Use*

Shop is defined as an "AA" use within the Commercial/Residential Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval taking into consideration whether the nature of the use is consistent with the planning objectives of the Scheme and the planning policies with respect to that zone.

In considering an application for development approval in any Commercial/Residential Zone the Council shall have regard to the following objectives as detailed in Clause 44 of the Scheme:

- (1) to develop an area with a strong recognisable identity characterised by development of a mixture of high quality commercial and residential accommodation;
- (2) to encourage small-to-medium scale mixed-use development of a type and character appropriate to Hay Street east and Rokeby Road south areas;
- (3) to encourage safe pedestrian and vehicle coexistence and/or segregation and to promote design elements with regard to car parking areas which serve to enhance the streetscape and the amenity of the locality;
- (4) to encourage retention of heritage character by reinforcing the original development patterns and the recycling of existing building stock;
- (5) to encourage pedestrian-friendly development which is orientated to the street in the traditional manner, enabling surveillance of both the street and pedestrian areas;
- (6) the protection and enhancement of the amenity and general environmental standards of existing and future development within and adjoining this zone;
- (7) to promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, reduction in

greenhouse gas emissions, water conservation, waste management and recycling;

- (8) to promote and encourage design that incorporates crime prevention through environmental design principles including but not limited to, appropriate fencing, appropriate landscaping, casual surveillance of public open spaces and adequate pedestrian movement sightlines.

An assessment of the use against the objectives is provided below.

<b>Scheme Clause</b>	<b>Assessment</b>
44(1)	<p>The identity of the site is reinforced through the Homebase brand, which is recognised as providing commercial uses which service Subiaco and the wider suburban area.</p> <p>Whilst the proposed shop differs from the typical commercial use associated with the Homebase complex, its addition will add to the mix and diversity of commercial uses available in the complex. The shop/growers lane also has the potential to increase the number of frequent visitors to the site which provides and overall benefit to neighbouring tenancies in terms of patronage and exposure. The site has adequate parking for this type of use, and the location relative to other uses is considered acceptable</p>
44(2)	Not applicable as this commercial/residential zone is not Hay Street east or Rokeby Road south
44(3)	<p>A car parking assessment has been completed and is provided in this report. It is demonstrated that the site has sufficient car parking to accommodate the parking requirements of the shop.</p> <p>The amenity of pedestrians and vehicles in the Homebase complex will not be compromised by the approval of this use.</p>
44(4)	Not applicable as there are no heritage implications for this site
44(5)	Not applicable as the development is existing and orientates internally.
44(6)	<p>The proposal is acceptable from environmental, social and planning perspectives. The site is surrounded by a mixture of development including showrooms, offices, shops, multiple dwellings and light industrial uses and the proposed use is considered to be compatible with existing development in the area.</p> <p>The fit out will have no environmental impact and there will be no adverse impact on the surrounding area in terms of amenity.</p>
44(7)	Not applicable as the proposal is for a change of use to an existing building which involves minimal works.
44 (8)	Not applicable as the proposal is for a change of use to an existing building which involves minimal works.

The merits of the proposal have been assessed in accordance with the provisions of Clause 44 and it is considered that the proposed use is appropriate for the site.



### Car Parking

A survey of the site in relation to the provision of car parking bays has identified that a total of 391 shared bays are provided onsite. A total of 35 bays are required for the shop, which is based on a factor of one bay per 20sq.m of 700sq.m of net lettable area.

In order to determine whether the site can accommodate the number of car bays required for the shop, an assessment of all uses in the Home Base complex against their car parking standards in the Town Planning Scheme was performed. The table below provides a detailed summary of the car parking requirements in the Homebase complex.

Tenancy	Use	Parking Ratio (NLA)	Area	Car Bays Required
Bunnings	Showroom	1 bay per 50sq.m	3,432sq.m	68.64 bays
Bunnings Yard Area	Storage Yard	1 bay per 100sq.m	1,676sq.m	16.76 bays
Austral Bricks	Showroom	1 bay per 50sq.m	460sq.m	9.2 bays
Midland Brick	Showroom	1 bay per 50sq.m	320sq.m	6.4 bays
Home Base	Showroom	1 bay per 50sq.m	5,059sq.m	101.18 bays
Veterinary Clinic *	Vet	4 consulting room per	209sq.m – 3 consulting rooms	12 bays
City Farmers	Shop	1 bay per 20sq.m	710sq.m	35.5 bays
Yard Area (Geo Wash)	Yard Area	1 bay per 100sq.m	1,470sq.m	14.7 bays
Alliance Robes	Showroom	1 bay per 50sq.m	211sq.m	4.22 bays
Needham Air	Showroom	1 bay per 50sq.m	200sq.m	4 bays
Watershed	Showroom	1 bay per 50sq.m	200sq.m	4 bays
Growers Lane * (this application)	Shop	1 bay per 20sq.m	700sq.m	35 bays
Business Centre	Office	1 bay per 40sq.m	1,290sq.m	32.25 bays
Muzz Buzz	Fast Food Outlet	1 bay per 4sq.m eating area. Minimum of 4 bays if no eating area.	55sq.m – no eating area	4 bays
<b>Totals</b>				
Parking required	347.85 bays (rounded to 348 bays)			
Available bays	391 bays			
Surplus	43 bays			

NOTE: \* Proposed land use subject to a current change of use application. Separate item on this agenda

# Proposed land use subject to a current change of use application

The table above illustrates that 348 car bays are required when the uses are combined in order to sufficiently service the Homebase complex. Given that a total of 391 bays are available, there is a surplus of 43 car bays at the site.

In summary, the car parking available at the site is significantly over the required amount and can comfortably accommodate the parking which is generated by the proposed shop.

### *Advertising Signs*

Advertising and signage associated with the proposed development is required to meet the standards listed in the City's Advertising Signs Policy.

A total of three advertising signs are proposed for the premises, consisting of three signs described by the applicant as a 'banner' style along the north, west (Harborne Street facade) and east facade of the tenancy. The signs are located on a vertical section of the building and presents as a wall of the building facade. It is situated above the awning which surrounds the tenancy. Therefore, for the purpose of the City's Advertising Signs Policy, the signs are considered to be a 'wall' sign.

An assessment of the wall sign is provided in the table below:

<b>Requirement</b>	<b>Assessment</b>
<p>Clause 5.13 – Wall Sign</p> <p>Wall signs are exempt from obtaining a planning approval where the sign has an aggregate of 0.4m<sup>2</sup> per 1m of street frontage of the subject tenancy up to a maximum aggregate of 10m<sup>2</sup>.</p>	<p>The applicant refers to signage with the words '<i>Growers Lane</i>' along three facades of the tenancy. This comprises:</p> <ul style="list-style-type: none"> <li>• North (sign faces internal carpark/driveway) 22m x 2m = 44m<sup>2</sup>.</li> <li>• West (sign faces Harborne St) 22m x 2m = 44m<sup>2</sup>.</li> <li>• East (sign faces internal carpark) 34m x 2m = 68m<sup>2</sup>.</li> </ul> <p>The applicant has not detailed the actual size of the text/lettering that is proposed within the 44m<sup>2</sup> to 68m<sup>2</sup> signage area of the building facade. However it would appear that the majority of the area would comprise a 'colour' rather than actual text. The size of 'text' is assessed under the sign policy. Therefore a condition is applied to the approval to limit the signage text to the policy maximum of 10m<sup>2</sup> to each of the three facades of the building.</p> <p>The sign policy allows signage for one/street facade, however it is considered appropriate to allow additional signage to the two other facades of the tenancy which front internally within the site and to the Home Base car park.</p> <p>Variations to the City's advertising signs standards can be considered under Clause 7 of the policy. In</p>

	<p>determining whether the variations can be supported, consideration must be given to the appropriateness of the setting of the sign, its safety and design.</p> <p>The advertising signs at Homebase are typically painted on or mounted flush to the front façade of each tenancy. It is considered that the scale and design of the Growers Lane sign is compatible with the size and orientation of the tenancy and the surrounding development and signage.</p> <p>The proposed signs will not illuminate or present a hazard to visitors to the site and are therefore considered to be safe. In addition, the Growers Lane sign design is simple and clear and will not detract from the complex.</p>
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### **Consultation and Referrals**

#### *Submissions*

Notice of the application was sent to surrounding land owners and occupiers in accordance with clause 26 of the Scheme and Planning Policy 1.4 'Public Notification of Planning Proposals' (PP1.4).

This included letters being sent to the tenants in Homebase, residents on Roydhouse St, the Western Suburbs Business Association as well as to affected landowners in the Town of Cambridge. A total of 273 letters were sent during the consultation process. The advertising period commenced on 4 November and closed on 25 November and with a total of two submissions received. The issues raised are summarised in the table below:

<b>Comments Received</b>	<b>Response</b>
Health and safety issues associated with the growers market.	The City's Health area has reviewed the plans and provided conditions to ensure compliance with Health regulation in relation to health safety and noise.
Approval for the growers market in this area will lead to the demise of the Homebase complex as a destination for home builders.	The shop is capable of being approved in this zone and satisfies the objectives of the Town Planning Scheme from a land use perspective.
Concern over increased traffic to the site generated by the growers market	The applicant has provided a traffic impact statement which concludes that traffic to the site can be managed. A synopsis

#### *Internal Referrals*

The application was referred to the City's Health and Infrastructure departments with relevant conditions from these departments being incorporated into the report.

### *Traffic Impact Statement*

A Traffic Impact Statement has been prepared for the site which considers traffic generation estimation for a Saturday, which is viewed as being the peak trade day. The Traffic Impact Statement is provided as an attachment to this report.

The Traffic Impact Statement states that the proposed change of use will generate a net increase of about 440 vehicle trips per day on a Saturday and that due to the existing three point access system and legible network of internal car park driveways, that the impact of the additional traffic is expected to be limited and acceptable. The report concludes with the following information:

*'Accordingly, it is expected that the proposed development will not have an adverse impact on the existing traffic and parking operations at the Home Base complex and as such, traffic and parking issues should not form an impediment for its approval'.*

### **Strategic Implications**

There are no strategic implications for this report

### **Statutory and Policy Considerations**

There are no statutory and policy considerations for this report.

### **Risk and Asset Implications**

There are no statutory and policy considerations for this report that are relevant to the planning assessment.

### **Financial**

There are no financial implications for this report.

### **Social and Environmental Implications**

There are no social and environmental implications to this report.

### **Attachments**

1. Development application plans.
2. Traffic Impact Statement
3. Management Plan

Councillor Burns left the chamber at 7.27pm and did not return.

Councillor Mummery left the chamber at 7.28pm and returned at 7.30pm

### **D3 TENANCY 15, 55 SALVADO ROAD, SUBIACO - CHANGE OF USE FROM SHOWROOM TO VETERINARY CLINIC**

#### **REPORT FROM MANAGER PLANNING SERVICES**

**Author:** Petar Mrdja  
**Date:** 15 January 2016  
**File Reference:** PE/8022  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

#### **COUNCIL DECISION**

Moved Cr Arbuckle/seconded Cr Gedero

**That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by the Tomasy P/L Ltd date stamped 22 October 2015 for change of use from showroom to veterinary clinic and associated signage at Tenancy 15 at No. 55 (Lot 801 on D/P 73741) Salvado Road, Subiaco as shown on plans date stamped 22 October 2015, be APPROVED subject to the following conditions:**

1. **The development shall be carried out in accordance with the plans and drawings date stamped 22 October 2015 included with the application for development approval.**
2. **The operating hours of the Veterinary Clinic are restricted to:**
  - (a) **Monday to Friday - 8am to 6pm; and**
  - (b) **Saturday and Sunday – 9am to 5pm;**
3. **Advertising signs shall not pulse or flash.**

CARRIED 9/2

CRS McALLISTER AND MATHESON VOTED AGAINST

7.50pm

#### **COMMITTEE RESOLUTION**

That in accordance with Clause 7.1(g) of the Meeting Procedures Local Law, this matter be referred to the 23 February 2016 Council Meeting.

#### **OFFICER RECOMMENDATION**

Moved Cr Arbuckle/seconded Cr Gedero

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by the Tomasy P/L Ltd date stamped 22 October 2015 for change of use from showroom to veterinary clinic and associated signage at Tenancy 15 at No. 55 (Lot 801 on D/P 73741) Salvado Road, Subiaco as shown on plans date stamped 22 October 2015, be APPROVED subject to the following conditions:

1. The development shall be carried out in accordance with the plans and drawings date stamped 22 October 2015 included with the application for development approval.
2. The operating hours of the Veterinary Clinic are restricted to:
  - (a) Monday to Friday - 8am to 6pm; and
  - (b) Saturday and Sunday – 9am to 5pm;
3. Advertising signs shall not pulse or flash.

**AMENDMENT**

Moved Cr Rowe/seconded Cr Matheson

That the following be added as point 4:

4. Prior to occupation of the premises , a minimum of 12 car bays to be provided on site for the use of the veterinary clinic, designed in accordance with AS2890.1 with regard to dimension requirements and to include 1 bay as Accessible car bays designed in accordance with AS2890.6.

LOST 5/6

CRS MCALLISTER, STROUD, RICHARDSON, HEMSLEY, GEDERO AND  
MUMMERY VOTED AGAINST

7.43pm

**SUBSTANTIVE MOTION**

Moved Cr Arbuckle/seconded Cr Gedero

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by the Tomasy P/L Ltd date stamped 22 October 2015 for change of use from showroom to veterinary clinic and associated signage at Tenancy 15 at No. 55 (Lot 801 on D/P 73741) Salvado Road, Subiaco as shown on plans date stamped 22 October 2015, be APPROVED subject to the following conditions:

1. The development shall be carried out in accordance with the plans and drawings date stamped 22 October 2015 included with the application for development approval.
2. The operating hours of the Veterinary Clinic are restricted to:
  - (a) Monday to Friday - 8am to 6pm; and
  - (b) Saturday and Sunday – 9am to 5pm;
3. Advertising signs shall not pulse or flash.

CARRIED 9/2

CRS McALLISTER AND MATHESON VOTED AGAINST

7.50pm

**Executive Summary**

The application is for a change of use from showroom to veterinary clinic at No. 55 Salvado Road, Subiaco. This application is referred to Council for determination because the property is in the ownership of the City of Subiaco.

**Background**

<b>Landowner:</b>	City of Subiaco
<b>Applicant:</b>	Tomasy P/L
<b>Application Date:</b>	22 October 2015
<b>DA Reference:</b>	7.2015.201.1
<b>Lot size:</b>	33,649m <sup>2</sup>
<b>TPS Zoning:</b>	Commercial/Residential
<b>TPS Precinct:</b>	Centro Precinct
<b>Land Use:</b>	Veterinary Clinic
<b>Land Use Permissibility:</b>	AA
<b>Existing Development:</b>	Single storey building comprising a showroom
<b>Heritage Listing:</b>	Not listed

### *Site Context and Development History*

The subject property is located in the Homebase complex at No. 55 Salvado Road, Subiaco. This area is bounded by Roydhouse Street to its south and east, Harborne Street to its west and Salvado Road to its north. The site is located on the south side of the Local Government boundary between the City of Subiaco and Town of Cambridge.

The Homebase complex contains a mix of uses which service Subiaco and the wider area, including the Homebase expo showroom and Bunnings Warehouse. Car parking for 391 vehicles is distributed across the site and can be accessed by patrons from multiple entrance points off Salvado Road, Harborne Street and Roydhouse Street.

The area surrounding the complex is characterised by a diverse range of uses, including the National Storage site to the west, offices and grouped dwellings to the north of the site in the Town of Cambridge and mixed use development along the south-east side of the site, most of which is under the jurisdiction of the Metropolitan Redevelopment Authority (MRA).

The subject tenancy is 209sq.m in size and is situated at the southern end of the complex between City Farmers and the Homebase expo showroom. The building was previously used for the display and rental of building equipment, machinery and scaffolding.

The veterinary clinic will include a total of three treatment rooms which comprise of two consulting rooms and an operating room to treat minor ailments. The clinic is proposed to run seven days a week and will be serviced by three full time vets and casual staff. No boarding of animals is proposed.

Minor refurbishments are proposed to the building including new doors, lighting and signage. The addition of signage is considered in this report.

### **Comment**

An assessment of the proposal has been conducted against the provisions of Town Planning Scheme No. 4 (the Scheme) and Planning Policies:

- Town Planning Scheme Clause 44 'Aims and Objectives';
- Town Planning Scheme Clause 76 'Car Parking Requirements; and
- Local Planning Policy 2.18 'Advertising Signs'

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

- Land Use consideration.
- Car Parking.
- Signage.

## Key Issues of Assessment

### Land Use

Veterinary clinic is defined as an “AA” use within the Commercial/Residential Zone which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval taking into consideration whether the nature of the use is consistent with the planning objectives of the Scheme and the planning policies with respect to that zone.

In considering an application for development approval in any Commercial/Residential Zone the Council shall have regard to the following objectives as detailed in Clause 44 of the Scheme:

- (1) to develop an area with a strong recognisable identity characterised by development of a mixture of high quality commercial and residential accommodation;
- (2) to encourage small-to-medium scale mixed-use development of a type and character appropriate to Hay Street east and Rokeby Road south areas;
- (3) to encourage safe pedestrian and vehicle coexistence and/or segregation and to promote design elements with regard to car parking areas which serve to enhance the streetscape and the amenity of the locality;
- (4) to encourage retention of heritage character by reinforcing the original development patterns and the recycling of existing building stock;
- (5) to encourage pedestrian-friendly development which is orientated to the street in the traditional manner, enabling surveillance of both the street and pedestrian areas;
- (6) the protection and enhancement of the amenity and general environmental standards of existing and future development within and adjoining this zone;
- (7) to promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, reduction in greenhouse gas emissions, water conservation, waste management and recycling;
- (8) to promote and encourage design that incorporates crime prevention through environmental design principles including but not limited to, appropriate fencing, appropriate landscaping, casual surveillance of public open spaces and adequate pedestrian movement sightlines.

An assessment of the use against the objectives is provided below.

<b>Scheme Clause</b>	<b>Assessment</b>
44(1)	<p>The identity of the site is reinforced through the Homebase brand, which is recognised as providing commercial uses which service Subiaco and the wider suburban area.</p> <p>The inclusion of the veterinary clinic at 55 Salvado Road is considered to be consistent with this objective as it will add to the mix and diversity of commercial uses available in the complex. The site has adequate parking for this type of use, and the location relative to other uses is considered acceptable.</p>
44(2)	Not applicable as this commercial/residential zone is not Hay Street east nor Rokeby Road south
44(3)	A car parking assessment has been completed and is provided in this report. It is demonstrated that the site has sufficient car parking to



	accommodate the parking requirements of the veterinary clinic.  The amenity of pedestrians and vehicles in the Homebase complex will not be compromised by the approval of this use.
44(4)	Not applicable as there are no heritage implications for this site
44(5)	Not applicable as the development is existing and orientates internally.
44(6)	The proposal is acceptable from environmental, social and planning perspectives. The site is surrounded by a mixture of development including showrooms, offices, shops, multiple dwellings and light industrial uses and the proposed use is considered to be compatible with existing development in the area.  The fit out will have no environmental impact and there will be no adverse impact on the surrounding area in terms of amenity.
44(7)	Not applicable as the proposal is for a change of use to an existing building which involves minimal works.
44(8)	Not applicable as the proposal is for a change of use to an existing building which involves minimal works.

The merits of the proposal have been assessed in accordance with the provisions of Clause 44 and it is considered that the proposed use is appropriate for the site.

#### *Car Parking*

A survey of the site in relation to the provision of car parking bays has identified that a total of 391 shared bays are provided onsite. A total of 12 bays are required for the veterinary clinic which is based on a factor of four bays per consulting room.

In order to determine whether the site can accommodate the number of car bays required for the veterinary clinic, an assessment of all uses in the Homebase complex against their car parking standards in the Town Planning Scheme was performed. The table below provides a detailed summary of the car parking requirements in the Homebase complex.

Tenancy	Use	Parking Ratio (NLA)	Area	Car Bays Required
Bunnings	Showroom	1 bay per 50sq.m	3,432sq.m	68.64 bays
Bunnings Yard Area	Storage Yard	1 bay per 100sq.m	1,676sq.m	16.76 bays
Austral Bricks	Showroom	1 bay per 50sq.m	460sq.m	9.2 bays
Midland Brick	Showroom	1 bay per 50sq.m	320sq.m	6.4 bays
Home Base	Showroom	1 bay per 50sq.m	5,059sq.m	101.18 bays
Veterinary Clinic* (This application)	Vet	4 per consulting room	209sq.m – 3 consulting rooms	12 bays
City Farmers	Shop	1 bay per 20sq.m	710sq.m	35.5 bays
Yard Area (Geo Wash)	Yard Area	1 bay per 100sq.m	1,470sq.m	14.7 bays
Alliance Robes	Showroom	1 bay per 50sq.m	211sq.m	4.22 bays
Needham Air	Showroom	1 bay per 50sq.m	200sq.m	4 bays
Watershed	Showroom	1 bay per 50sq.m	200sq.m	4 bays
Grower's Lane#	Shop (proposed)	1 bay per 20sq.m	700sq.m	35 bays
Business Centre	Office	1 bay per 40sq.m	1,290sq.m	32.25 bays
Muzz Buzz	Fast Food Outlet	1 bay per 4sq.m eating area. Minimum of 4 bays if no eating area.	55sq.m – no eating area	4 bays
<b>Totals</b>				
Parking required	347.85 bays (rounded to 348 bays)			
Available bays	391 bays			
Surplus	43 bays			

*NOTE: \* Proposed land use subject to a current change of use application.*

*# proposed land use subject to a current change of use application. Separate item on this agenda.*

The table above illustrates that 348 car bays are required when the uses are combined in order to sufficiently service the Homebase complex. Given that a total of 391 bays are available, there is a surplus of 43 car bays at the site.

In summary, the car parking available at the site is significantly over the required amount and can comfortably accommodate the parking which is generated by the proposed veterinary clinic.

#### *Advertising Signs*

Advertising and signage associated with the proposed development are required to meet the standards listed in the City's Advertising Signs policy.

A total of four advertising signs are proposed for the premises, consisting of three window signs and a wall sign. The wall sign complies with the City's Advertising Signs policy but discretion is sought in relation to the proposed window signs.

An assessment of the window signs is provided in the table below:

<b>Requirement</b>	<b>Assessment</b>
<p>Clause 5.14 – Window Sign</p> <p>One or more window signs are exempt from development where:</p> <p>a) they cover no more than 50% of the window to which they are associated; and</p> <p>b) they have an aggregate of area of 0.4sq.m per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10sq.m)</p>	<p>Two of the proposed window signage does not comply with Clause 5.14 of the Advertising Signs policy on account of the signs covering more than 50% of the window and due to the aggregate of the signs being greater than 10sq.m.</p> <p>Notwithstanding the above, variations to the City's advertising signs standards can be considered under Clause 7 of the policy. In determining whether the variations can be supported, consideration must be given to the appropriateness of the setting of the sign, its safety and design.</p> <p>Overall, the window signs are deemed to be consistent and complimentary to existing signage in the complex and will be designed in such a way which can be considered suitable for the site. Furthermore, the window signs are safe in that they will not present a hazard or obstruction to pedestrians.</p> <p>The window signs are therefore supported as part of this application.</p>

### **Consultation and Referrals**

#### *Submissions*

Notice of the application was sent to surrounding land owners and occupiers in accordance with clause 26 of the Scheme and Planning Policy 1.4 'Public Notification of Planning Proposals' (PP1.4).

This included letters being sent to the tenants in Homebase, residents on Roydhouse St, the Western Suburbs Business Association as well as to affected landowners north of the site in the Town of Cambridge. A total of 273 letters were sent during the consultation process.

The advertising period commenced on 12 November 2015 and closed on 3 December 2015 and a total of four submissions comprising of three objections and one comment, were received.

<b>Comments Received</b>	<b>Response</b>
Concern regarding the possible overnighting of animals.	No boarding of animals is proposed
The change of use does not correctly fit in with any of the current tenants or usage at the property.	A veterinary clinic is capable of being approved in a Commercial/Residential zone, subject to consideration against the objectives of Clause 44 of the City's Town Planning Scheme.

The veterinary clinic is less than 50m from a residential street. Concern is raised in relation to animal stench and traffic at all hours of the night.	The City's Health area has reviewed the plans and provided conditions to ensure compliance with Health regulation in relation to health safety standards.
The site should focus providing uses which focus on homeware ideas and interior design.	The veterinary clinic is capable of being approved in this zone and satisfies the objectives of the Town Planning Scheme from a land use perspective.
Object to the veterinary clinic due to not owning any pets.	This is not a valid planning consideration.

### *Internal Referrals*

The application was referred to the City's Health and Infrastructure departments with relevant conditions from these departments being incorporated into the report.

### **Strategic Implications**

There are no strategic implications for this report

### **Statutory and Policy Considerations**

There are no statutory and policy considerations for this report.

### **Risk and Asset Implications**

There are no statutory and policy considerations for this report that are relevant to the planning assessment.

### **Financial**

There are no financial implications for this report.

### **Social and Environmental Implications**

There are no social and environmental implications to this report.

### **Attachments**

1. Development application plans
2. Planning report

**D4 TENANCY 20 AND 21, 55 SALVADO ROAD, SUBIACO - CHANGE OF USE FROM SHOWROOM TO SHOP (GROWERS LANE)**

This item was dealt with before item D3. See page 7.

**D5 PRINCIPLES RELATING TO THE DEVELOPMENT OF ANCILLARY DWELLINGS**

**REPORT FROM DIRECTOR DEVELOPMENT SERVICES**

**Authors:** Manager Planning Services, David Milliken, and  
Director Development Services, Kathy Bonus

**Date:** 22 January 2016

**File Reference:** A/3347

**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**COUNCIL DECISION**

Moved Cr Matheson/seconded Cr Arbuckle

**That Council, with respect to the consideration of applications for ancillary dwellings where assessment against the design principles of the Residential Design Codes is required:**

1. **Note the contents of this report; and**
2. **Receive a further report in April 2016 proposing a draft planning policy “Ancillary Dwellings – considerations when assessing against the design principles of the R-codes” addressing the matters outlined in this report including:**
  - (a) **Overshadowing;**
  - (b) **Visual privacy;**
  - (c) **Car parking;**
  - (d) **Wall and overall heights of the proposed development.**
  - (e) **private open space proposed by an application.**

CARRIED 11/0  
7.56pm

**OFFICER/COMMITTEE RECOMMENDATION**

Moved Cr Matheson/seconded Cr Arbuckle

That Council, with respect to the consideration of applications for ancillary dwellings where assessment against the design principles of the Residential Design Codes is required:

1. Note the contents of this report; and
2. Receive a further report in April 2016 proposing a draft planning policy “Ancillary Dwellings – considerations when assessing against the design principles of the R-codes” addressing the matters outlined in this report including:
  - (a) Overshadowing;
  - (b) Visual privacy;
  - (c) Car parking;
  - (d) Wall and overall heights of the proposed development.

AMENDMENT(amendment shown in italics)

Moved Cr Clements/seconded Cr Mummery

That Council, with respect to the consideration of applications for ancillary dwellings where assessment against the design principles of the Residential Design Codes is required:

1. Note the contents of this report; and
2. Receive a further report in April 2016 proposing a draft planning policy "Ancillary Dwellings – considerations when assessing against the design principles of the R-codes" addressing the matters outlined in this report including:
  - (a) Overshadowing;
  - (b) Visual privacy;
  - (c) Car parking;
  - (d) Wall and overall heights of the proposed development.
  - (e) *private open space proposed by an application.*

CARRIED 10/1  
CR HEMSLEY VOTED AGAINST  
7.56pm

The amendment becomes the substantive motion:

Moved Cr Matheson/seconded Cr Arbuckle

That Council, with respect to the consideration of applications for ancillary dwellings where assessment against the design principles of the Residential Design Codes is required:

3. Note the contents of this report; and
4. Receive a further report in April 2016 proposing a draft planning policy "Ancillary Dwellings – considerations when assessing against the design principles of the R-codes" addressing the matters outlined in this report including:
  - (e) Overshadowing;
  - (f) Visual privacy;
  - (g) Car parking;
  - (h) Wall and overall heights of the proposed development.
  - (e) *private open space proposed by an application.*

CARRIED 11/0  
7.56pm

### **Background**

In 2008, Council adopted Planning Policy 2.7 'Ancillary Accommodation'. This policy was rescinded in July 2014 (item D9) as its provisions were covered by relevant clauses of Town Planning Scheme No. 4 and Part 5.5 of the Residential Design Codes (R Codes) dealing with Special Purpose Dwellings. A copy of the rescinded policy is included at Attachment 1.

In October 2015, the *Planning and Development (Local Planning Scheme) Regulations 2015* came into effect. Clause 61(1)(d) of the 'deemed provisions' in Schedule 1 states that development approval is not required for the erection or extension of an ancillary dwelling (and other minor structures listed) if the development satisfies the 'deemed to comply' provisions of the R Codes and the property is not subject to heritage provisions.

At its meeting of 15 December 2015 (item C11.2), Council resolved as follows:

*That Council requests:*

1. *that the CEO presents a report to the February 2016 Council meeting reviewing the delegated authority for planning decisions with a view to an amendment to*

- have all applications for ancillary accommodation that do not meet the deemed to comply provisions considered by Council*
2. *that the report also recommends principles to guide the development of a draft policy for consideration by Council on the determination of ancillary accommodation and the relationship to the R Codes, TPS 4 and community expectations*
  3. *that the CEO to not determine any planning applications for ancillary accommodation on lots of less than 450m<sup>2</sup> until Council considers the February report.*

This report is in response to points 1 and 2 of that resolution.

### **Comment**

#### **Scheme and R-Code requirements**

The City of Subiaco has recently processed a small number of development applications for ancillary dwellings. Planning approval is no longer required for an ancillary dwelling associated with a single dwelling that meets the 'deemed-to-comply' provisions and is not subject to heritage provisions.

If an application for a proposed ancillary dwelling is received, then it is assessed against the provisions of the R-Codes (Section 5.5.1), which read as follows:

<b>Design Principles</b>	<b>Deemed-to-Comply</b>
P1 Ancillary dwelling for people who live either independently or semi-dependently to the residents of the single house, sharing some site facilities and services and without compromising the amenity of surrounding properties.	C1 Ancillary dwelling associated with a single house and on the same lot where: <ol style="list-style-type: none"> <li>i. the lot is not less than 450m<sup>2</sup> in area;</li> <li>ii. there is a maximum plot ratio area of 70m<sup>2</sup>;</li> <li>iii. parking provided in accordance with clause 5.3.3 C3.1; and</li> <li>iv. complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses:               <ol style="list-style-type: none"> <li>(a) 5.1.1 Site area;</li> <li>(b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and</li> <li>(c) 5.3.1 Outdoor living areas.</li> </ol> </li> </ol>

It is important to note that when assessing against the R-Codes, the City is ultimately assessing against the design principles. If the deemed-to-comply requirements are met, then the design principles are automatically satisfied. However, if the deemed-to-comply requirements are not met, it does not follow that the design principles are not satisfied.

Most proposals for ancillary dwellings in Western Australia would meet the deemed-to-comply requirements, and thus no approval would be required. Inner metropolitan local governments like the City of Subiaco may be considered unique in this sense, as numerous smaller lot sizes make it more likely that the deemed-to-comply requirements would not be met.

Therefore, any application for an ancillary dwelling that the City were to receive, would be likely to require an approval because it was on a lot smaller than 450m<sup>2</sup> (or didn't

meet one of the other criteria). An assessment against the design principles is therefore necessary.

One of three things would generally happen:

1. The assessment would find that the design principles are not met, or could not be met, and the application would be refused;
2. The applicant would be requested to modify the plans so that the design principles are met, and then the application could be reassessed; or
3. The assessment would find that the design principles are met, and the application would be approved;

It would be a rare event for Council to receive a report recommending refusal for an ancillary dwelling as, if officers were of the view that the design principles were not satisfied, then the application would most likely have been refused under delegation.

However, the City often advertises applications for ancillary dwellings, and in the event that numerous objections to the proposal were received, determination of the application may be outside the delegations afforded to officers. A report would come to Council in this case.

Elected members would be aware of a recent application for an ancillary dwelling at 22 Park Street, which was the subject of a report to Council due to numerous objections being received. Council refused the application as it was of the view that the design principles were not satisfied, as the amenity of the neighbours would be compromised. This case is the subject of a hearing at the State Administrative Tribunal on 10 February, with the main point of contention being whether or not the neighbours' amenity is compromised.

#### Policy Provisions Afforded by the R-Codes

Part 7 of the R Codes outline the scope of the local planning framework including matters that may be addressed through local planning policies. The R Codes are a State Planning Policy (SPP3.1) and prevail where there is any inconsistency with a local planning policy.

Part 7 contains a list of the elements that a local planning policy, local development plan, local structure plan and activity centre plan may amend or replace the 'deemed to comply' provisions of Parts 5 and 6 of the R Codes. Ancillary dwellings are not included in this list, and therefore the City cannot write a policy amending the deemed-to-comply requirements.

Part 7 also enables a policy to augment the provisions of the R Codes by providing local housing objectives to guide judgements about the merits of proposals for any aspect of residential development that does not meet the requirements or is not provided for under the R Codes. This means that the City could write a policy to help guide an assessment against the design principles.

Further the local government may, with the approval of the Western Australian Planning Commission, amend any other deemed to comply provision of the R Codes by means of a local planning policy where it can be demonstrated to the satisfaction of the Commission that this is warranted due to a specific need related to that locality or region, it is consistent with the objectives and design principles and can be properly implemented and audited as part of the on-going building approval process.



### Potential Policy relating to Ancillary Dwellings

In 2014, the City rescinded its policy relating to ancillary dwellings, as the R-codes contained provisions to deal with this form of development.

The City may prepare a planning policy that assists in assessing an application against the design principles, where an application is received, however there is no ability to modify the deemed-to-comply requirements or the design principles themselves, through a planning policy. Amending the Town Planning Scheme to apply further controls to ancillary dwellings would be unlikely to be supported by the Commission.

Therefore, should Council be minded to prepare a policy to address ancillary dwellings, it would be limited to providing guidance when assessing applications against the design principles.

Such a policy could contain guidance such as:

*“When assessing an application for planning approval for ancillary dwellings against the design principles of the R-codes, the following items should be met in order to ensure the amenity of neighbours is not compromised:*

- 1. The deemed-to-comply requirements for overshadowing should be met, or assessment against the design principles should be undertaken demonstrating that any overshadowing is acceptable\*;*
- 2. The deemed-to-comply requirements for visual privacy should be met;*
- 3. The deemed-to-comply requirements for car parking should be met; and*
- 4. The scheme and code requirements for wall and overall heights should be met”*

*\*Note that some R-codes don't have deemed-to-comply requirements for overshadowing.*

Officers do not believe that such a Policy is necessary, as these items are necessarily considered when assessing whether or not amenity is compromised. The single purpose it would serve would be to formalise the position of Council with respect to the meaning of 'compromising amenity.'

### Delegation of Authority

Council reviews its delegations of authority annually usually in June or July. Due to the implementation of the *Planning and Development (Local Planning Scheme) Regulations 2015* in October, the planning delegations were reviewed in September 2015 (item C4) to ensure consistency with the provisions of the Regulations. Planning Authority is delegated under the provisions of the Town Planning Scheme (through the 'deemed provisions' of the Regulations) and may be delegated to a committee or the local government CEO who at his discretion may delegate further to local government officers.

Currently, Council has delegated authority to the Development Services Committee to determine any development application made under the Scheme with no conditions and to the CEO with conditions such that certain applications including retrospective applications where prosecution is recommended, demolition of structures which are subject to heritage provisions and circumstances where five or more objections are received on valid planning grounds cannot be determined under delegation.

**Consultation**

No consultation is necessary for the purposes of this report. Should Council resolve to prepare a planning policy, a further report will be presented to Council containing a draft policy and recommendations regarding public consultation.

**Strategic Implications**

Should Council wish to adopt a policy, then this would form part of the City's planning policy framework.

**Statutory and Policy Considerations**

Part 7 of the R Codes outline the circumstances whereby a local planning policy may amend or replace provisions contained with the R Codes.

Schedule 2, clause 61(1)(d) of the *Planning and Development (Local Planning Scheme) Regulations 2015* states that development approval is not required for the erection or extension of an ancillary dwelling where it satisfies the 'deemed to comply' provisions of the R Codes and the property is not subject to heritage provisions.

**Risk and Asset Implications**

There are no risk or asset implications for this report.

**Financial**

There are no financial implications for this report.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachment/s**

1. Planning Policy 2.7 'Ancillary Accommodation' rescinded July 2014.

**D6 PARKING MANAGEMENT CAR STATION 14 FORREST STREET SUBIACO****REPORT FROM DIRECTOR DEVELOPMENT SERVICES**

**Author:** Manager Field Services, Michael Duckett  
**Date:** 22 January 2016  
**File Reference:** A/197  
**Voting Requirements:** Absolute Majority - 7 elected members required to vote in favour

**OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr Matheson/seconded Cr Rowe

1. That the time restriction in Car Station 14 be removed
2. That Car Station 14 continue to offer the first hour free to customers
3. That the following range of parking fees for the redeveloped Car Station 14 in Forrest Street be adopted and published in accordance with Section 6.19 of the Local Government Act 1995

Period	Range								
	Lower Point			Mid-point			Upper Point		
	\$/10min	Hour	Hr+ 50Min	\$/10min	Hour	Hr+ 50Min	\$/10min	Hour	Hr +50Min
1 <sup>st</sup> Hr	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2 <sup>nd</sup> Hr	\$ 0.50	\$ -	\$ 2.50	\$ 0.60	\$ -	\$ 3.00	\$ 0.70	\$ -	\$ 3.50
3 <sup>rd</sup> Hr	\$ 0.60	\$ 3.10	\$ 6.10	\$ 0.60	\$ 3.60	\$ 6.60	\$ 0.70	\$ 4.20	\$ 7.70
4 <sup>th</sup> Hr	\$ 0.60	\$ 6.70	\$ 9.70	\$ 0.70	\$ 7.30	\$ 10.80	\$ 0.80	\$ 8.50	\$ 12.50
5 <sup>th</sup> Hr	\$ 0.70	\$ 10.40	\$ 13.90	\$ 0.70	\$ 11.50	\$ 15.00	\$ 0.80	\$ 13.30	\$ 17.30
6 <sup>th</sup> Hr	\$ 0.70	\$ 14.60	\$ 18.10	\$ 0.80	\$ 15.80	\$ 19.80	\$ 0.90	\$ 18.20	\$ 22.70
7 <sup>th</sup> Hr	\$ 0.80	\$ 18.90	\$ 22.90	\$ 0.80	\$ 20.60	\$ 24.60	\$ 0.90	\$ 23.60	\$ 28.10
8 <sup>th</sup> Hr	\$ 0.80	\$ 23.70	\$ 27.70	\$ 0.90	\$ 25.50	\$ 30.00	\$ 0.90	\$ 29.00	\$ 33.50
9 <sup>th</sup> Hr	\$ 0.90	\$ 28.60	\$ 33.10	\$ 0.90	\$ 30.90	\$ 35.40	\$ 1.00	\$ 34.50	\$ 39.50
10 <sup>th</sup> Hr	\$ 0.90	\$ 34.00	\$ 38.50	\$ 1.00	\$ 36.40	\$ 41.40	\$ 1.00	\$ 40.50	\$ 45.50
10 hrs		\$ 39.40			\$ 42.40			\$ 46.50	

4. That the commencement fee be the mid-point of the range
5. That the Chief Executive Officer be authorised to vary the fees within the range to help maintain a desired level of occupancy during town centre trading hours of 85%.

CARRIED BY AN ABSOLUTE MAJORITY VOTE 11/0

7.57pm

**OFFICER RECOMMENDATION**

1. That the time restriction in Car Station 14 be removed
2. That Car Station 14 continue to offer the first hour free to customers
3. That the following range of parking fees for the redeveloped Car Station 14 in Forrest Street be adopted and published in accordance with Section 6.19 of the Local Government Act 1995

Period	Range								
	Lower Point			Mid-point			Upper Point		
	\$/10min	Hour	Hr+ 50Min	\$/10min	Hour	Hr+ 50Min	\$/10min	Hour	Hr +50Min
1 <sup>st</sup> Hr	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2 <sup>nd</sup> Hr	\$ 0.50	\$ -	\$ 2.50	\$ 0.60	\$ -	\$ 3.00	\$ 0.70	\$ -	\$ 3.50
3 <sup>rd</sup> Hr	\$ 0.60	\$ 3.10	\$ 6.10	\$ 0.60	\$ 3.60	\$ 6.60	\$ 0.70	\$ 4.20	\$ 7.70
4 <sup>th</sup> Hr	\$ 0.60	\$ 6.70	\$ 9.70	\$ 0.70	\$ 7.30	\$ 10.80	\$ 0.80	\$ 8.50	\$ 12.50
5 <sup>th</sup> Hr	\$ 0.70	\$ 10.40	\$ 13.90	\$ 0.70	\$ 11.50	\$ 15.00	\$ 0.80	\$ 13.30	\$ 17.30
6 <sup>th</sup> Hr	\$ 0.70	\$ 14.60	\$ 18.10	\$ 0.80	\$ 15.80	\$ 19.80	\$ 0.90	\$ 18.20	\$ 22.70
7 <sup>th</sup> Hr	\$ 0.80	\$ 18.90	\$ 22.90	\$ 0.80	\$ 20.60	\$ 24.60	\$ 0.90	\$ 23.60	\$ 28.10
8 <sup>th</sup> Hr	\$ 0.80	\$ 23.70	\$ 27.70	\$ 0.90	\$ 25.50	\$ 30.00	\$ 0.90	\$ 29.00	\$ 33.50
9 <sup>th</sup> Hr	\$ 0.90	\$ 28.60	\$ 33.10	\$ 0.90	\$ 30.90	\$ 35.40	\$ 1.00	\$ 34.50	\$ 39.50
10 <sup>th</sup> Hr	\$ 0.90	\$ 34.00	\$ 38.50	\$ 1.00	\$ 36.40	\$ 41.40	\$ 1.00	\$ 40.50	\$ 45.50
10 hrs		\$39.40			\$42.40			\$46.50	

4. That the commencement fee be the mid-point of the range
5. That the Chief Executive Officer be authorised to vary the fees within the range to help maintain a desired level of occupancy during town centre trading hours of 85%.

**Executive Summary**

The Council has previously expressed a desire to allow visitors to Subiaco to park and stay as long as they choose without being concerned about expiry of a ticket and having the opportunity to extend that period of stay if desired.

Car Station 14 situated in Forrest Street is currently being redeveloped and the intent is to present this supply of parking in that manner when it re-opens which is scheduled to be Mid-April 2016.

The purpose of this report is to outline how that will be achieved and to seek approval for a fee structure to facilitate the proposed parking management system.

**Background**

The traditional method of offering a pay on departure opportunity to car park customers is the installation of a boom gate system as typically seen in multi-deck car parks that have controlled access and egress points. This option has previously been discarded due to capital expense, loss of bays created by a requirement to provide queuing and internal circulation lanes and the desire to retain multiple access and egress points. In addition this one facility would not provide sufficient scale to have an effective response service should a boom gate fail and prevent a customer from leaving the facility.

To achieve this outcome in Car Station 14, the intention is to utilise a combination of ticket machines and a new pay by phone option to be provided by EasyPark.

### **Comment**

Car station 14 has historically been designated a shopper car park, with 2 hourly turnover of cars allowing a succession of shoppers to utilise that facility. Potentially, depending of course on purchase patterns, a 100 bay car park, for ease of calculation, presented in this manner, over a duration of 10 hours (8am-6pm) can provide 500 parking opportunities for customers per day. Conversely, the same facility without time limits may only offer 100 parking opportunities per day.

Although the Council would like to grant shoppers an opportunity to stay longer, requiring removal of the 2 hour limit, it is assumed that the fundamental concept of this facility being a shopper car park needs to be preserved.

With removal of the time restriction, turnover of bays will need to be achieved by pricing, offering less expensive short-term parking and charging a premium price for excess hours and making it very unattractive for commuter parking. The proposal therefore is an escalating pricing structure as below:-

Period	Range								
	Lower Point			Mid-point			Upper Point		
	\$/10min	Hour	Hr+ 50Min	\$/10min	Hour	Hr+ 50Min	\$/10min	Hour	Hr +50Min
1st Hr	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2nd Hr	\$ 0.50	\$ -	\$ 2.50	\$ 0.60	\$ -	\$ 3.00	\$ 0.70	\$ -	\$ 3.50
3rd Hr	\$ 0.60	\$ 3.10	\$ 6.10	\$ 0.60	\$ 3.60	\$ 6.60	\$ 0.70	\$ 4.20	\$ 7.70
4th Hr	\$ 0.60	\$ 6.70	\$ 9.70	\$ 0.70	\$ 7.30	\$10.80	\$ 0.80	\$ 8.50	\$12.50
5th Hr	\$ 0.70	\$10.40	\$13.90	\$ 0.70	\$11.50	\$15.00	\$ 0.80	\$13.30	\$17.30
6th Hr	\$ 0.70	\$14.60	\$18.10	\$ 0.80	\$15.80	\$19.80	\$ 0.90	\$18.20	\$22.70
7th Hr	\$ 0.80	\$18.90	\$22.90	\$ 0.80	\$20.60	\$24.60	\$ 0.90	\$23.60	\$28.10
8th Hr	\$ 0.80	\$23.70	\$27.70	\$ 0.90	\$25.50	\$30.00	\$0.90	\$29.00	\$33.50
9th Hr	\$ 0.90	\$28.60	\$33.10	\$ 0.90	\$30.90	\$35.40	\$1.00	\$34.50	\$39.50
10th Hr	\$ 0.90	\$34.00	\$38.50	\$ 1.00	\$36.40	\$41.40	\$1.00	\$40.50	\$45.50
10 hrs		\$39.40			\$42.40			\$46.50	

The current fee structure in town centre shopper car parks operated by the City, including this facility, is \$0.60 per 10 minutes with first hour free to a maximum purchase of 2 or 3 hours or \$3.60 or \$7.20. The requirement to pay applies from 8am and concludes at 6pm. Like the current fees, the proposed fee structure allows for purchase of 10 minute increments ranging from \$0.50 to \$1.00 throughout the three points within the range.

To assist with interpretation of the proposed fee scale, using the mid-point of the range a customer would pay as follows:-

Time	Cost	Time	Cost
1 hr	\$ 0.00	1 hr 30mins	\$ 1.80
4 hrs	\$11.50	4 hrs 20mins	\$12.90
6 hrs	\$20.60	6hrs 40 mins	\$23.80

Providing a fee range will facilitate periodic adjustment to maintain a desired level of occupancy of around 85% and providing incremental charges within each point in the range will enable customers to purchase a more precise amount of parking. A feature of the pay by phone option is that a customer will be able to activate a parking session

and terminate that session without paying for parking that they have not utilised, incremental pricing rather the pricing based on hourly blocks will support that feature.

In addition to pricing, controls will have to be introduced to prevent repeat purchase of the shorter and less expensive periods.

These controls will include the need for customers to input their vehicle registration detail into the ticket machine upon purchase of a ticket. The machines will be programmed to charge cumulative hours for continuous purchases related to that vehicle within that day. The pay-by-phone option in this zone will be programmed to do likewise.

Customers using the ticket machine will still need to monitor their length of initial stay but they will, unlike previously, be able to return and purchase additional time albeit at the cumulative rates. On the other hand, customers choosing to use the smart phone payment opportunity will be alerted to the expiration of their virtual ticket and be able to purchase additional hours from wherever they may be located.

A customer with a genuine need to leave the car park and return later that same day will be able to commence a subsequent parking period provided there has been no active session within the previous hour.

A further enhancement that will be tested in this car park is the capacity to integrate data from both the ticket machines and the pay by phone option to determine the occupancy of the facility and average length of stay. This data will be used to enhance the City's reporting opportunities, report on parking trends, and aid in the determination of pricing to maintain the desired level of occupancy. This level of integration may also facilitate wayfinding to this particular car park.

### **Consultation**

There has been no recent public consultation regarding this management system, however, earlier feedback from the Subiaco Town Centre Network supports creation of a city parking facility that offers an opportunity to park and shop without the constraint of a time limit. The new pay by phone option, which is to be launched throughout the City during February 2016 will be promoted extensively, in particular in this car park, highlighting the advantages of being able to enjoy the Subiaco shopping experience without having to be concerned about expiry of a parking ticket.

### **Strategic Implications**

Focus Area 5 of The Community Strategic Plan, complemented by the Parking Strategy 2012-2016, proposes enhancement to management of parking within the City, enabled, in part, by enhanced use of technology.

The Parking Strategy 2012-2016 in Strategic Outcome 3.6 seeks to develop a system of parking management that accommodates flexible fee structures in off-street parking facilities that more effectively manages demand for those facilities and ensures, by pricing that occupancy rates remain at approximately 85%.

Presenting Car Station 14 in this manner presents as an opportunity to test this approach and potentially apply the same management system to other town centre shopper car park facilities.

### **Statutory and Policy Considerations**

Adopting or altering fees outside of the Annual Budget process requires an absolute majority decision and for the fees to be advertised for 2 weeks prior to them becoming effective. The public notice of the fees will be published in advance of the car park or portions thereof being re-opened to the public. This ongoing requirement will be managed by adopting a range of fees and authorising the Chief Executive Officer to make adjustments within that range.

### **Risk and Asset Implications**

Management of Car Station 14 will include the provision of 2 ticket machines, the capital cost of which has been accommodated within the current budget estimates.

It has been suggested that managing car stations in this manner may be a test case for other parking facilities within the Town Centre. Access to occupancy data provided by the new ticket machines and the pay by phone system will assist with assessment of the success of otherwise of this proposed management system and pricing structure.

### **Financial**

The capital cost associated with the redevelopment of this car park, including ticket machines, has been included in the current budget estimates. There is no direct cost associated with introduction of the new pay by phone system.

The projected revenue for this car park in the current budget is \$75,000. This estimate is less than previous years given the redevelopment works.

Revenue generated by town centre car parks that offer the first hour free is always difficult to estimate as a great deal depends on the purchasing patterns adopted by customers, it will be interesting to gain an understanding of how removal of the parking restriction and the introduction of the graduated fees impact on revenue performance.

To assist with determination of the fee scales research was undertaken to identify what the private sector were charging for longer stay parking within the town centre, the following has been extracted from various websites. The proposed equivalent fee for Car Station 14 has been included for comparative purposes.

Length of stay	Subiaco Village	502 Hay Street	480 Hay Street	Seddon St	464 Hay Street	Station Street	Subi Centro	Edenderry Terrace	C/S 14
1 hr	\$4.00	\$5.00	\$7.00	\$8.00	\$7.00	\$11.00	Free	\$6.00	\$0.00
2 hrs	\$7.00	\$9.00	\$9.00	\$12.00	\$11.00	\$13.00	\$3.00	\$8.00	\$3.60
3 hrs	\$10.00	\$13.00	\$11.00	\$13.00	\$12.00	\$15.00	\$6.00	\$10.00	\$7.30
4 hrs	\$13.00	\$15.00	\$17.00	\$15.00	\$14.00	\$17.00	\$9.00	\$12.00	\$11.50
5 hrs	\$16.00	\$18.00	\$17.00	\$15.00	\$14.00	\$17.00	\$12.00	\$14.00	\$15.80
<b>6 hrs</b>	<b>\$20.00</b>	<b>\$18.00</b>	<b>\$17.00</b>	<b>\$15.00</b>	<b>\$14.00</b>	<b>\$17.00</b>	<b>\$12.00</b>	<b>\$14.00</b>	<b>\$20.60</b>
7 hrs	\$20.00	\$18.00	\$17.00	\$15.00	\$14.00	\$17.00	\$12.00	\$14.00	\$25.50
8 hrs	\$20.00	\$18.00	\$17.00	\$15.00	\$14.00	\$17.00	\$12.00	\$14.00	\$30.90
9 hrs	\$20.00	\$18.00	\$17.00	\$15.00	\$14.00	\$17.00	\$12.00	\$14.00	\$36.40
10 hrs	\$20.00	\$18.00	\$17.00	\$15.00	\$14.00	\$17.00	\$12.00	\$14.00	\$42.40

**Social and Environmental Implications**

Parking can be a contentious issue, the city will receive feedback from customers regarding the proposed presentation and management of this new facility, not only the parking management system and fee structure, but ultimately the flexible use of the space comprising car station 14.

**Attachment**

There are no attachments to this report.

Councillor Hemsley left the chamber at 7.57pm as he had previously declared in interest in item D7.



**D7 DRAFT PARKING PERMITS POLICY****REPORT FROM DIRECTOR DEVELOPMENT SERVICES**

**Author:** Manager Field Services, Michael Duckett  
**Date:** 22 January 2016  
**File Reference:** A/640  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr Matheson/seconded Cr Rowe

**That Council:**

1. **Advertise the draft policy related to the Management of Parking Permits for a period of not less than 21 days providing the community with an opportunity to provide comment;**
2. **Receive a report in April 2016 including the collated community feedback and any recommended modifications to the draft policy for further consideration prior to adoption of the final Policy.**

CARRIED 10/0

7.58pm

**Background**

At its meeting dated the 15 December 2015 the Council resolved that staff prepare a draft policy related to the management of parking permits, including those allocated to residential properties, based on the principles detailed in the following table.

The purpose of this report is to present the draft of that policy for consideration of the Council.

**Comment**

The history of permits within the City, research prior to preparation and subsequent adoption of the Parking Strategy 2012-2016 and findings of a review of the current system undertaken by Luxmoore Consulting were identified in the report to Council on the 15 December 2015, item C12, and are not republished in this report.

The Local Law Relating to Parking, a permit management policy, adoption of fees and charges within the annual budget and appropriate delegation of authority and opportunity to review decisions made by officers, will create a framework within which the City can equitably administer parking permits throughout the community.

This framework, inclusive of a policy, also creates the necessary structure to explore technological solutions and opportunities to aid in the management of Parking Permits.

The following table reconciles each provision of the Policy, what principle it addresses and how it will enhance management of the permits. This table will be made available to members of the community wishing to comment on the draft policy to assist with their interpretation and understanding of the policies intent.

<b>Policy principles</b>	<b>Policy</b>	<b>Comments</b>
a. Maintaining a robust, valid and equitable application process	Throughout	Draft Policy outlines the application process, relevant information to be provided by applicants and criteria for assessment of each parking permit type.
	Item 28	Inclusion of formal dispute process.
b. The need to mitigate misuse of permits by containing supply and creating support for cancellation of permits that are being misused	Item 7, 8, 9	Contains standard allocation of permits
	Item 11, 12	Specifies appropriate and inappropriate use permits
	Item 25, 26	Permit misuse will result in permit/s being revoked in line with current administrative processes.  A further deterrent is available in circumstances of severe permit misuse, such as the sale or copying of permits, resulting in all permits being revoked and a period of time. Revised local law is also contemplating an infringement for misuse of permits.
c. Provide a variety of permit types to ensure a person has capacity to access and service their residential property	Throughout	A variety of permits types are offered, describing purpose and eligibility. See description and definition on pages 1 and 2.
d. Permits for owner occupiers being issued upon successful application for a 12 month period with an opportunity to simply renew permits annually for a period of time whilst having to make a new application periodically to ensure the provision of permits continues to be appropriate	Item 18	Enables the renewal of permits for two (2) sequential years from the initial year of application, 3 years in total before a new application is required.
e. Permits for residential properties not occupied by the owners being allocated for the term of the tenancies only and then be subject to a new application	Item 3	This provision will assist with management of permits allocated to tenants.
f. The standard allocation of Visitor Parking Permits be 1 such permit in accordance with the Parking Strategy 2012-2016	Item 9	Contains standard allocation of Visitor Parking Permits

g. A second Visitor Parking Permit being available subject to application outlining extenuating circumstances, and if successful, subject to payment of the prescribed fee	Item 9, 10	Circumstances, where an additional parking permit may be issued, have been included in the draft policy to service as a guide to the use of discretion. Second permits to facilitate provision in home care or support to be free of charge.
h. Payment of fees for allocation of permits in excess of the standard allocation to be determined annually by the Council	Item 22	Allows for the determination of prescribed fees as adopted by Council
i. No residential or visitor permits being allocated to streets predominately servicing commercial and retail land uses, such as Hay Street and Rokeby Road	Item 5	Disallows the allocation of permits to streets predominately servicing commercial and retail land use which experience high demand for parking.
j. New residential properties or those subject to significant redevelopment that have an opportunity to provide adequate on-site parking not be eligible for permits or a reduced number of permits	Item 15, 16	Applies to new dwellings constructed after adoption of the policy, in accordance with S2.4 of the Parking Strategy 2012-2016. Every opportunity will be taken to advise new developments of this constraint through the use of planning advice notes.
k. Permit allocation to existing group dwellings and mixed use developments be reviewed based on their size and existing parking capacity.	Item 14	These items consider the date of development and the quantity of existing parking capacity, and the current supply and demand for street parking the adjacent area.
l. Permits to exempt residents and their visitors from having to pay for parking within the street or streets nominated on that permit.	Item 11,12	Vehicles displaying a residential or visitor parking permits are exempt from the requirement to display a ticket within 'on street' car parks specified on that permit.
m. Maintain privacy of permit holders.	Item 24	Permit stationery will not include the associated address.
n. Provide an opportunity for applicants to appeal decisions regarding permits made under delegated authority.	Item 27, 28	Inclusion of formal dispute process and reference to the register of delegations that is determined annually by the Council.

Prevailing parking schemes have the capacity to reduce a residents' reliance on permits. For example, in areas of Shenton Park where competing demands for parking are less prevalent, 3 hour restrictions have been installed to apply 8am to 4pm Monday to Friday. This regime obviously reduces the need for permits for residents, in particular permits to accommodate visitors to those properties. To the contrary, where the schemes apply 8am-9pm Monday to Sunday, the need for permits would be greater.

This issue and the influence the schemes have on the use of permits will be considered as parking management plans are developed for each precinct.

This policy incorporates the reduction of the standard allocation of Visitor Permits from 2 to 1 as endorsed through adoption of the Parking Strategy 2012-2016. Early indications are that the previous supply of second Visitor Permits was in excess of demand for that service and the number of these Permits now being processed more accurately reflects the need for these Permits.

In 2014/15 the permit management system contained approximately 8500 active permits, as at the 28 January 2016 there were 4,313 active permits in the system comprised as follows:-

Residential Parking Permits	1,265
Visitor Parking Permits	2,937
Second Visitor Parking Permits	111

This reduction in permits creates significant savings in staff time and resources.

### **Consultation**

Extensive internal and external consultation was conducted prior to and during the development of the Parking Strategy 2012-2016 which has also informed development of the draft policy.

Although there is no statutory requirement to invite public submissions in relation to the proposed policy it is considered prudent, subject to endorsement by the Council, that the public be invited on the City's website and local newspaper to comment on the draft policy. The public would be invited to make submissions on the proposed policy for a period of twenty one (21) days, replicating the duration of a public consultation period in accordance with Planning Policy proposals.

### **Strategic Implications**

Preparation of a policy has links to the Corporate Business Plan 2014-2018;

Focus area 5 – An effective and integrated transport system.

Strategy 5.3.1 – Develop a comprehensive parking system that considers both supply and management of parking.

The proposed policy has direct links to the Parking Strategy 2012-2016.

### **Statutory and Policy Considerations**

The City of Subiaco Parking Facilities Local Laws, currently under review, provides the legislative power to issue parking permits. A review of this local law has been progressing and is scheduled to be presented to Council after closure of the public consultation period for consideration.

Although not subject to appeal or objection in accordance with the Local Government Act 1995, provision has been made in the policy for decisions made under delegation by officer to be subject to a fair and equitable process of review.

Council can always call-up review of a policy, otherwise they are reviewed annually.

**Risk and Asset Implications**

Failure to implement a Residential, Visitor, Temporary and Special Parking Permits Policy may present a reputational risk to the city resulting in inconsistency and ambiguity in decision making.

Failing to implement the proposed policy may inhibit the continued implementation of strategic outcomes outlined in the Parking Strategy 2012-2016.

**Financial**

There are no foreseeable financial implications. The city's relevant operational budget and resources would however have to manage the level of service proposed in the adopted policy position.

The fee for a second visitor permit will offset the cost of providing that service.

**Social and Environmental Implications**

The introduction of a Residential, Visitor, Temporary and Special Parking Permits Policy will ensure that the city's parking permit management practices remain current and responsive to the community needs and expectations. The policy will reduce the need for frequent deliberations over routine matters and promotes effective and consistent administration.

**Attachment**

1. Draft Policy Management of Residential, Visitor, Temporary and Special Parking Permits

Councillor Hemsley returned to the chamber at 7.58pm.

**D8 PROPOSAL TO SUPPORT THE ENTRY OF ATTUNGA FLATS AT 103 THOMAS STREET, SUBIACO (LOT 36 D/P: 352) ON THE STATE REGISTER OF HERITAGE PLACES AND ADVERTISE THE PROPOSED INCLUSION OF THE PLACE ON THE TOWN PLANNING SCHEME HERITAGE LIST**

**REPORT FROM DIRECTOR DEVELOPMENT SERVICES**

Author: Coordinator Subiaco Heritage, Sofia Boranga

Date: 21 January 2016

File ref: A/2649

Voting requirements: Simple majority - more than half elected members present required to vote in favour

**OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr Matheson/seconded Cr Arbuckle

**That Council:**

1. **Note the draft assessment documentation of 'Attunga Flats', the HCWA Curtilage Map and the HCWA Zones of significance.**
2. **Advise the Heritage Council of Western Australia that it supports entry of 'Attunga Flats' at No. 103 Thomas Street, Subiaco in the State Register of Heritage Places.**
3. **In accordance with Planning Policy 3.1 'Additions and amendments to the Local Government Inventory and Town Planning Scheme Register of Places of Cultural Heritage Significance' advertise for a period of not less than 21 days the proposal to also include 'Attunga Flats' on the city's Town Planning Scheme Heritage List established under the provisions of Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

CARRIED ENBLOC 12/0

6.29pm

**Background**

The city has been advised that the Heritage Council of WA's (HCWA) Register Committee has resolved that 'Attunga Flats' at No. 103 Thomas Street, Subiaco is of cultural heritage significance in terms of the *Heritage of Western Australia Act 1990* and that stakeholders are being consulted on the proposed entry of the place in the State Register of Heritage Places.

The purpose of this report is to recommend that Council support the proposed entry of Attunga Flats in the State Register of Heritage Places and advertise the proposal to also include Attunga Flats on the Town Planning Scheme Heritage List.

Attunga Flats was adopted on the City of Subiaco Local Government Inventory in 2003. At its meeting on 13 October 2015 (Item C2), Council resolved to amend the level of significance of the place from *Recommended for HCWA Register of Heritage Places* to *Exceptional significance (level 1)* in accordance with the updated levels of significance as outlined in Planning Policy 3.5 'Assessment of cultural heritage significance'. Places of *exceptional significance (level 1)* are considered as essential to the heritage of Subiaco, have a high level of cultural heritage significance, a high degree of authenticity and are rare or outstanding examples of their type. These places are presented to Council for consideration for inclusion on the Town Planning Scheme

Heritage List and are also considered worthy of nomination for inclusion on the State Register of Heritage Places.

Section 3.1 of Planning Policy 3.1 'Additions and amendments to the Local Government Inventory and Town Planning Scheme Register of Places of Cultural Heritage Significance' (now referred to as the Heritage List) states that Council may consider a place for inclusion on the Heritage List at the same time that the place is proposed for inclusion on the State Register of Heritage Places.

### **Comment**

Attunga Flats, Subiaco is a purpose built slender, three storey block of flats designed in the Inter-War Art Deco style. HCWA have prepared a draft heritage assessment of Attunga Flats and this is included as Attachment 1 to this report. This document describes in detail the cultural heritage significance of the place. In summary the draft heritage assessment considers the place to be significant and worthy of entry in the State Register of Heritage Places for the following reasons:

#### *Aesthetic Value*

Attunga Flats, Subiaco is a fine and intact example of the Inter-War Art Deco style applied to a purpose-built block of flats and is a local landmark along the western residential side of Thomas Street.

#### *Historic Value*

Attunga Flats is indicative of the changing economy and social practices in the Inter-war period that lead to the introduction and acceptance of apartment buildings in Western Australia in the 1930s. It is representative of the first purpose-built flats constructed in Perth in the 1930s and is associated with Claude A de Bernales, owner of the General Construction Co, who built and owned the property in 1937. De Bernales was a successful mining entrepreneur who was also responsible for the construction of London Court and the Piccadilly Theatre.

#### *Social Value*

Attunga Flats is highly valued by the members of the Art Deco Society in Western Australia and the local community of Subiaco as evidenced through its entry in the Local Government Inventory.

#### *Rarity*

The place is rare as a 1930s purpose-built flat that clearly articulated its use as a block of flats. By contrast, the majority of early inter-war flats presented the appearance of being a single large residence.

Given the above information it is considered that the place is worthy of entry on the State Register of Heritage Places and it is appropriate that Council supports this proposal.

### **Consultation**

HCWA has a statutory requirement under the *Heritage of Western Australia Act 1990* to consult the relevant local government authorities to ascertain whether they:

1. Support the proposed registration;
2. Have no comment to make on the proposal; or
3. Do not support the proposed listing for reasons to be advised.

HCWA has a statutory obligation to consult with all land owners.

Should Council also support the proposal to consider including the place on the Town Planning Scheme Heritage List consultation will be undertaken as required under Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Planning Policy 3.1 'Additions and amendments to the Local Government Inventory for Subiaco and the Register of Places of Cultural Heritage Significance'. A further report will be presented to Council following this consultation.

### **Strategic implications**

The recommendations of this report are consistent with the Focus Area 4 of the Strategic Community Plan, specifically strategy 4.1.1 to "*identify and protect significant heritage buildings*" and the associated actions identified in the city's Corporate Business Plan 2014-2018 specifically to "*identify and record significant places*".

### **Statutory and policy considerations**

The State Register of Heritage Places is established under the provisions of the *Heritage of Western Australia Act 1990*. The State Register is managed by the Heritage Council of Western Australia with the assistance of the State Heritage Office. Entry in the State Register means that any changes or works proposed for the place need to be referred by the responsible local government to the State Heritage Office for approval.

### **Risk and Asset implications**

There are no risk or asset implications associated with the recommendation.

### **Financial**

There are no specific financial implications to consider as a result of the recommendations of this report.

### **Social and environmental implications**

There are no specific social and environmental implications to consider as a result of the recommendations of this report.

### **Attachments**

1. Draft assessment documentation (12 pages)
2. HCWA Curtilage Map (2 pages)
3. HCWA Zones of significance (1 page)



## 10.2 CORPORATE, COMMUNITY AND TECHNICAL SERVICES COMMITTEE

### ENBLOC DECISION

Moved Cr Stroud/seconded Cr McAllister

**That the recommendations relating to T2, T4 and T6 – T9 contained in the minutes of the Corporate, Community and Technical Services Committee meeting of 16 February 2016 be adopted.**

CARRIED 11/0

7.59pm

Councillor Matheson left the chamber at 8.00pm.

## T1 EXTENDED CLOSURE OF PORTION OF PRICE STREET

### REPORT FROM DIRECTOR TECHNICAL SERVICES

**Author:** Manager Transport Planning and Development, Kumar Vadivale

**Date:** 28 January 2016

**File Reference:** A/2773

**Voting Requirements:** Simple - more than half elected members present required to vote in favour

### OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Stroud/seconded Cr Richardson

**That Council:**

1. **Approves the closure of Price Street between Atkinson Road and Mouritzen Way to allow the construction of the approved development at Lot 206 Price Street for a period of time that is required to establish the basement to be constructed and in operation;**
2. **Request the Metropolitan Redevelopment Authority to ensure Pindan complies with all compliance requirements and addresses community concerns in regards to the closure and works.**

CARRIED 7/3

CRS MCALLISTER, ARBUCKLE AND MUMMERY VOTED AGAINST

8.02pm

### **Background**

On 10 December 2014 the Metropolitan Redevelopment Authority (MRA) informed the City that it had granted Pindan Pty Ltd approval to undertake development of Lot 206 Price Street, Subiaco. The development involves the construction of 5 storey apartment buildings in the lot either side of Price Street with an underground car park between the northern and southern buildings underneath the road reserve. The approval included 22 conditions with a further 5 pages of advice notes relating to the conditions.

Of consequence to the contents of this report is condition 6:

*Any development below the Price Street road reserve is to be undertaken in accordance with the requirements of the Subiaco Redevelopment Scheme, Land Administration Act 1997 and any other relevant legislation. (Refer to Advice Note f)*

and advice note f:

*With regard to Condition 6, the development is to be undertaken in such a manner to ensure that the road reserve above the basement car park is retained in perpetuity. The developer is to advise the City of Subiaco's Infrastructure Department prior to the commencement of any road works in regards to the construction of the proposed basement under Price Street road reserve and obtain all necessary approvals and permits prior to commencement of works. This includes the temporary closure to facilitate removal and reconstruction of all services, road pavement, drainage and footpath between the section of Mouritzen Way and Atkinson Road. The car park structure is to be at a depth to provide for the ongoing support and maintenance of the road and servicing infrastructure.*

Since receiving development approval Pindan has received all the other prior required approvals and on the 18 December 2015 Pindan provided the final details to the City to progress their request for an extended closure of Price Street for a period of up to 12 months. Under the Local Government Act 1995 a continuous road closure of more than four weeks requires approval from Council after giving local public notice. A letter to surrounding properties was sent on 8 January 2016 advising of the request and allowing for submissions on the matter.

### **Comment**

The approved development will involve the excavation of Price Street, construction of the underground car park and adjoining structures, and reconstruction of services and infrastructure in the reserve. Due to the nature of these works there are no alternatives to closing the thoroughfare between Atkinson Road and Mouritzen Way for the duration of works.

Pindan has advised City staff that they anticipate that works requiring the closure of Price Street may take up to 12 months to complete. During this closure Atkinson Road will remain open to allow vehicle access through China Green (attachment 1). At the request of staff Pindan have confirmed that all service trucks will travel via Mouritzen Way to avoid driving along Price Street from its western end and past existing residences. All deliveries for the site will have this route stipulated as part of the contract.

### **Consultation**

A letter to all surrounding properties was mailed on 8 January 2016 notifying of the request to close Price Street and the process that would be undertaken and allowing submissions on the matter. Two written objections to the closure have been received.

The MRA will be encouraged to provide regular updates to the community.

### **Strategic Implications**

The recommendation of this report is in keeping with Strategy 1.2.5 "Create and maintain a safe environment for the community" of the City's *Corporate Business Plan 2014-2018*.

### **Statutory and Policy Considerations**

In accordance with the Local Government Act 1995, Part 3, Division 3, Section 3.50, any closure of a thoroughfare for longer than 4 weeks needs to be approved by Council.

Should Council not approve the closure under the Local Government Act 1995 there is potential for the Metropolitan Redevelopment Authority to close the road regardless of Council's decision. Under the Metropolitan Redevelopment Authority Act 2011, Part 2, Division 2, Section 24:

- (1) *If the Authority considers it is necessary for the performance of its functions to temporarily close a thoroughfare in a redevelopment area to vehicles or people, wholly or partially, then despite the Local Government Act 1995, it may do so in such manner and for such period as it decides.*

While this provision is typically used by the MRA for the purpose of its own work such as subdivisions, it could potentially be exercised at the request of Pindan should MRA deem it necessary.

There are no policy implications for this report.

**Risk and Asset Implications**

The proposed road closure represents the safest and lowest risk method of construction for the site.

There are no asset implications associated with the road closure.

**Financial**

There are no financial implications for this report.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachment**

1. Plan showing portion of Price Street to be closed and proposed detour.

**T2 BUS ROUTE 97 – SUBIACO SHUTTLE – PROPOSED EXTENSION****REPORT FROM DIRECTOR TECHNICAL SERVICES**

**Authors:** Manager Transport Planning and Development, Kumar Vadivale  
 Manager Planning Services, David Milliken

**Date:** 22 January 2016

**File Reference:** A/4082

**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr Stroud/seconded Cr McAllister

**That Council, in relation to Bus Route 97 the “Subiaco Shuttle”:**

1. Advise the Public Transport Authority that it expresses its disappointment at the withdrawal of the weekend service on the route;
2. Support the extension of the route to Leederville Station with a review in 12 months’ time on the social and economic benefit to the community;
3. Authorise the Chief Executive Officer to negotiate with the Public Transport Authority a review of the Funding agreement for the Route, with a view to reducing the City’s contribution;
4. Request the Public Transport Authority to advise as a matter of urgency how it intends to provide public transport services on weekends between the town centre and the southern portions of the City of Subiaco.
5. Request the Public Transport Authority to run the service with a bus that has an appearance easily identifiable as a bus bound for Subiaco with artwork and design reflecting its destination.

CARRIED ENBLOC 11/0  
 7.59pm

**OFFICER RECOMMENDATION**

**That Council, in relation to Bus Route 97 the “Subiaco Shuttle”:**

1. Advise the Public Transport Authority that it expresses its disappointment at the withdrawal of the weekend service on the route;
2. Support the extension of the route to Leederville Station with a review in 12 months’ time on the social and economic benefit to the community;
3. Authorise the Chief Executive Officer to negotiate with the Public Transport Authority a review of the Funding agreement for the Route, with a view to reducing the City’s contribution;
4. Request the Public Transport Authority to advise as a matter of urgency how it intends to provide public transport services on weekends between the town centre and the southern portions of the City of Subiaco.

**Background**

In late October 2015, the Public Transport Authority (PTA) advised the City that the weekend service on Bus Route 97 would be withdrawn. The City contributes to the financial cost of running of the service, and has expressed its disappointment in the decision to the PTA.

The City, along with other funding partners, has worked with the PTA to reinvest the lost service kilometres on weekends into improving the service on weekdays. An extension of the route to Leederville can be achieved at no additional cost. This has been long standing request with Council at its Ordinary Council Meeting on 11 October 2011 resolving as part of its submission to the Department of Transport for the draft Public Transport for Perth in 2031 plan that the route be extended to Leederville Station. It is considered that a successful extension may make it possible to reintroduce a weekend service in the future.

The funding agreement is due for review, and there is a case for the City to reduce its funding contribution from 15% of the cost of the service today, to a lower percentage in the future. Officers will negotiate towards a lower contribution during this review of the agreement.

### **Comment**

#### *Withdrawal*

The PTA decided to withdraw the weekend service on Bus Route 97 in October 2015, upon commencement of the 'Markets on Rokeby.' The PTA advised that the weekend service was already on their list of services to review, however the opening of the markets brought this forward.

Essentially, the weekend service was timetabled so that it departed Subiaco just after trains pass through, ran to and from UWA, and arrived back just before trains passed through again. This could occur with two buses doing the run on Saturdays, and a single bus on Sundays, however the timetable was very tight. Any small deviation would increase the run time and mean an extra bus would be required to run the route, meaning that the cost would increase substantially. Whilst this explanation is understandable, the City has expressed its disappointment in the decision.

#### *Reinvesting the service kilometres*

Public transport is important to Subiaco, especially with a growing population and increasing employment numbers. An effective and integrated transport system is a focus area in the City's Corporate Business Plan.

City staff from both the Transport and Planning teams commenced engagement with PTA and other funding parties (QEII and UWA) to determine whether the weekend kilometres that were withdrawn could be reinvested to improve the service on weekdays.

A number of options were discussed, including:

- Running the service later into the evenings on weekdays;
- Extending the route to Glendalough Station; or
- Extending the route to Leederville Station.

After discussing with the other funding parties it was agreed that the Leederville extension has the most benefits of the options. Later weeknight services are not as important for UWA, and a Glendalough extension would be a lot more expensive than a Leederville extension as it is a further distance.

The PTA has agreed that this is the preferred outcome, and has advised that the following can occur at no additional cost over the previous weekend service:

- Extend the service to Leederville between 6:30am and 9:00am, and between 3:45pm and 6:45pm;
- Replace the buses with new standard low-floor buses from the general fleet. The special livery buses are aging and are inefficient to operate as a sub-fleet. The electronic display on the bus would still say "Subiaco Shuttle."

Benefits of extending the route to Leederville include:

- Subiaco residents will have better connections to the Joondalup/Mandurah line which will improve their public transport journeys;
- Subiaco, QEII and UWA will be connected to the Joondalup/Mandurah line allowing passengers more direct links to their destination. Many employees in the Subiaco Region, and students at UWA, live in the northern suburbs, and improved public transport will help reduce traffic congestion;
- A increased range of public transport destinations will become available to and from Subiaco;
- More public transport connections will lead to less reliance on car parking within Subiaco, which will work towards addressing the City's parking and traffic concerns;
- Public transport connectivity is important in supporting the continued economic growth in Subiaco, particularly for young people, and for older people; and
- The limited north-south public transport services in Subiaco will be improved.

It is also noted that extending the route would address the timetabling issues identified by PTA that led to the removal of the weekend service. A deviation around any closure of Rokeby Road would be much less significant with a longer route. This may assist in the City being able to renegotiate the reintroduction of the weekend service in the future.

In August 2015 the service carried an average of 1443 passengers on a weekday. Projected numbers for improvements are difficult to predict, however connecting the Route to the Joondalup line at Leederville, and running it through the suburb of West Leederville is considered likely to increase patronage by 30-50% (to ~2000 pax per day).

Should the route be extended a review would be conducted after 12 months to assess the social and economic benefit to the community and presented to Council.

### *Funding*

The Corporate Business Plan contains an existing activity supporting an effective and integrated transport system to "partner in provision of the number 97 Subiaco Shuttle Bus." The current funding agreement between the City, PTA, UWA and QEII was adopted in 2007 and the service currently costs approximately \$775,000 per annum to run. The City contributes 15% to the running of the service, which is in the order of \$116,315 per annum.

It is acknowledged that funding public transport services is not a key role of local government, however the residents of the City, and visitors to the City do benefit significantly from the service. The PTA has acknowledged that the agreement is in need of review.

An extension of the route to Leederville will mean that the bus route is no longer entirely within the City of Subiaco. Most of the extension will run within the Town of Cambridge and their Council has expressed a willingness to contribute to any such

change in the past. At their Council Meeting held on 20 September 2011 they advised that "Council is prepared contribute up to \$26,000 towards the extension of the Subiaco Shuttle (Route 97) Bus Service to Leederville Station".

Should the southern part of the City be transferred to the City of Perth, only 40% of the length of the route will be within the City of Subiaco. There is therefore a case to reduce the City's contribution to around 6% of the total cost of running the route. The City staff propose to negotiate a new agreement in line with this argument and seek to include the Town of Cambridge to potentially expand the service outside the peak times.

It is unknown at this stage whether any extension to the City of Perth will include an extension to the Perth Parking Management Area and the Free Transit Zone (i.e. include free public transport).

#### *Weekend Connectivity*

The southern part of the City (south of Nicholson Road) remains without a direct connection to the Subiaco Town Centre on weekends, due to the withdrawal of Route 97.

Route 24 runs along the same streets as Route 97 between Broadway and Nicholson Road, but then travels to East Perth via Thomas Street. Route 24 runs on all days of the week. An improvement to the bus network would be to change Route 24 so that it travels via Rokeby Road and Bagot Road, rather than Thomas Street. This would mean that Route 24 connects to the Town Centre at its southern end, and would also improve bus services along Bagot Road. The bus stops along Thomas Street will still be served by Route 103 to East Perth.

The City is awaiting feedback from the PTA as to whether this change would be supported, or how else they propose to reconnect the southern parts of the City to the Town Centre on weekends.

In the event that access is available to Rokeby Road the City may be able to renegotiate the reintroduction of the 97 service on weekends.

#### **Consultation**

The City has engaged with the PTA, UWA and QEII during the negotiations to get to this stage. Should a change be proposed, Transperth will undertake consultation.

#### **Strategic Implications**

An effective and integrated transport system is a focus area in the City's Corporate Business Plan. Contributing to this bus service is an existing activity supporting that Focus Area. The extension of this service to Leederville is also an action in the City's Integrated Transport Strategy.

Further, a growing population, and a vibrant town centre, requires good public transport. The provision of this bus service assists in providing an integrated transport system for the City of Subiaco, particularly as the population of the City increases.

#### **Statutory and Policy Considerations**

There are no statutory or policy implications for this report.

**Risk and Asset Implications**

The extension of the route to Leederville will significantly improve north-south public transport in the City. The community and the City is disappointed in the withdrawal of the weekend service, and it is important to support improving public transport wherever possible.

**Financial**

There are no financial implications as a result of this report. The extension can be implemented at no additional cost, as the lost weekend service is reinvested to become an improved weekday service. The negotiation of a new funding agreement with a view to reducing the City's contribution to the service may result in cost savings to the City.

**Social and Environmental Implications**

The recommendations of this report will improve public transport on weekdays in the City of Subiaco, with resultant social and environmental benefits to the community.

**Attachment**

There are no attachments with this report.

Councillor Matheson returned to the chamber at 8.03pm.



**T3 TALK ABOUT SUBI PUBLICATION****REPORT FROM CHIEF EXECUTIVE OFFICER**

**Author:** Executive Manager Communications and Engagement,  
Charlotte Carlish

**Date:** 28 January 2016

**File Reference:** A/3785

**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**COUNCIL DECISION**

Moved Cr Mummery/seconded Cr McAllister

**That the city prepare a detailed plan to improve both efficiency and effectiveness of its communication with residents and ratepayers for consideration by Council.**

CARRIED 11/0

8.16pm

**OFFICER/COMMITTEE RECOMMENDATION**

Moved Cr Arbuckle/seconded Cr Rowe

That the city's monthly publication *Talk about Subi* transition to a quarterly publication from May 2016.

LOST 5/6

CRS MCALLISTER, STROUD, HEMSLEY, MATHESON, CLEMENTS AND  
MUMMERY VOTED AGAINST

8.11pm

**ALTERNATIVE RECOMMENDATION**

Moved Cr Mummery/seconded Cr McAllister

That the city prepare a detailed plan to improve both efficiency and effectiveness of its communication with residents and ratepayers for consideration by Council.

CARRIED 11/0

8.16pm

*Cr Mummery provided the following reasons:*

*The objective is to first do the work to improve communication outcomes before cutting existing vehicles for communication or budgeted resources for it.*

**Background**

Talk about Subi (TAS) is the city's community newsletter that is produced eleven times a year from February to December. The publication is delivered to every resident and business within the City of Subiaco and contains news stories and background information on city policies, initiatives, programs, services and also on upcoming events and activities.

The production of each edition of TAS per month is a financially and resource intensive process. In addition, there is a minimum four-week lead time between finalisation of the content and delivery to the community, which means that information about immediate issues cannot be reported in TAS.

A review of the information provided to the community via the different mediums the city uses was carried out in order to identify more cost-efficient, effective and sustainable ways to communicate with the community.

### **Comment**

It is recommended that TAS transition from a monthly publication to a quarterly publication aligned with the seasonal months.

A quarterly publication will maintain the city's connection with the immediate community and reflect the city's desired reputation as a vibrant and sociable local government that is in touch with its community and provides valuable services. To accommodate the reduced frequency of TAS, a monthly e-newsletter will be available for community members who sign up to receive it. The purpose of the e-newsletter is to provide key highlights and snapshots of information, driving traffic to the city's website.

The quarterly publication will be supported by the city's other communications channels, including the city's website, *Subiaco scene* (the city's page in The Post newspaper), social media, e-newsletters and other collateral. These channels provide the city with flexibility in communicating timely and accurate information to the community.

It is intended that the new quarterly publication will be implemented in May 2016. A comprehensive communications plan will outline the roll out and key messages informing the community about the change. This will include information about how to sign up to receive the monthly e-newsletter. It is also intended that the publication undergo a design refresh to a contemporary look and feel that reflects the desired reputation of the city.

A review of the information currently placed weekly in *Subiaco Scene* on page eight of The Post newspaper has taken place. *Subiaco Scene* will in future include a broader range of information, promoting Subiaco to the wider community as a desirable destination and leading organisation. The city's advertising that is usually placed elsewhere in the newspaper will be consolidated into page eight, creating anticipated savings of approximately \$39,000 per annum. *Subiaco Scene* will for now continue to be placed weekly and this frequency will be reviewed in the future.

### **Consultation**

There is no consultation associated with this report.

### **Strategic Implications**

There are two relevant actions in the city's *Corporate Business Plan 2015–2019* under the following strategies:

- Strategy 3.3.1 Ensure that the community is informed about what is available and what there is to do in the city.
  - Promote city events, facilities, services and programs through a wide range of communications mediums including marketing collateral and media relations.
- Strategy 6.1.3 Be innovative, responsive and maintain a strong customer focus.
  - Ensure the city is continually improving its communication with the community through a high quality communications plan.

### **Statutory and Policy Considerations**

There are no statutory and policy considerations.

**Risk and Asset Implications**

The risk exists that some members of the community do not have access to the internet so will not be able to receive the monthly e-newsletter. In order to mitigate this risk, the e-newsletter will be available as a hard copy if requested.

**Financial Implications**

The recommendation will result in significant financial savings. The current cost of producing TAS is \$8,000 per edition. Reducing the publication to four editions per year will result in a saving of \$56,000 annually if the current six page format is retained.

In addition to these savings, a further \$39,000 per annum will be saved through a restructure of *Subiaco Scene* in the Post newspaper.

**Social and Environmental Implications**

The recommendation will be more environmentally sustainable due to the significant reduction in paper usage. The environmental saving equates to an estimated 79,800 copies of TAS printed over one year.

**Attachment**

There are no attachments to this report.

## T4 DRAFT SOCIAL PROPERTY POLICY FRAMEWORK

### REPORT FROM ACTING DIRECTOR CORPORATE SERVICES

**Author:** Manager Governance and Customer Service, Neil Wilson  
**Date:** 27 January 2016  
**File Reference:** A/3883  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

#### OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Stroud/seconded Cr McAllister

- 1. That Council receive the Draft Social Property Policy Framework.**
- 2. That the Draft Social Property Policy Framework be made available to the lease and license holders identified in the framework inviting their comment.**
- 3. That a further report be made to Council.**

CARRIED ENBLOC 11/0  
7.59pm

#### Background

A property and lease audit conducted by the City's Internal Auditor Santo Casilli identified a number of issues in relation to the way that the City has managed its social properties to date. In particular, concern was raised about the city's lack of formal written agreements in some cases. The disparity between lease agreements with social and sporting organisations was also noted, forming the basis for a recommendation that the City develop a social property policy framework.

#### Comment

The Social Property Policy Framework is intended to be a document which applies a "scientific" basis to the calculation of fees associated with the leasing or licencing of City social properties. The framework is a public document that is open and transparent explaining in detail to current and future users of City of Subiaco Social properties what will be the conditions of lease or licences issued for their use. The purpose of the Framework is not to simply raise income through higher lease fees but to provide equity between the various social property lease and licence holders.

The Framework has been developed after extensive research, looking at comparative local governments and their varying approaches to determining "rental" charges.

Council should note that the implementation of the Framework will be dependent upon the existing lease/licence agreements.

#### Consultation

The report suggests seeking feedback and comment with the lease and licence holders whilst further consultation will be required with the city's social property lease and licence holders regarding the implementation of this policy as the lease and licences become due.

Consultation with comparative local governments was undertaken in the development of the framework.

### **Strategic Implications**

With reference to the Strategic Community Plan, adoption of this policy will support the City's ability to ensure public places (reserves) are utilised to maximum benefit for the current and future community (2.2.1). It will also aid the creation of an organisational and community culture underpinned by sustainable practice (6.1.5).

### **Statutory and Policy Considerations**

#### *Statutory*

Section 3.58 of the *Local Government Act 1995* (WA) ('LGA') sets out the requirements for disposing of property by public auction, tender, or public notice. However such a disposition is exempt if the land is disposed of to a body the objects of which are charitable, recreational, sporting or other like nature under the Local Government (Functions and General) Regulations 1996 r 30(2)(b).

In relation to reserves:

- The *Land Administration Act 1997* ('WA') (CI) ('LAA') requires management of a reserve in accordance with the purpose of its reservation (or purposes ancillary).
- The management body may only manage a reserve in accordance with the management plan (LAA s 49).
- Non-compliance with the management order empowers the Minister for Lands to revoke the order (LAA s 50(1)(b)).

Where the city's social tenancy occupants have no formal agreement or are holding over expired agreements, their occupation is as a 'tenant at will.' In WA, a tenancy at will may be terminated by giving at least one months' written notice by either party to the other, expiring at any time (*Property Law Act s 72*).

#### *Policy*

Currently the only policy the city has in this area is an established policy position of offering social occupancy agreements for no longer than 5 years with a 5 year option.

### **Risk and Asset Implications**

Without this policy framework in place, the city remains at risk of:

- financial loss through unrecovered rent revenue and property outgoings;
- having an ad hoc social property portfolio characterised by a divergent pool of 'peppercorn' and negotiated agreements;
- reputational damage, as the city has no framework in place to refute claims of inequity in its asset management.

Implementation of this policy could provoke some community resistance to change. This could also possibly involve some resistance/backlash from specific groups who are to be charged a higher lease/licence rent under the policy, together with areas of the community associated with such effected groups. However, the quantum increases as detailed in the Framework are not large and are considered more than reasonable.

### **Financial**

Although the foundations of this policy are fairness, accountability and sustainable practice, initial research in applying the proposed matrix to the City's social property occupants indicates that the City will also financially benefit from its adoption. The Framework will also ensure that lease or licence agreements will reflect the obligations of both parties as to "outgoings" which has not always been the practice in the past.

What is a key outcome is that the Framework provides a clear indication of the true level of community support to the occupiers of the City's social properties.

To maintain this core position it is proposed that any decision of Council to alter the level of payment required from a lease/licence holder (i.e. a reduction in the rent charged or the level of outgoings payable) shall be actioned via a donation to that lease/licence holder. In this manner the level of Council support to that occupying organisation/association remains open and transparent.

### **Social and Environmental Implications**

The adoption of this policy has positive social outcomes. It will increase the community perception of local government transparency and fairness, while also showing the City's commitment to an organisational & community culture of sustainable practice.

There are no environmental implications.

### **Attachment**

1. Draft Social Property Policy Framework.

Councillor Clements left the chamber at 8.17pm and returned at 8.20pm.

**T5 RULES OF CONDUCT****REPORT FROM ACTING DIRECTOR CORPORATE SERVICES****Author:** Manager Governance and Customer Service, Neil Wilson**Date:** 1 February 2016**File Reference:** A/4088**Voting Requirements:** Simple - more than half elected members present required to vote in favour**COUNCIL DECISION**

Moved Cr Stroud/seconded Cr McAllister

**That:**

1. The report be received.
2. The City makes a submission to the Department of Local Government and Communities Consultation Paper, A Review of the Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework, in line with the comments expressed in this report and those in point 3 below.
3. Further comments from Council.
  - 3.1 Regulation 3. Comment: "Signed undertakings by members to abide by principles should be considered as model practice."
  - 3.2 Regulation 11. Comment: "Current provisions require a member declaring an interest to be 'not present' when the matter is discussed. While no change is suggested, the term 'not present' needs to be clarified. To be not present so as to prevent participation in the debate is supported: to be removed to the point where the member cannot hear what is said is not. Such a requirement again lowers the rights of the member below those of a member of the public who can listen but not participate in the matter. Not participating in the debate on the matter should be sufficient, and accords with the provisions for other levels of government".
  - 3.3 Proposed new regulation 1. Comment: "The right to challenge a presiding member not acting in a fair and balanced manner needs to be protected. Any requirement to comply with directions of the presiding member should allow fair and reasonable protest."
  - 3.4 Proposed new regulation 2. Comment: "The terms need to be carefully defined. While the principle of this new regulation is understood, it is difficult to think of any business of local government that is not covered by either "administration" or "a council decision". Such a regulation should be carefully worded so as not to impinge free speech, and lower the rights of elected members [further] below those of the general public."

CARRIED 11/0

8.25pm

## OFFICER/COMMITTEE RECOMMENDATION

Moved Cr Stroud/seconded Cr McAllister

That:

1. The report be received.
2. The City makes a submission to the Department of Local Government and Communities Consultation Paper, A Review of the Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework, in line with the comments expressed in this report.

## AMENDMENT (amendment in italics)

Moved Cr Arbuckle/seconded Cr Mummery

That:

1. The report be received.
2. The City makes a submission to the Department of Local Government and Communities Consultation Paper, A Review of the Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework, in line with the comments expressed in this report *and those in point 3 below.*
3. *Further comments from Council.*
  - 3.1 *Regulation 3. Comment: "Signed undertakings by members to abide by principles should be considered as model practice."*
  - 3.2 *Regulation 11. Comment: "Current provisions require a member declaring an interest to be 'not present' when the matter is discussed. While no change is suggested, the term 'not present' needs to be clarified. To be not present so as to prevent participation in the debate is supported: to be removed to the point where the member cannot hear what is said is not. Such a requirement again lowers the rights of the member below those of a member of the public who can listen but not participate in the matter. Not participating in the debate on the matter should be sufficient, and accords with the provisions for other levels of government".*
  - 3.3 *Proposed new regulation 1. Comment: "The right to challenge a presiding member not acting in a fair and balanced manner needs to be protected. Any requirement to comply with directions of the presiding member should allow fair and reasonable protest."*
  - 3.4 *Proposed new regulation 2. Comment: "The terms need to be carefully defined. While the principle of this new regulation is understood, it is difficult to think of any business of local government that is not covered by either "administration" or "a council decision". Such a regulation should be carefully worded so as not to impinge free speech, and lower the rights of elected members [further] below those of the general public."*

CARRIED 11/0

8.24pm

*Cr Arbuckle provided the following reasons:*

- 3.1 *There needs to be a reminder that many voluntary standards of conduct apply through members giving an undertaking in writing to comply. Non-compliance reflects poorly, but attention is rarely drawn to the contravention of the written undertaking.*
- 3.2 *This issue came up recently, and is presently an anomaly in how it is treated by the two other levels of government. Preventing a member from hearing the debate on a matter offends that member's right to listen to the debate as a member of the public at an open meeting of government.*



- 3.3 *In the last couple of years we have had examples of meetings run in a way which was biased against certain individuals. Admittedly there is a fine line between challenging the chair in such circumstances vs maintaining control of the meeting, however, the rights of the aggrieved member need to be respected.*
- 3.4 *We need to be careful to protect free speech while ensuring that official statements are only seen to be made by authoritative sources.*

The amendment becomes the substantive motion

Moved Cr Stroud/seconded Cr McAllister

That:

1. The report be received.
2. The City makes a submission to the Department of Local Government and Communities Consultation Paper, A Review of the Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework, in line with the comments expressed in this report and those in point 3 below.
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  - 3.4 Proposed new regulation 2. Comment: "The terms need to be carefully defined. While the principle of this new regulation is understood, it is difficult to think of any business of local government that is not covered by either "administration" or "a council decision". Such a regulation should be carefully worded so as not to impinge free speech, and lower the rights of elected members [further] below those of the general public."

CARRIED 11/0

8.25pm

### **Background**

The Department of Local Government and Communities announced in its circular 22-2015 of a review of the Local Government (Rules of Conduct) regulations 20078 and the publication of a consultation paper setting out findings from the review. These proposals encompass four elements:

1. Amending the regulations to improve clarity and alignment with policy intent.
2. Improving guidance material and complaint documentation.
3. Encouraging mediation and conciliation as an alternative to complaints about interpersonal disputes.
4. Codifying Standards Panel procedures and practice, and simplifying reporting.

The department encouraged local governments to provide comments on the consultation paper by Friday 4 March 2016.

Elected members were provided with the opportunity to provide comment and or feedback to be included in any submission to the Department on this matter.

### **Comment**

Whilst the Code of Conduct applies to council members, committee members and employees the purpose of the Rules of Conduct regulations as listed in the regulation, is “general principles to guide the behaviour of council members”.

Accordingly it is important that comment be from the local government and the members affected.

However, officer’s comments on the proposed regulatory changes are as follows:

**Regulation 3** (general principles to guide behaviour – not a Rule of Conduct) add a principle concerning compliance with local government codes and policies. Link Regulation 3 to codes of conduct required under s.103(1) of the Act and the proper use of office.

**Comment:** *Whilst supported the key issue here is that regulation 3 is a guide to the behaviour of council members, as such it is not enforceable and there are no consequences.*

**Regulation 4** (contravention of local laws relating to conduct at meetings) Delete regulation 4 and capture seriously dysfunctional meeting conduct in a new regulation.

**Comment:** *Whilst it would seem that this is designed to protect the elected member from committing a minor breach by contravening some of the less serious or perhaps frivolous parts of some meeting procedures local laws, it brings more issues in defining what is “seriously dysfunctional meeting conduct”. If supported the key issue here is the degree of clarification required. At the moment common sense can and should be applied as to reports of breaches being made. The consultation paper looks to encourage local governments to offer alternate resolution options to prospective complainants which is supported but concern exists as to the “unravelling” of the current regulation*

**Regulation 6** (use of information) Include personal information, information subject to a confidentiality or non-disclosure agreement, legal advice, and commercially sensitive information. Extend application to include confidential parts of otherwise non-confidential documents. Make resolutions that are made in closed meetings explicitly exempt from the regulation.

**Comment:** *Supported*

**Regulation 7** (improper use of office to secure personal advantage or disadvantage others) Define key terms to make intent more explicit and focus on matters of integrity, honesty and impartiality; exclude conduct that is the subject of other regulations or local laws and where it is unlikely that significant harm would be sustained as a result of the conduct.

**Comment:** *Supported*

**Regulation 8** (misuse of local government resources) Clarify by defining key terms.

**Comment:** *Supported*

**Regulation 9** (prohibits involvement in administration) Clarify by defining key terms.

**Comment:** *Supported*

**Regulation 10** (relations with local government employees) Define and amend key terms to clarify intent and conditions of application. Add provisions related to CEO employment, threatening or abusive behaviour, unreasonable demands, chastisement of employees and protection of former local government employees. Recognise technological advances through which the public may have access to livestreamed meeting proceedings and audio/video records.

**Comment:** *Supported*

**Regulation 11** (disclosure of interest) Define key terms to clarify meaning – remove or clarify anomalies with Act provisions on interest disclosure; address lobbying by proponents; provide for enduring interest register.

**Comment:** *Supported*

**Regulation 12** (gifts) Add definition of “nominal gift” and exempt these from notifiable gifts. Prohibit acceptance of travel contributions from person seeking or intending to undertake an activity involving a local government discretion, and provide for situations where council member accepted a gift unaware that the giver was such a person. Include provisions to cover gifts to council made available to councillors and ceremonial gifts. (Note that there are broader issues around appropriate gift value thresholds, consistency of legislative requirements, and gifts from entities likely to benefit from a local government discretion exercised in favour of a separate entity.)

**Comment:** *Supported*

### **Proposed new regulations**

1. Interactions between council members (replaces Regulation 4): Prohibit disparagement, adverse reflection and abusive language during council and committee meetings and public events. Prohibit threatening or abusive behaviour. Requirement to comply with directions of presiding member (except if dissent motion passed).

**Comment:** *See issues raised in Regulation 4*

- 2 Notification of public statements: Require council members who make comments to the media about the local government administration or council decisions to notify the CEO, who will record the notice in a media contact register available for public inspection

**Comment:** *Supported*

**Consultation**

Other than the invitation to elected members to input there is no consultation associated with this report.

**Strategic Implications**

Focus Area 6 a leading council that is supported by an excellent organisation. The Rules of Conduct are an important document addressing corporate governance. Whilst the opportunity to comment as to proposals for change exists the responsibility and the power to make changes rests with the Government through the Department of Local Government and Communities

**Statutory and Policy Considerations**

The *Local Government (Rules of Conduct) Regulations* apply to Local Government in WA.

**Risk and Asset Implications**

There is some minor risk in public perception in not making a submission being seen as non interest in the subject. This is offset in that the decision as to changes rests with the government who have already undertaken the review and are only requesting comment i.e., a reactive rather than a proactive consultation.

**Financial**

There are no financial effects associated with this report.

**Social and Environmental Implications**

There are no social or environmental effects associated with this report.

**Attachments**

There are no attachments to this report.

## T6 LORDS OPERATION PERFORMANCE REPORT

### REPORT FROM DIRECTOR COMMUNITY DEVELOPMENT

**Author:** Manager Recreation Services, Cheyne Cameron  
**Date:** 2 February 2016  
**File Reference:** A/4088  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

#### OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Stroud/seconded Cr McAllister

**That Council receives the operational performance report for the Lords Recreation Centre for the second quarter of 2015/16 (October - December 2015).**

CARRIED ENBLOC 11/0  
7.59pm

#### Executive Summary

This report provides an update on the performance of Lords Recreation Centre for the second quarter of the 2015/16 financial year. In particular, this report provides information on the following:

- Membership number of 2,574 for the second quarter
- Maximum sport team participation of 332 teams during the second quarter
- Group Fitness attendance of 20,347 for the second quarter
- An operating cash deficit (excluding notional lease, depreciation and corporate overheads) of \$435,509 compared to a budget deficit of \$156,936. The predominant reason for the deficit is a shortfall in anticipated revenue. This has to some extent been offset by a reduction in operating expenditure however further strategies for addressing the deficit will be considered as part of the March 2016 budget review.

#### Background

The purpose of this report is to provide information about Lords operations for the second quarter of the 2015/16 financial year being October – December 2015. The information includes comparisons to the same time period in the previous years and includes reference to other time periods where applicable.

#### Comment

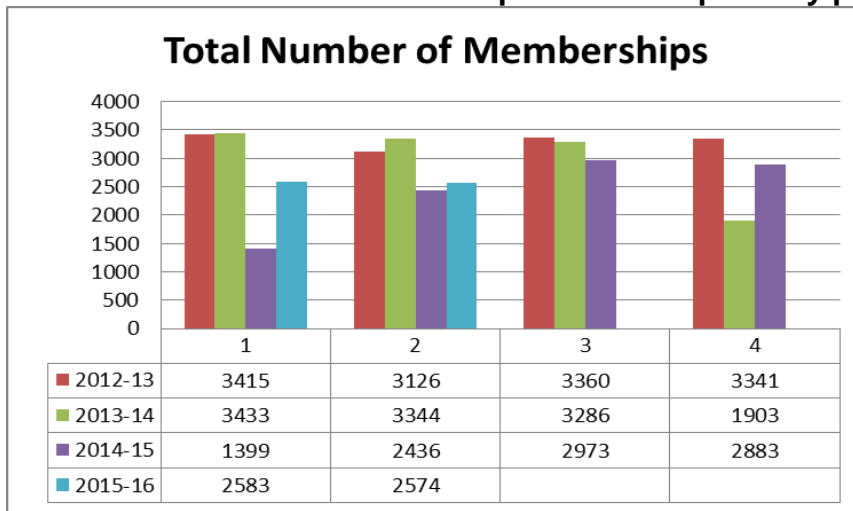
The second quarter figures for overall Lords membership and attendance were comparable to the first quarter. Lords attendance for the second quarter was 100,627 people compared to 95,354 for the first quarter. Member visits increased by 333 visits for the quarter, however membership sales decreased by nine for the quarter.

The café revenue increased for the second quarter and sports team numbers increased during season two to 332 teams.

This slight increase is encouraging given difficult market conditions and decreased operating hours due to the Christmas period.

*Memberships*

**Figure 1 Total number of memberships at end of quarterly period**



There was a net decrease of nine members for the second quarter to 2,574 members. Member visits for the first quarter were 29,821 compared with 29,488 visits for the first quarter. This represents an increase of 333 visits for the quarter.

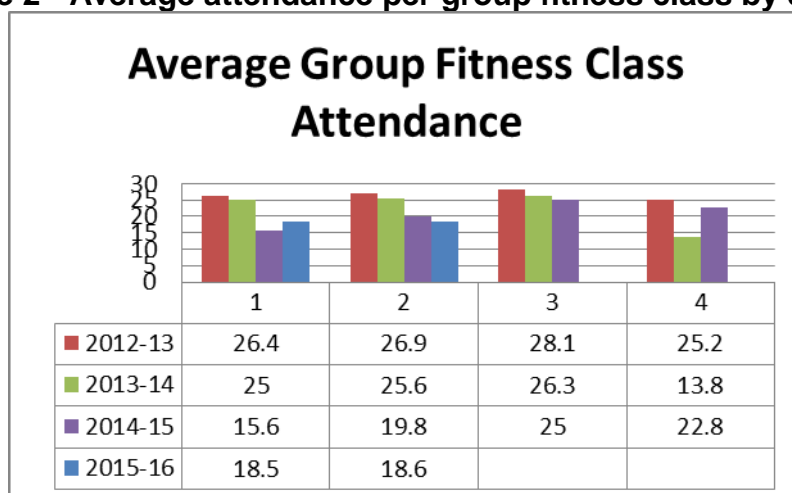
In December 2015, 6000 letters and ten day visit passes were sent to all existing and recent members who had not yet renewed. The promotion is intended to encourage current members to pass the visit cards on to family or friends and to encourage previous members to return. This promotion will continue through to 31 March 2016 and the outcomes of the membership take-up will be reported in the next quarterly report.

Gym visitation was 9,950 for the second quarter compared with 9,294 for the first quarter. This represents an increase of 656 visits for the second quarter.

During December the new gym cardio equipment was installed with a launch. This was well attended with approximately 70 gym users present and many positive comments received about the new equipment and the launch.

*Group Fitness*

**Figure 2 - Average attendance per group fitness class by quarter**

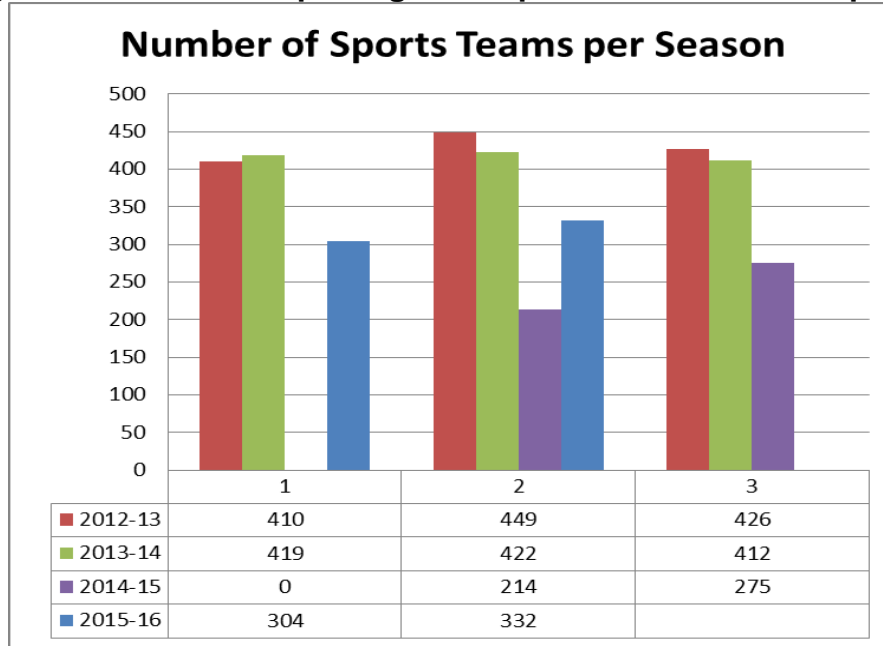


There was an average of 18.6 people in classes for the second quarter October - December 2015. This is a slight increase in the average attendance from the first quarter.

Total group fitness attendance for the quarter was 20,347 compared to 20,963 for the first quarter, a decline of 616. This drop is reflective of the reduction in the number of classes due to the festive season opening hours.

*Sporting Teams*

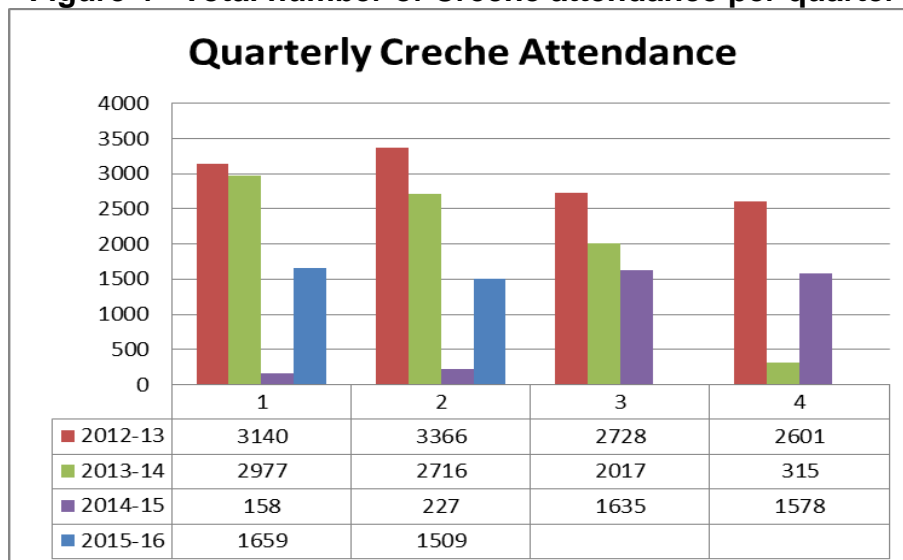
**Figure 3 - Number of sporting teams per season at end of quarter**



At the commencement of season two there were 332 teams registered. This represents an increase of 28 teams from the previous quarter. Team numbers have increased each season since the re-opening and are ahead of forecast estimates.

*Creche*

**Figure 4 - Total number of Crèche attendance per quarter**

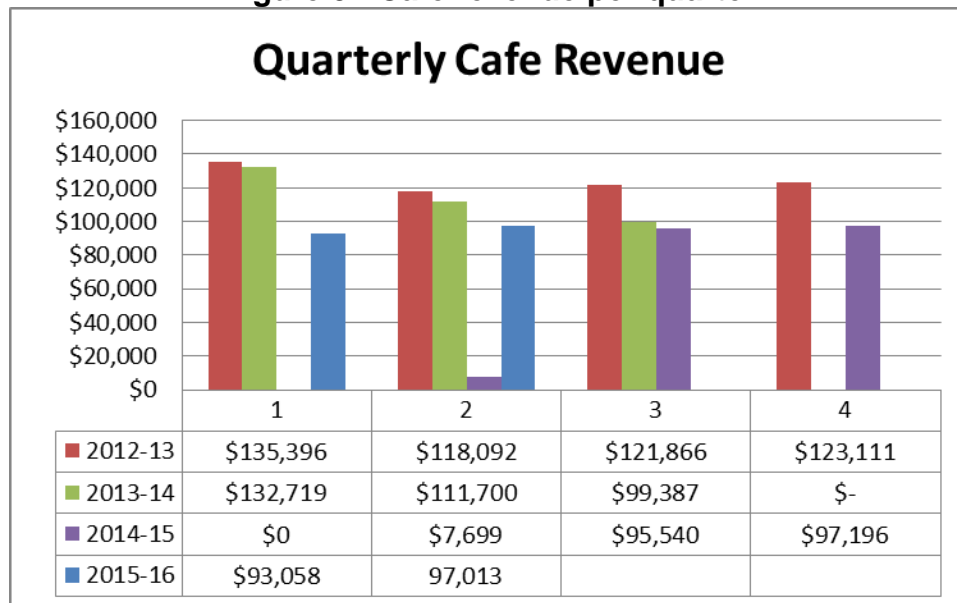


Creche attendance for the second quarter was 1,509 people, a decrease of 150 from the first quarter. Average daily attendance in the crèche for this quarter was eighteen people. At the end of the second quarter there are 469 crèche memberships.

The term program attracted 90 attendances for the second quarter. Only one class per week was offered during this quarter compared with three classes for the first quarter. This reduction in the number of classes offered is due to the increase in external providers offering classes to the community.

### Cafe

**Figure 5 - Cafe revenue per quarter**



Cafe revenue for the second quarter October - December was \$97,013 this is an increase of \$3,955 from the first quarter.

An increase in corporate events and catered functions during this quarter had a positive impact. The café did not trade for the last week of December due to reduced operating hours for the festive season.

### Administration

Administration efforts during the second quarter focussed heavily on improved membership processes and some aesthetic improvements within the facility. A promotion plan has been developed to increase membership levels with a target of 3000 health and fitness members by 31 March 2016. The downturn (on previous year highs) being experienced is consistent with other similar facilities and is caused by a downturn in the economy, increased competition and a delayed membership rebuild after the second closure in seven years. Staff have identified key areas that need attention and below are some initiatives that have and will be introduced over the coming months to increase membership numbers and in turn, attendance and revenue.

Step Up 3000 - a project introduced to increase the number of members to the centre to 3,000 by 31 March 2016. To assist with reaching 3,000 members and number of new programs will be introduced.



Class Pass is a new membership program recently launched in Western Australia with a third party partner selling memberships to various partner facilities. Lords is one of a number of select gyms and group fitness/yoga centres across Perth that was invited to participate in the lead up to the launch. The program provides the opportunity for Class Pass members to experience a number of different facilities before ultimately deciding on which one to join.

Sprint is a new Les Mills program of thirty minutes high intensity interval training on a bike. All instructor training for Western Australia has been conducted at Lords and the program will launch in the month of February. Lords is the only venue in WA holding this class for the month of February.

During the closure of Lords in 2014, a number of community classes were held. To build on this initiative, a series of community classes are planned to be held to encourage physical activity. Lords is now delivering four classes per week at Shenton Park and Palms community centres on behalf of Community Services who previously out-sourced the delivery of these classes. These classes are open to Lords members and the wider community. It is also planned to take two gym-based classes back out to the community during Parks Week in March 2016.

Six thousand free ten day passes were distributed during December to all current members, and recent members who have not yet renewed, sporting teams and corporate members. This was introduced to encourage current members to share the passes with family or friends as an introduction to Lords. It was also distributed to previous members that have not renewed a recent membership to return and try out the new cardio equipment. The outcomes from the promotion on membership take-up will be report in the next quarterly report.

A learn to swim provider (*Go Swimming Subiaco*) will operate a learn-to-swim program from the Lords pool commencing in February under a lane hire arrangement. Go Swimming will be responsible for all learn-to-swim participant supervision, staffing matters and program bookings. The establishment of a regular pool hirer will considerably increase the usage of the pool and bring in significant additional income, as well as providing a valuable learn-to-swim service to the local community. Minor refurbishment works have been undertaken to the pool area at no cost to the city.

There are proposed tenant changes within Lords that will be considered by Council under separate report in March 2016. This will increase the lease income from the Lords facility.

Isolated leaks to the solar hot water system have continued to plague the hot water system. As a result there have been significant increases in water usage and heating costs as the system relies on gas boosting, as opposed to the intended solar heating. The final defect liability payment has been withheld pending resolution of these issues to the city's satisfaction. The contractor is aware of the cause of the problem and an agreed resolution method is expected to be implemented shortly.

An internal review of all areas within Lords is about to commence with a view to improving the return on investment and reducing the operating deficit. It is intended that the 2016/17 budget will be amended so that administration costs are allocated to the appropriate operational areas (i.e. café, crèche, sports) to enable a clearer picture of

financial performance across each activity to be obtained. This will also assist with setting relevant benchmarks and performance indicators.

Table One (below) shows the achievement of Key Performance Indicators for the six month period to 31 December 2015.

**Table 1 - Lords Balance Scorecard**

INDICATOR	2014/15 RESULT	2015/16 TARGET	2015/16 ACTUAL
<b>CENTRE SERVICES</b>			
<b>Cafe</b>			
No. Functions & Events	32	40	40
Satisfaction Ratings CERM		6.2	-
Satisfaction Ratings Catalyse		89%	-
<b>Crèche</b>			
Total No. Visits	3,213	10,000	3,168
Lifestyle Program - Attendance	119	400	241
Holiday Program - Attendance	467	1,000	267
<b>HEALTH &amp; FITNESS</b>			
Total No. Members (Peak)	3,290 (inc Crèche)	3,200	2,574
Crèche members			469
Total No. Member Visits	71,625	150,000	59,909
Member Retention Rate	36%	50%	88%
Average Attendance Per Class	22.8	25	18.6
Gym Attendance		30,000	19,244
<b>SPORTS</b>			
Total No. Teams Participating	275	370	332
No. Events	20	25	16
<b>ADMINISTRATION</b>			
Total Venue Attendance	216,229	400,000	195,981

A summary of the financial performance of Lords in the second quarter of the 2015/16 financial year is outlined in Table 2.

**Table Two - Lords Financial result**

<b>OPERATING BUDGET</b>	<b>2014-15 ACTUAL</b>	<b>2015-16 BUDGET</b>	<b>2015 -2016 YTD BUDGET</b>	<b>2015-16 YTD ACTUAL</b>	<b>VARIANCE</b>
<b>HEALTH &amp; FITNESS</b>					
Revenue	646,136	2,074,580	841,444	612,694	-228,750
Expenditure	-767,450	-1,097,915	-525,510	-446,505	79,005
<b>Total</b>	<b>-121,314</b>	<b>976,665</b>	<b>315,934</b>	<b>166,189</b>	<b>-149,745</b>
<b>CAFE</b>					
Revenue	192,404	587,000	257,630	190,071	-67,559
Expenditure	-332,057	-545,719	-267,300	-240,492	26,808
<b>Total</b>	<b>-139,653</b>	<b>41,281</b>	<b>-9,670</b>	<b>-50,421</b>	<b>-40,751</b>
<b>CRECHE</b>					
Revenue	23,527	65,080	28,720	20,875	-7,845
Expenditure	-109,488	-175,922	-87,905	-73,351	-14,554
<b>Total</b>	<b>-85,961</b>	<b>-110,842</b>	<b>-59,185</b>	<b>-52,476</b>	<b>6,709</b>
<b>SPORTS</b>					
Revenue	478,687	1,470,040	833,856	594,101	-239,755
Expenditure	-398,434	-729,545	-358,974	-292,015	66,959
<b>Total</b>	<b>80,253</b>	<b>740,495</b>	<b>474,882</b>	<b>302,086</b>	<b>-172,796</b>
<b>ADMINISTRATION</b>					
Revenue	61,199	153,500	46,750	40,317	-6,433
Expenditure	-1,385,982	-1,912,110	-925,647	-841,204	84,443
<b>Total</b>	<b>-1,324,783</b>	<b>-1,758,610</b>	<b>-878,897</b>	<b>-800,887</b>	<b>78,010</b>
<b>TOTAL OPERATING (DEFECIT)/ SURPLUS</b>	<b>-1,591,458</b>	<b>-111,011</b>	<b>-156,936</b>	<b>-435,509</b>	<b>-278,573</b>
<b>NON CASH ITEMS</b>					
Depreciation	-65,056	-176,400	-86,820	-162,012	-75,192
Notional Lease	-565,000	-565,000	-282,500	-282,500	0
Corporate Overheads	-367,640	-365,740	-182,874	-139,681	43,193
<b>TOTAL (inc non cash)</b>	<b>-2,589,154</b>	<b>-1,218,151</b>	<b>-709,130</b>	<b>-1,019,702</b>	<b>310,572</b>
<b>CAPITAL- Plant and Equipment</b>		-30,000	-15,000	-6,347	8,653
<b>CAPITAL –Property improvement</b>	-2,939,348	-130,000	-55,000	-32,355	22,645
<b>NETT POSITION</b>	<b>-5,528,502</b>	<b>-1,553,821</b>	<b>-779,130</b>	<b>-1,058,404</b>	<b>-279,274</b>

**Consultation**

No consultation is relevant to the recommendations contained within this report.

**Strategic Implications**

Operating Lords as a council-run facility comes under Focus Area One - Our Sense of Community in the Strategic Community Plan, specifically Objective Two; A diverse, inclusive community where all members enjoy a sense of belonging and feel safe, strategy 1.2.4 :maintain an indoor recreation facility for the community.

**Statutory and Policy Considerations**

There are no specific statutory or policy considerations relevant to the recommendations contained within this report.

**Risk and Asset Implications**

There are no specific risk and asset implications relevant to the recommendations contained within this report.

**Financial**

The financial implications relevant to the recommendations contained within this report are detailed above in Table Two. The predominant reason for the \$278,573 cash deficit is a shortfall in anticipated revenue. This has to some extent been offset by a reduction in operating expenditure however further strategies for addressing the deficit will be considered as part of the March 2016 budget review.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachments**

There are no attachments for this report.

**T7 REQUEST FROM SUBIACO AFC TO HOLD NPL GAMES AT ROSALIE PARK****REPORT FROM DIRECTOR COMMUNITY DEVELOPMENT**

Author: Manager Recreation Services, Cheyne Cameron  
 Date: 2 February 2016  
 File ref: A/4088  
 Voting requirements: Simple - more than half elected members present required to vote in favour

**OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr Stroud/seconded Cr McAllister

**That Council approves the request from Subiaco Amateur Football Club to host National Premiere League games at Rosalie Park over two winter seasons from April 2016 to September 2017 subject to the following conditions:**

- 1. All equipment including fencing is to be installed and removed on the day of the match.**
- 2. No vehicles are to be driven on Rosalie Park playing area.**
- 3. Temporary fencing must be adequately secured without penetrating the playing surface.**
- 4. The applicant must comply with relevant sections of Health (Public Buildings) Regulations 1992 and Local Government Property Local Law 2014.**
- 5. Failure to adhere to any of these requirements will result in the immediate cancellation of future bookings.**
- 6. The city reserves the right to accept or reject any or all of the proposed booking dates once the dates are confirmed.**

CARRIED ENBLOC 11/0

7.59pm

**Background**

In 2014, the Subiaco Amateur Football Club (Subiaco AFC) became one of twelve Western Australian clubs to have a team in the Football West National Premier League (NPL) competition. A number of requirements are set by Football West as a minimum standard for hosting NPL matches by participating clubs. Two of these requirements include temporary fencing and spectator seating.

From April to September 2014, Subiaco AFC held their first season of home matches at the Perth Athletics Stadium in Mount Claremont which has the required infrastructure. The use of this venue came at a considerable financial cost to the club and did not provide them with an opportunity to make use of the refurbished Main Pavilion at their home ground at Rosalie Park.

In February 2015, Council approved a request from Subiaco AFC to host eleven National Premier League games at Rosalie Park from April to September 2015 subject to specific approval conditions.

Throughout the year the club managed the use of Rosalie Park for these matches to minimise the effect on other users of the park.

**Comment**

Subiaco AFC has submitted a written request to continue the arrangement to host NPL games at Rosalie Park over two winter seasons from April 2016 to September 2017.

Last year officers monitored the first four NPL matches of the season to ensure Subiaco AFC were compliant with the regulations imposed by the city. After attending the NPL matches staff reported that Subiaco AFC had satisfied all conditions and regulations set by the city.

Subiaco AFC's submission has been reviewed giving consideration to ground allocations, infrastructure and compliance requirements.

#### *Ground allocations*

Subiaco AFC requires bookings at Rosalie Park for their home fixtures on alternate Saturdays each season commencing in April and concluding in September. Subiaco AFC needs to provide seating for spectators and fencing (crowd control barriers) around the perimeter of the pitch.

The allocated fields are within the weekly carrying capacity and will not exceed the recommended 20 hours per week total usage for that playing surface.

City staff are satisfied that the booking request will not adversely impact the quality of the playing surface and ground conditions.

#### *Infrastructure requirements*

To comply with the requirements of Football West, Subiaco AFC propose to position 1.1 metre high temporary perimeter fencing around the playing arena for the duration of the match. The fencing is erected prior to each fixtured match and removed at the conclusion of each game and is not left in place overnight.

The seating involves a temporary portable aluminium seating that is installed on the verandah immediately in front of the Main Pavilion. The seating must be compliant with all requirements of the *Health (Public Buildings) Regulations 1992*.

#### *Compliance requirements*

Subiaco AFC are required to submit a site plan indicating the exact location of the seating and fencing to ensure it is compliant with all local law and building and health requirements.

Furthermore the storage, transportation and securing of the fencing needs to be compliant with the Rosalie Park terms and conditions of use 2016. The city reserves the right to cancel any or all requested bookings if the conditions are not adhered to on an ongoing basis.

The existing parking and waste services at Rosalie Park are able to accommodate the bookings without any requirement for additional parking or waste control measures.

The acceptance of the request from Subiaco AFC complies with all relevant requirements for the hire and use of Rosalie Park.

Subiaco AFC complied with the conditions set by the city to host NPL matches at Rosalie Park in 2015. Furthermore, no issues were reported from other ground users. For these reasons the approval for Subiaco AFC to host NPL matches for two winter seasons from April 2016 to September 2017 is recommended.

**Consultation**

Following consultation with other Rosalie Park sporting clubs, in principle support for the hosting of these games has been given for the use of temporary fencing and seating. Subiaco AFC is working through all of the necessary logistical and operational matters with relevant staff and other sporting clubs who may potentially be impacted by this request.

**Strategic implications**

There are no specific strategic implications of this report.

**Statutory and Policy Considerations**

This matter has been referred to council as the requirement for fencing is contradictory to a council resolution made in November 2014 *“that Council reaffirms its support for the community’s known preference for no car parking and no fences on Rosalie Park, and directs staff to ensure this support is observed.”*

The fencing requirement for the hosting of these games is temporary in nature and will be removed at the conclusion of each match. As such the fencing in this instance can be considered as a temporary structure only.

Policy 5.3, 'Use of Active Recreation Areas', states that *"The city's active recreation reserves are managed to ensure sustainable usage by, the widest possible range of local community groups; on an equitable basis whilst adopting a partial user pays system which protects the condition of the reserves."* The request from Subiaco AFC is consistent with this statement and on this basis is recommended for approval.

**Risk and Asset Implications**

There are no specific risk and asset implications relevant to the recommendations contained within this report.

**Financial**

There are no specific financial implications of this report.

**Social and Environmental Implications**

There are no specific social or environmental implications of this report.

**Attachments**

1. Site map.

## **T8 REQUEST FOR SUPPORT PARTNERSHIP OF THE 2016 LOCAL GOVERNMENT MANAGERS AUSTRALIA MENTORS AND ASPIRING LEADERS CONFERENCE**

### **REPORT FROM CHIEF EXECUTIVE OFFICER**

**Author:** Executive Assistant, Kerry Plantinga  
**Date:** 4 February 2016  
**File Reference:** A/4089  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

#### **OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr Stroud/seconded Cr McAllister

**That Council is a Support Partner to the Local Government Managers Australia (LGMA) 2016 Mentors and Aspiring Leaders Conference.**

CARRIED ENBLOC 11/0

7.59pm

### **Background**

The LGMA 2016 Mentors and Aspiring Leaders Conference will be held on the 19-20 May 2016 at the Bayview Geographe Resort, Busselton.

This conference is a professional development program for middle managers and officers across all levels of Local Government. LGMA is seeking the city's support as a "Local Government Support Partner". Support partnership costs \$1500 including GST and would enable the city to send two delegates to the conference and all networking functions. The city would also be acknowledged as a support partner throughout the conference and on all conference promotional material.

### **Comment**

Support partnership enables the city to reward two officers to attend the conference as well as identifies the city as an organisation that invests in the professional development of aspiring leaders within the sector.

The CEO is an active mentor of newly appointed local government CEO's and this is seen as a good opportunity for the city to support the development of local government professionals.

### **Consultation**

There is no consultation associated with this report.

### **Strategic Implications**

This recommendation links to Focus Area six, Objective one of the Strategic Community Plan as follows:

*A leading council that is supported by an excellent organisation.*

### **Statutory and Policy Considerations**

There are no statutory or policy implications for this report



**Risk and Asset Implications**

There are no risk and asset implications for this report.

**Financial**

The cost of support partnership is \$1500 including GST.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachment**

1. 2016 Mentors and Aspiring Leaders Conference Partnership Opportunities brochure

## T9 FINANCIAL STATEMENTS AND REPORTS FOR THE MONTH ENDING 31 JANUARY 2016

### REPORT FROM ACTING DIRECTOR CORPORATE SERVICES

**Author:** Manager Financial Services, Bianca Jones  
**Date:** 8 February 2016  
**File ref:** A/122-08  
**Voting requirements:** Simple - more than half elected members present required  
 To vote in favour

#### OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Stroud/seconded Cr McAllister

**That the financial reports for the period ending 31 January 2016, incorporating the following items, be endorsed:**

- **Financial activity statement report.**
- **Balance sheet.**
- **Cash flow statement**
- **Cash backed reserves summary.**
- **Aged trial balance (debtors).**
- **Rates reconciliation and summary.**
- **Summary of cash and investments.**
- **Payments cash book.**

CARRIED ENBLOC 11/0

7.59pm

#### **Background**

The monthly financial reports provide an overview of the city's financial performance. The attached reports represent a snap shot as at 31 January 2016.

#### **Comment**

##### *Financial activity statement report*

The city's revenues and expenditures are generally in line with budget expectations except as noted. Revenues and expenditures are detailed in the financial statements attached.

##### *Balance sheet*

The city has current assets of \$55,886,795. The major components of which are cash and investments of \$49,889,900, rates debtors of \$4,412,078 sundry debtors of \$1,354,095. There are current liabilities totalling \$9,502,098 and cash backed reserves of \$30,727,808. The City's net current assets equal \$46,384,698 less restricted assets (Reserves) of \$30,727,808 resulting in a net current position of \$15,656,981.

##### *Cash flow statement*

Net cash provided by operating activities is \$9,923,890 for the period to date. The net cash used in financing activities is \$197,080. Loan 126 totalling \$400,000 for contribution to the Regal Theatre Foundation Ltd was drawn down in November 2015. Overall the cash flow statement shows that the city is well placed to meet its budgeted obligations.

*Cash backed reserves summary*

The closing balance of cash backed reserves is \$30,727,808. The reserve summary shows all movements to and from reserve to achieve the expected closing balance. The report provides information on the city's ability to allocate funds for future projects by providing a closing balance comparison to budget. Reserve movements are reconciled and adjusted in December and June each year and where major movements are planned adjustments are also made to reserves in that period.

The closing budget for the Parking and Public Transport Facilities reserve is showing deficit balance following the November budget review. This is a budget only and is to be addressed as part of the March budget review process. A reserve summary report is included in the attachments.

*Aged trial balance (debtors)*

The report provides a listing of outstanding debts payable to the City of Subiaco. The balance of debts outstanding at 31 January is \$1,354,095.

All debts that have been paid or written off after the end of month have been highlighted on the attached report. Payments of \$77,525 were received after 31 January, reducing the balance of debts outstanding to \$1,276,570 at the time of preparing the debtors report.

Bonchester Holdings Pty Ltd has disputed their overdue invoices. Their account has been referred to our solicitors whom have commenced legal proceedings to recover the outstanding debt.

Oxford Uniforms has entered Provisional Liquidation and their appointed provisional liquidator is continuing to trade the business whilst the court considers an application to have the company wound up. The city is liaising with the appointed liquidator in relation to the balance owed.

Minus 20 Logistics agreed to pay their overdue debt by mid December 2015. This has not yet been received. The city's lease officer has commenced proceedings to recover the outstanding debt.

*Rates reconciliation summary*

Total rates and waste service charges levied for the year are \$33,752,649. The payments received to date total \$28,066,767 pensioner rebates claimed from State Treasury were \$1,132,079. These payments and reductions resulted in a balance outstanding for rates and waste service charges of \$4,553,702. A reconciliation of the rates and waste service charges is included in the attachments.

*Summary of cash and investments*

The overall balance of the city's cash and investments and financial assets is \$49,889,900. A summary of the cash and investments holdings is also included in the attachments.

*Payment to creditors*

Payment from the city's accounts for the period totalled \$4,748,031. Cheques were drawn and electronic fund transfers processed to the value of \$3,707,355 from the municipal fund \$24,254 from the trust fund for payment of creditors. Employee payments, made via electronic funds transfer totalled \$1,016,422 for the period. Material payments for the month were as follows:

<b>Payment Ref.</b>	<b>Payee</b>	<b>Amount</b>	<b>Description</b>
867.2429-01	Allerding & Associates	\$30,613.17	Consultancy services
863.4909-01	ATCO Gas Australia Pty Ltd	\$34,206.98	Gas Works
864.994-01	Australian Taxation Office	\$509,860.00	Payroll Deductions
868.994-01	Australian Taxation Office	\$162,387.00	Payroll Deductions
867.3247-01	Data #3 Limited	\$68,123.01	IT Hardware and Support
863.2638-01	Dowsing Concrete	\$80,157.88	Drainage works
867.2638-01	Dowsing Concrete	\$54,429.27	Drainage works
867.586-01	Elliotts Irrigation	\$30,629.92	Irrigation maintenance
867.1114-01	GHD Pty Ltd	\$31,927.50	Consultancy Services
863.215-01	Main Roads Western Australia	\$160,694.60	Repayment of grant funding
863.656-01	Roads 2000 Pty Ltd	\$75,103.44	Road works
867.656-01	Roads 2000 Pty Ltd	\$44,208.55	Road works
869.208-01	Synergy	\$38,943.95	Useage
863.6025-01	The Baker Theatre Trust	\$280,273.72	Grant Contribution
863.1686-01	WA Electoral Commission	\$45,379.54	Election expenses
866.33-01	WA Super	\$257,356.32	Payroll Deductions
863.85-01	WA Treasury Corporation	\$87,228.64	Loan repayments
865.85-01	WA Treasury Corporation	\$32,821.24	Loan repayments
863.37-01	Western Metro Regional Council	\$161,599.01	Tipping Fees
867.37-01	Western Metro Regional Council	\$100,519.22	Tipping Fees
867.1956-01	Workzone Pty Ltd	\$30,056.33	Property maintenance

### **Consultation**

Public consultation was not relevant to the development of this report.

### **Strategic Implications**

The city's financial reporting contributes to achievement of the Strategic Plan aim relating to responsible stewardship: "*To manage the community's resources in the best long-term interests of all.*"

### **Statutory and Policy Considerations**

The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* require a local government to prepare monthly financial reports. The reports are prepared based on the following statutory and policy considerations.

- (1) *Form of financial activity statement report — s. 6.4(2) and Reg 34*
- (2) *Payments from municipal fund or trust fund— s. 6.10(12) (13)*
- (3) *Trustees Act 1962 (Part III)*
- (4) *The city's investment asset policy.*

### **Risk and Asset Implications**

A statement of financial activity and accompanying documents as set out in subregulation (2) are to be presented at an ordinary meeting of the council and recorded in the minutes of the meeting at which it is presented. If this report and its attachments are not endorsed then the city will be in breach of the Local Government Act and associated regulations.

### **Financial**

The attachments show that the city's financial performance for 2015/2016 is essentially in line with its budget.

### **Social and Environmental Implications**

There are no specific social or environmental implications of this report.

**Attachments**

1. Financial activity statement report (2 pages)
2. Balance Sheet (2 pages)
3. Cash Flow Statement (2 pages)
4. Cash backed reserves summary (1 page)
5. Aged trial balance (debtors) (1 page)
6. Rates reconciliation and summary (1 page)
7. Summary of cash and investments (2 pages)
8. Payments cash book and schedule of accounts January 2016 (57 pages)

### 10.3 PROPERTY AND INVESTMENT ASSETS COMMITTEE

#### P1 PORTION OF 3 PRICE STREET – PEAK TRAMPOLINE - LEASING PROPOSAL

##### REPORT FROM A/DIRECTOR CORPORATE SERVICES

Author: Coordinator Land and Property, Alice Kavanagh

Date: 9 February 2016

File ref: A/1766-03

Voting requirements: Absolute Majority - 7 elected members required to vote in favour

##### OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Arbuckle/seconded Cr McAllister

1. That Council endorses the disposal of property being a portion of 3 Price Street, Subiaco by way of a lease agreement with Peak Trampoline Inc. in accordance with section 3.58 of the Local Government Act (1995).
2. That Council authorises the Chief Executive Officer to execute the lease documentation between the City and Peak Trampoline Inc. over a portion of 3 Price Street, Subiaco.
3. That Council authorise the affixation of the common seal of the City of Subiaco to the lease between the City and Peak Trampoline Inc. over a portion of 3 Price Street, Subiaco.

CARRIED BY AN ABSOLUTE MAJORITY VOTE 11/0

8.27pm

##### Background

The City owns 3 Price Street, Subiaco known as Lords Recreation Centre (Lords).

Peak Trampoline (Peak) are a not for profit sports club affiliated with Gymnastics Australia which was established in 2010. It currently leases Court 9 within the Lords Recreation centre from which it runs a number trampolining and gymnastic programs for children and adults.

Peak Trampoline have proposed to relocate its operations to Court 10 within Lords, allowing it to expand its operations.

The City has received an offer to lease from Peak and the purpose of this report is to provide for Council consideration of the proposal.

##### Comment

The Lords Recreation Centre located at 3 Price Street is wholly owned and operated by the City. Whilst the building is principally utilised as a recreation centre and gymnasium there are a number of businesses which operate from the building and are subject to separate lease agreements with the City.

There are currently three tenancy agreements in place within the Lords building. A summary of these is provided below:

Peak Trampoline (Peak) currently lease Court 9 within Lords and have been operating trampolining activities at the centre since 2013. The current lease agreement

commenced in July 2013 with an initial term of three years and is due to expire at the end of June 2016. The current gross rent is \$31,200 per annum.

Australian Learning Group currently lease a portion of Court 10 divided into two classroom spaces and an office. ALG operates vocational sport and fitness training programs from the leased area. The current lease commenced in May 2013 with an initial term of two years with a two year option and is therefore not due to expire until April 2017. ALG have proposed to extend the classroom area that it is currently leasing and in addition to also lease a portion of the building which was formerly utilised by a separate physiotherapy business. This proposal is subject to a separate report for Council consideration.

Azure Entertainment currently lease a portion of the upper floor within the Lords building from which it operates a dance school. The current agreement commenced in July 2011 and is not due to expire until January 2019.

See Attachment 1 for a floorplan outlining current leased areas.

### **Valuation**

In order that the City might assess leasing proposals for portions of 3 Price Street, and to ensure accordance with statutory requirements, a valuation of the property was undertaken in 15 January 2016 by real estate consultants Burgess Rawson. Burgess Rawson confirmed a market rental of the applicable lettable areas as follows:

	Area	Market Rental value per annum	Market Rental value Rate per m <sup>2</sup>
Basketball Court 10	575m <sup>2</sup>	\$51,750	\$90
Store rooms (3)	47m <sup>2</sup>	\$2,350	\$50

The valuation assessed the market rental value for the area known as Basketball Court 10 different spaces at \$90 per square metre, \$51,750 per annum. In addition, the valuer adopted a notional outgoings rate for the areas of 3 Price Street subject to lease to be approximately \$40 per m<sup>2</sup>.

### **Proposal from Peak Trampoline**

On 20 January 2016 a proposal was confirmed with Peak Trampoline. This proposal is for a one year term with a three year option over an area of Court 10. See attachment 2 for a floorplan showing the proposed lease areas.

#### *Current offer – relocate and expand space*

The rent proposed is \$51,750 per annum with annual rent reviews to CPI or 4%, whichever is the greater.

A summary of the current offer from Peak trampoline is outlined in the table below;

	<b>Lease Proposal Court 10</b>
<b>Gross leasable area</b>	575m <sup>2</sup>
<b>Total rent per annum inclusive of outgoings and storage charges</b>	\$59,825
<b>Term certain</b>	4 years
<b>Option</b>	Nil
<b>Commencement</b>	5 March 2016
<b>Expiry</b>	4 March 2020
<b>Rent per annum</b>	\$51,750
<b>Incentive</b>	The proposal includes an incentive to gradually increase to the new rental payments with a concessional rate applied in the first 8 weeks of the lease.  Rent month 1 – \$3400.00 Rent month 2 – \$4200.00 Rent month 3 - \$4985.40 (normal and continuing rent)
<b>Net rent (\$/m<sup>2</sup>/per annum)</b>	\$90
<b>Storage area (3 rooms totalling 46.5m<sup>2</sup>)</b>	\$2,325
<b>Outgoings</b>	Tenant responsible for non-structural maintenance, cleaning and outgoings such as telephone, internet. Outgoings fee of \$10 per m <sup>2</sup> charged for utilities such as electricity and water usage, security and cleaning of common area. \$5,750
<b>Annual rent review</b>	Increases to be the greater of 4% or CPI
<b>Permitted use of premises</b>	Trampolining and associated gymnastic sports programs
<b>Car bays</b>	4 car bays included
<b>Bank Guarantee</b>	6 months net rent plus outgoings and GST \$32,903.75
<b>Special conditions- early surrender</b>	The lessee will be required to surrender the lease if the lessor wishes to take back the premises for the purposes of sale or redevelopment. This requires at least 6 months notice to the tenant.

A draft lease agreement has been drawn up on the basis of the terms above. See confidential attachment 3.



## ***Assessment of proposal***

### *Term*

The term proposed is four years. This new agreement will entail the early surrender of Peak's existing agreement, due to expire in June 2016. In addition, an early surrender clause will require the lessee to surrender the lease if the City intends to sell or redevelop the premises.

### *Proposed rental return*

The proposed rent of \$54,075 (including storage and exclusive of outgoings and GST), equals the threshold for a reasonable net rental return of \$54,575, based on the City's valuation. An outgoings rate of \$10 per m<sup>2</sup> has been applied, this equates to \$5,750 per annum. This is \$30 per m<sup>2</sup> less than the approximate rate provided in the valuation but is considered to better reflect the amenity of the leased area and the actual costs of outgoings as they are applied to this section of the Lords building. It acknowledges that the tenant is responsible for cleaning of the leased area.

### *Incentive*

As a not for profit organisation Peak have requested a graduated increase in the monthly rental in order to ease the transition from existing payments which they had planned would continue until the lease expires at the end of June 2016. This equates to an incentive applied over the first 8 weeks of the term with rental payments as follows:

- Rent month 1 – \$3400.00
- Rent month 2 – \$4200.00
- Rent month 3 - \$4985.40 (normal and continuing rent)

The total incentive is \$2370.80. This arrangement also allows the City to commence receiving increased rental income from the larger area at an earlier point than if the new arrangement did not commence until the expiry of the existing agreement.

### *Permitted use*

It is proposed that the permitted use be trampolining and associated gymnastic sports programs. This is consistent with the permitted use under the existing Peak lease.

### *Benefits to Lords Recreation Centre existing business*

The relocation and expansion of Peak Trampoline from Court 9 to the larger area in Court 10 will require the transfer of existing users of Court 10 to different court areas within Lords. Although this will result in a reduction in income to Lords, this is more than compensated by the increase in revenue as a result of Peak taking up a larger leased area. In addition there is significant revenue that can be generated from Peak participants purchasing food and beverage from the Café. An increase in the range and size of programs run by Peak Trampoline will significantly increase total centre attendance which has a flow on benefit by increasing revenue to the café and crèche.

There is a strong alignment between the activities of Peak Trampoline (as the peak trampolining gymnastics club in Western Australia) and the Lords facility. There are very few venues in WA that have sufficient roof height clearance for their activities and they cater for all levels of student from beginner right through to elite competition. The introduction of Peak to the Court Ten area is also in line with the recommendation of the Quantum Consulting report completed in 2014 that identified the need or desire to secure an anchor tenant for the Lords facility.

**Consultation**

Statutory consultation was undertaken in accordance with section 3.58 of the *Local Government Act 1995*.

Local public notice was given by way of notices at the Administration building and the Subiaco Library and in the West Australian newspaper on Saturday 23 January 2016 for the requisite two weeks with the deadline for submissions noon on Monday 8 February 2016. Any submissions are required to be considered by Council prior to deciding to dispose of the property.

The City received no submissions during the submission period in respect of the proposal.

Consultation was also undertaken with real estate valuers Burgess Rawson.

**Strategic implications**

Management of the City's investment properties is aligned with the Strategic Community Plan and Corporate Business Plan, with particular reference to the strategies and actions below:

<b>Strategic Community Plan</b>
<b>Focus Area Six - Council Leadership</b>
<i>Objective One: A leading council that is supported by an excellent organisation</i>
<i>Strategy 5: Create organisational and community culture that is underpinned by sustainable practice</i>
<b>Corporate Business Plan Action</b>
<i>Manage the City's commercial property portfolio to produce a sustainable income stream.</i>

The operation of Lords Recreation Centre as a Council run facility is aligned with Focus Area One of the Strategic Community Plan, specifically the strategy and action below:

<b>Strategic Community Plan</b>
<b>Focus Area One – Our Sense of Community</b>
<i>Objective Two: A diverse, inclusive community where all members enjoy a sense of belonging and feel safe</i>
<i>Strategy 4: Maintain an indoor recreation facility for the community.</i>

**Statutory and policy considerations**

Policy 10.10 Land Assets states: Property held for investment Purposes – properties in this category should be put to the highest and best use for the site and income from these properties should be maximised.

Section 3.59 of the *Local Government Act 1995* does not apply as the disposition does not constitute a major land transaction.

Section 3.58 of the *Local Government Act 1995* provides that property is to be disposed of by public auction or public tender. The City can dispose of the property other than by public auction or public tender if, before agreeing to dispose of the property;

- (a) *It gives local public notice of the proposed disposition-*
- (i) *describing the property concerned;*
  - (ii) *giving details of the proposed disposition; and*
  - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given.*

*and*

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made*

In accordance with Section 5.42 of the Local Government Act the voting requirement at Council will be by absolute majority.

### **Risk and Asset implications**

There is a risk that the tenant could default on its lease obligations. To protect the City from this risk the tenant is required to provide the City with a bank guarantee drawn on an Australian Bank as defined by the Banking Act 1959. The offer proposes a sum equivalent to six months net rent, and outgoings plus GST. The bank guarantee will remain in force for two months after the tenant has vacated the property.

This tenant is an existing tenant with the City with a good payment history who has fulfilled their obligations under the existing lease agreement.

Should Council delay the consideration and decision in relation to the leasing proposal there is a risk that the prospective tenant may withdraw the offer.

### **Financial**

The lease income received for the property will contribute to the City's operational revenue for Lords.

The proposed gross rent of \$59,825 per annum will see a minimum total income to the City of \$254,044.71 over the four years of the lease taking into account increases from market rent reviews over this period.

A valuation of portions of 3 Price Street was undertaken in January 2016 by Burgess Rawson confirming a market rental of \$51,750 per annum exclusive of outgoings. The proposal from Peak matches this market rental indicated by the City's valuation.

In addition, the valuer adopted a notional outgoings rate for the areas of 3 Price Street subject to lease to be approximately \$40 per m<sup>2</sup>. The proposed outgoings rate to be applied is \$10 per m<sup>2</sup>, acknowledging the reduced amenity of the leased area (in comparison with office space as an example) and the actual costs of outgoings as they are applied to this section of the Lords building. It also acknowledges that the tenant is responsible for cleaning of the leased area.

There will also be increased indirect financial benefits to Lords through anticipated increases in café and crèche revenue.

**Social and environmental implications**

There are no social or environmental implications to this proposal.

**Attachments**

1. Current leased areas
2. Proposed lease areas
3. Draft lease agreement between the City and Peak Trampoline (CONFIDENTIAL)

## **P2 PORTION OF 3 PRICE STREET – AUSTRALIAN LEARNING GROUP - LEASING PROPOSAL**

### **REPORT FROM A/DIRECTOR CORPORATE SERVICES**

Author: Coordinator Land and Property, Alice Kavanagh

Date: 9 February 2016

File ref: A/1766-03

Voting requirements: Absolute Majority - 7 elected members required to vote in favour

### **OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr Arbuckle/seconded Cr McAllister

- 1. That Council endorses the disposal of property being a portion of 3 Price Street, Subiaco by way of a lease agreement with Australian Learning Group Pty Ltd in accordance with section 3.58 of the Local Government Act (1995).**
- 2. That Council authorises the Chief Executive Officer to execute the lease documentation between the City and Australian Learning Group Pty Ltd over a portion of 3 Price Street, Subiaco.**
- 3. That Council authorise the affixation of the common seal of the City of Subiaco to the lease between the City and Australian Learning Group Pty Ltd over a portion of 3 Price Street, Subiaco.**

CARRIED BY AN ABSOLUTE MAJORITY VOTE 11/0

8.28pm

### **Background**

The City owns 3 Price Street, Subiaco known as Lords Recreation Centre (Lords).

Australian Learning Group (ALG) currently lease a 110.5m<sup>2</sup> portion of the building from which it runs a number of vocational sport and fitness training programs. The current lease commenced in May 2013 with an initial term of two years with a two year option.

The Australian Learning Group have proposed to extend the classroom area that it is currently leasing to 143.5m<sup>2</sup> and in addition to also lease an 82m<sup>2</sup> portion of the building which was formerly utilised by a separate physiotherapy business.

The City has received an offer to lease from ALG and the purpose of this report is to provide for Council consideration of the proposal.

### **Comment**

The Lords Recreation Centre located at 3 Price Street is wholly owned and operated by the City. Whilst the building is principally utilised as a recreation centre and gymnasium there are a number of businesses which operate from the building and are subject to separate lease agreements with the City.

There are currently three tenancy agreements in place within the Lords building. A summary of these is provided below:

Peak Trampoline (Peak) currently lease Court 9 within Lords and have been operating trampolining activities at the centre since July 2013. Peak have proposed to relocate and expand its operations within Lords and this proposal is subject to a separate report for Council consideration. The current agreement is due to expire in June 2016.

Australian Learning Group currently lease a portion of Court 10 divided into two classroom spaces and an office. ALG operates vocational sport and fitness training programs from the leased area. The current lease commenced in May 2013 with an initial term of two years with a two year option and is therefore not due to expire until April 2017. The current gross rent is \$18,112 per annum.

Azure Entertainment currently lease a portion of the upper floor within the Lords building from which it operates a dance school. The current agreement commenced in July 2011 and is not due to expire until January 2019.

In addition to the current lease agreements a physiotherapy business formerly operated from rooms located on the ground floor. This tenant chose not to return to the Lords building when it reopened at the end of 2014 after the closure to allow for roof and refurbishment works. ALG propose to lease this 82m<sup>2</sup> space.

See Attachment 1 for a floorplan outlining current leased areas.

### **Valuation**

In order that the City might assess leasing proposals for portions of 3 Price Street, and to ensure accordance with statutory requirements, a valuation of the property was undertaken in 15 January 2016 by real estate consultants Burgess Rawson. Burgess Rawson confirmed a market rental of the applicable lettable areas as follows:

	Area	Market Rental value per annum	Market Rental value Rate per m <sup>2</sup>
Office /Training room	144m <sup>2</sup>	\$21,525	\$150
Former physiotherapy	82m <sup>2</sup>	\$18,450	\$225
Store	12m <sup>2</sup>	\$600	\$50

The valuation assessed the market rental value for the 3 different spaces (totaling 238m<sup>2</sup>) at \$40,575 per annum. In addition, the valuer adopted a notional outgoing rate for the areas of 3 Price Street subject to lease to be approximately \$40 per m<sup>2</sup>

### **Marketing and other offers**

In September 2015 real estate agents Knight Frank were appointed to market the former physiotherapy rooms for lease.

The only expressions of interest in the property have been from existing tenants within the Lords building.

### **Proposals from Australian Learning Group**

On 20 January 2016 a proposal was received from the Australian Learning Group. This proposal was for a one year term with a three year option over two areas within the building. See attachment 2 for a floorplan showing the proposed lease areas.

#### *Current offer – expand classroom area*

The rent proposed is \$21,525 per annum with annual rent reviews to CPI or 4%, whichever is the greater.

#### *Current offer – former physio space*

The rent proposed is \$18,450 per annum with annual rent reviews to CPI or 4%, whichever is the greater.

A summary of the current offer from Australian Learning Group is outlined in the table below;

	<b>Lease Proposal</b>	<b>Expanded Classroom space</b>	<b>Former Physio Space</b>
<b>Gross leasable area</b>	225.5m <sup>2</sup>	143.5m <sup>2</sup>	82m <sup>2</sup>
<b>Total rent per annum inclusive of outgoings and storage charges</b>	\$47,340	\$26,430	\$20,910
<b>Term certain</b>	1 year		
<b>Option</b>	3 years		
<b>Commencement</b>	1 March 2016		
<b>Expiry</b>	28 February 2017		
<b>Rent per annum</b>	\$39,975	\$21,525	\$18,450
<b>Incentive</b>	Nil		
<b>Net rent (\$/m<sup>2</sup>/per annum)</b>	-	\$150	\$225
<b>Storage area</b>	\$600		
<b>Outgoings</b>	Tenant responsible for non-structural maintenance, cleaning and outgoings such as telephone, internet. Outgoings fee of \$30 per m <sup>2</sup> charged for utilities such as electricity and water usage, security and cleaning of common area		
	\$6765	\$4,305	\$2,460
<b>Annual rent review</b>	Increases to be greater of 4% or CPI		
<b>Permitted use of premises</b>	Training facility for lectures and seminars but not physical training and physiotherapy rooms.		
<b>Car bays</b>	4 car bays included		
<b>Bank Guarantee</b>	6 months net rent plus outgoings and GST		
	\$26,036	\$14,536	\$11,500
<b>Special conditions- early surrender</b>	The lessee will be required to surrender the lease if the lessor wishes to take back the premises for the purposes of sale or redevelopment. This requires at least 6 months notice to the tenant.		

A draft lease agreement has been drawn up on the basis of the terms above. See confidential attachment 3.

## ***Assessment of proposal***

### *Term*

The term proposed is one year with a three year option, a maximum of four years in total. This essentially maintains the term of the the existing ALG agreement (not due to expire until 2017) whilst permitting a three year option. This new agreement will entail the early surrender of ALG's existing agreement, due to expire in April 2017. In addition, an early surrender clause will require the lessee to surrender the lease if the City intends to sell or redevelop the premises.

### *Current market conditions*

In assessing the likely current rental value the valuer took into consideration that there has been a significant drop in commercial and industrial rentals. This can be seen to be reflected in the low interest received in the property since the property was marketed for lease in September 2015. The only parties expressing interest in the property were existing tenants at Lords looking for expanded space.

### *Proposed rental return*

The proposed rent of \$40,575 (including storage and exclusive of outgoings and GST), equals the threshold for a reasonable net rental return of \$40,575, based on the City's valuation. An outgoings rate of \$30 per m<sup>2</sup> has been applied, this equates to \$6,765 per annum. This is \$10 per m<sup>2</sup> less than the approximate rate provided in the valuation but is considered to better reflect the actual costs of outgoings as they are applied to this section of the Lords building and acknowledges that the tenant is responsible for cleaning of the leased area.

### *Permitted use*

It is proposed that the permitted use is to be as a training facility for lectures and seminars (but not physical training) and physiotherapy rooms. This is consistent with the permitted use in the existing ALG lease with the addition of the former physiotherapy space.

### *Benefits to Lords Recreation Centre existing business*

The expansion of the leased area for Australian Learning Group will increase the revenue to the city in a number of areas. As the proposed lease area increases the footprint of the area contained within Court Ten and the inclusion of the area formerly occupied by a physiotherapist, there is an increase in lettable floor space providing a greater return. The increase in floor space provides ALG with the opportunity to construct an additional classroom in this space and to enrol more students. A component of the program delivered by ALG includes gym instruction and they purchase a Lords membership for every student who studies in this area. Increased student numbers will increase membership sales for Lords. Thirdly, there is a noticeable increase in café revenue as the students often purchase significant amounts of food and beverage from the cafe and an increase in student numbers will increase café sales as a direct result.

ALG are a suitable tenant for Lords as the programs they deliver complement and enhance the services on offer at Lords. The programs currently on offer include Certificate III and IV in Health and Fitness, a Diploma in Sport Management and they are actively investigating developing new courses that are complimentary to the sport and recreation industry. Further, by having students train within the Centre, Lords has the opportunity to consider them for future employment opportunities based on their performance in the program. Newly graduated students bring innovation and



enthusiasm to the existing pool of staff. This places Lords at the forefront of the industry with new trainers entering the workforce having completed their theory and practical sessions at Lords.

### **Consultation**

Statutory consultation was undertaken in accordance with section 3.58 of the *Local Government Act 1995*.

Local public notice was given by way of notices at the Administration building and the Subiaco Library and in the West Australian newspaper on Saturday 23 January 2016 for the requisite two weeks with the deadline for submissions noon on Monday 8 February 2016. Any submissions are required to be considered by Council prior to deciding to dispose of the property.

The City received no submissions during the submission period in respect of the proposal.

Consultation was also undertaken with real estate advisors Knight Frank Pty Ltd and valuers Burgess Rawson.

### **Strategic implications**

Management of the City's investment properties is aligned with the Strategic Community Plan and Corporate Business Plan, with particular reference to the strategies and actions below:

<b>Strategic Community Plan</b>
<b>Focus Area Six - Council Leadership</b>
<i>Objective One: A leading council that is supported by an excellent organisation</i>
<i>Strategy 5: Create organisational and community culture that is underpinned by sustainable practice</i>
<b>Corporate Business Plan Action</b>
<i>Manage the City's commercial property portfolio to produce a sustainable income stream.</i>

The operation of Lords Recreation Centre as a Council run facility is aligned with Focus Area One of the Strategic Community Plan, specifically the strategy and action below:

<b>Strategic Community Plan</b>
<b>Focus Area One – Our Sense of Community</b>
<i>Objective Two: A diverse, inclusive community where all members enjoy a sense of belonging and feel safe</i>
<i>Strategy 4: Maintain an indoor recreation facility for the community.</i>

### **Statutory and policy considerations**

Policy 10.10 Land Assets states: Property held for investment Purposes – properties in this category should be put to the highest and best use for the site and income from these properties should be maximised.

Section 3.59 of the *Local Government Act 1995* does not apply as the disposition does not constitute a major land transaction.

Section 3.58 of the *Local Government Act 1995* provides that property is to be disposed of by public auction or public tender. The City can dispose of the property other than by public auction or public tender if, before agreeing to dispose of the property;

- (b) *It gives local public notice of the proposed disposition-*
  - (i) *describing the property concerned;*
  - (ii) *giving details of the proposed disposition; and*
  - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given.*

*and*

- (c) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made*

In accordance with Section 5.42 of the *Local Government Act* the voting requirement at Council will be by absolute majority.

### **Risk and Asset implications**

There is a risk to the City of continued potential lost income should the property remain vacant. This property has seen little interest in the 13 months since the previous tenant vacated and demand is unlikely to improve in the short to medium term.

There is a risk that the tenant could default on its lease obligations. To protect the City from this risk the tenant is required to provide the City with a bank guarantee drawn on an Australian Bank as defined by the *Banking Act 1959*. The offer proposes a sum equivalent to six months net rent, and outgoings plus GST. The bank guarantee will remain in force for two months after the tenant has vacated the property.

This tenant is an existing tenant with the City with a good payment history who has fulfilled their obligations under the existing lease agreement.

Should Council delay the consideration and decision in relation to the leasing proposal there is a risk that the prospective tenant may withdraw the offer.

In addition there could be reputational damage to the City if a decision on the proposal is not made in a timely manner, particularly as the property has now been vacant for some time.

### **Financial**

The lease income received for the property will contribute to the City's investment property rental income and to the operational revenue for Lords.

The proposed gross rent of \$47,340 per annum will see a minimum total income to the City of \$201,027.60 over the four years of the lease taking into account increases from market rent reviews over this period.

A valuation of portions of 3 Price Street was undertaken in January 2016 by Burgess Rawson confirming a market rental of \$40,575 per annum exclusive of outgoings. The proposal from ALG matches this market rental indicated by the City's valuation.

In addition, the valuer adopted a notional outgoings rate for the areas of 3 Price Street subject to lease to be approximately \$40 per m<sup>2</sup>. The proposed outgoings rate to be applied is \$30 per m<sup>2</sup>, acknowledging that the tenant is responsible for the cleaning of the leased area and this is generally estimated at a cost of \$10 per m<sup>2</sup>.

There will also be increased indirect financial benefits to Lords through the memberships of ALG students and anticipated café revenue.

**Social and environmental implications**

There are no social or environmental implications to this proposal.

**Attachments**

1. Current leased areas
2. Proposed lease areas
3. Draft lease agreement between the City and Australian Learning Group -  
CONFIDENTIAL

## 10.4 EMPLOYEE REPORTS

### C1 TOWN OF CAMBRIDGE BOUNDARY PROPOSAL – SOUTH OF HAY STREET\*

#### REPORT FROM CHIEF EXECUTIVE OFFICER

**Author:** Chief Executive Officer  
**Date:** 5 February 2016  
**File Reference:** A/3122  
**Voting Requirements:** Absolute Majority - 7 elected members required to vote in favour

#### OFFICER RECOMMENDATION

Moved Cr Richardson/seconded Cr Clements

That;

1. The City of Subiaco being an affected local government within the meaning of Schedule 2.1 of the Local government Act 1995 (LGA), resolves to submit, jointly with the Town of Cambridge, a proposal to the Local government Advisory Board, pursuant to clause 2(1)(c) of Schedule 2.1 of the LGA, that orders be made by the Governor under Section 2.1 of the LGA which would vary the boundary of the district of the City of Subiaco so as to transfer the area south of Hay Street incorporating 30 affected properties from the district of the Town of Cambridge in accordance with the plan included in this report illustrating the proposed change.
2. The Chief Executive Officer be authorised to prepare and submit a joint proposal with the Town of Cambridge to the Local government Advisory Board as detailed above.

#### PROCEDURAL MOTION

Moved Cr Matheson/seconded Cr Arbuckle

**That in accordance with Clause 7.1(a) of the Meeting Procedures Local Law, the meeting proceed to the next item of business.**

CARRIED 7/4

CRS MCALLISTER, STROUD, RICHARDSON AND HEMSLEY VOTED AGAINST

8.29pm

#### Executive Summary

The city and the Town of Cambridge have previously been in discussion regarding 2 minor boundary adjustments. The City's position of 2 areas to be transferred to the city was not supported by the Town of Cambridge and was rejected by the Local Government Advisory Board (LGAB).

The Town of Cambridge has subsequently resolved to support the transfer of 30 properties south of Hay Street to be transferred to the city. This report recommends that a joint proposal by both local governments is made to the LGAB supporting this proposal.

#### Background

At a special Council meeting on 13 February 2014 Council resolved, in part,

*1(a) Submit a proposal to the LGAB to annex a portion of the suburb of Jolimont currently located within the Town of Cambridge. The nature of this proposal is a boundary change whereby the City of Subiaco is extended to include parts of the town of Cambridge. Other existing City of Subiaco boundaries to remain the same. It is proposed to;*

*a) Amend the current boundary between the City of Subiaco and the Town of Cambridge, extending the boundary of the City of Subiaco north and west to the intersection of Selby and Hay Street*

*b) Amend the current boundary between the City of Subiaco and the Town of Cambridge, extending the current boundary of the City of Subiaco north and west to include the area bound by Salvado Road, Hart Land and Jersey Streets.*

The Town of Cambridge subsequently resolved not to support the above proposal in its entirety however did indicate to the LGAB that it would support proposal (a) above. The LGAB advised the Minister for Local Government and Communities to reject the city's proposal, noting a submission can't be broken into parts for consideration. The Minister then rejected the City's request for these boundary adjustments.

### **Comment**

The Town of Cambridge has revisited the matter of boundary adjustments and at an ordinary Council meeting on 16 December 2015 resolved (copy of this report attached) the following

"That;

- i. The Town of Cambridge being an affected local government within the meaning of Schedule 2.1 of the Local government Act 1995 (LGA), resolves to submit, jointly with the City of Subiaco, a proposal to the Local government Advisory Board, pursuant to clause 2(1) (c) of Schedule 2.1 of the LGA, that orders be made by the Governor under Section 2.1 of the LGA which would vary the boundary of the district of the town of Cambridge so as to transfer the area south of Hay Street incorporating 30 affected properties to the district of the City of Subiaco in accordance with the plan included in this report illustrating the proposed change.
- ii. The Chief executive Officer be authorised to prepare and submit a joint proposal with the City of Subiaco to the Local government Advisory Board as detailed above."

The Town of Cambridge's resolution reflects the first part of the city's resolution from the Council meeting of 13 February, 2014. There does not appear to be any impediments to the city lodging a joint submission with the LGAB and the officer recommendation will basically mirror the Town of Cambridge's recommendation. A plan showing the affected properties is included in the Town of Cambridge attachment.

### **Consultation**

The Town of Cambridge has consulted with the affected property owners and the Town's resolution to support the boundary adjustment reflects the result of a survey undertaken by the Town.

### **Strategic Implications**

The transfer of these properties would align with 6.1.4 of the city's Strategic Community Plan, 6.1.4 " , being a sustainable, progressive and independent Local Government".

**Statutory and Policy Considerations**

There are no policy implications with this report.

A submission, in accordance with Schedule 2.1 of the Local government Act 1995 will need to be made to the Local government Advisory Board.

VOTING - absolute vote is required in accordance with Schedule 2.1 of the Local Government Act 1995.

**Risk and Asset Implications**

There is a potential a reputational risk to the city is that the Local Government Advisory Board does not accept the joint submission.

**Financial**

Should the proposal proceed, additional revenue to the city will be approximately \$50,000pa for rates etc, with corresponding costs to the city for rubbish collection, road maintenance etc.

**Social and Environmental Implications**

There are no social or environmental implications to this report.

**Attachment**

1. Town of Cambridge correspondence, report and plan to Council 16 December, 2015.

## C2 MATTERS FOR INFORMATION\*

### REPORT FROM CHIEF EXECUTIVE OFFICER

**Author:** Executive Assistant, Kerry Plantinga  
**Date:** 15 February 2016  
**File Reference:** A/4086  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

### OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Arbuckle/seconded Cr McAllister

**That Council receive the information in this report.**

CARRIED 11/0

8.29pm

### Background

The City of Subiaco regularly receives and produces information for receipt by the Elected Members.

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

### Comment

The following reports are presented to Council at the Ordinary Council meeting of each month.

Attached are the following updates:

- Development Applications Determined Under Delegated Authority – January 2016
- January 2016 Monthly Planning Report
- Building and Health Monthly Statistics – January 2016
- WMRC Ordinary Council Minutes – 4 February 2016
- Museum Visitor Statistics
- Facebook and website data
- Seal Register – January 2016

### Consultation

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

### Strategic Implications

There are no strategic implications for this report.

### Statutory and Policy Considerations

There are no statutory or policy implications for this report.

### Risk and Asset Implications

There are no risk and asset implications for this report.

### Financial

There are no financial implications for this report.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachments**

1. Development Applications Determined Under Delegated Authority – January 2016
2. January 2016 Monthly Planning Report
3. Building and Health Monthly Statistics – January 2016
4. WMRC Ordinary Council Minutes – 4 February 2016
5. Memo – Museum Visitor Statistics
6. Facebook and website data
7. Memo – Seal Register – January 2016

**11. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY A DECISION OF THE MEETING**

Nil

**13. MEETING CLOSED TO THE PUBLIC****PROCEDURAL MOTION**

Moved Cr Arbuckle/seconded Cr Gedero

**That the meeting be closed to the public for the purpose of discussing item P3 as it is required that this matter be dealt with behind closed doors under section 5.23 (2) (d) of the *Local Government Act 1995*.**

CARRIED 11/0

8.30pm



**P3 STATUS OF 2012 RENT REVIEW - 55 SALVADO ROAD, SUBIACO –  
HOMEBASE MANAGEMENT PTY LTD**

**REPORT FROM A/DIRECTOR CORPORATE SERVICES**

Author: Coordinator Land and Property, Alice Kavanagh

Date: 9 February 2016

File ref: A/1398-04

Voting requirements: Simple - more than half elected members present required to vote in favour

**OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr Clements/seconded Cr Richardson

**That the report “Status of 2012 Rent Review - 55 Salvado Road, Subiaco –  
Homebase Management Pty Ltd” be received.**

CARRIED 11/0

8.39pm

**14. CLOSURE OF MEETING**

The presiding member declared the meeting closed at 8.40pm.