



AGENDA

ORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS
LEVEL 2, 388 HAY STREET, SUBIACO**

TUESDAY 27 JUNE 2023

COMMENCEMENT: 5:30PM

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5. **PUBLIC QUESTION TIME**
6. **PUBLIC STATEMENT TIME**
7. **PETITIONS AND APPROVED DEPUTATIONS**
8. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 8.1 **Ordinary Council Meeting – 30 May 2023**

That the Minutes of the City of Subiaco Ordinary Council Meeting held on Tuesday 30 May 2023 be confirmed as a true and correct record.
9. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 OFFICER REPORTS

C1 126 BARKER ROAD SUBIACO – APPLICATION FOR REVIEW (APPEAL) – SECTION 31 – RECONSIDERATION OF REFUSAL FOR DA 7.2022.70.1 – TWO STOREY SINGLE HOUSE INCLUDING BASEMENT*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Author: Manager Planning Services, Anthony Denholm
Senior Statutory Planning Officer, Aoise Noone

Date: 23 June 2023

File Reference: A/7272

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



OFFICER RECOMMENDATION

In response to the invitation by the State Administrative Tribunal to review its decision under section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*, Council set aside its previous decision dated 21 March 2023 and substitute the following decision:

That in accordance with the provisions of Local Planning Scheme No. 5 and the Metropolitan Region Scheme, the application submitted by Welink Group Pty Ltd dated received 15 July 2022 for a two storey Single House including basement at No. 126 (Lot: 205 D/P: 31318) Barker Road, Subiaco as shown on plans dated received 30 May 2023 (Plans 1–12; of 12) be **APPROVED** subject to the following conditions:

1. The development is to be carried out in accordance with the plans, drawings and documentation dated received 30 May 2023 (Plans 1–12; of 12) included with the application for development approval. The development shall be

substantially commenced within two (2) years of the date of this decision. Should the development not be substantially commenced within this time, the approval shall lapse and be of no further effect.

2. All stormwater generated on site is to be retained on site. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
3. All external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street and/or secondary street or otherwise located to not be visually obtrusive to the satisfaction of the City of Subiaco.
4. Prior to occupation, landscaping shall be completed in accordance with the approved plans, to the satisfaction of the City of Subiaco, including:
 - a. 2m x 2m planting area for a minimum of one (1) tree; and
 - b. No more than 50% of the primary street setback area to consist of impervious surfaces.

All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Subiaco.

5. Prior to the issue of a building permit, a Construction Management Plan shall be prepared and submitted to the City of Subiaco's satisfaction. This plan is to address:
 - a) construction noise;
 - b) hours of construction;
 - c) traffic management;
 - d) parking management;
 - e) access management;
 - f) management of loading and unloading of vehicles;
 - g) heavy vehicle access;
 - h) dust;
 - i) protection of verge trees;
 - j) the need for a dilapidation report of adjoining properties; and
 - k) any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process to the satisfaction of the City of Subiaco.

6. Prior to the issue of a demolition permit (and/or) building permit, a dilapidation report prepared by a suitably qualified professional shall be submitted to the City of Subiaco for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas), including ancillary structures located on these properties:
 - 122 Barker Road, Subiaco; and
 - 132 Barker Road, Subiaco.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Subiaco, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports shall be prepared to the satisfaction of the City of Subiaco.

7. Prior to occupation of the development, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, are to be finished externally to the same standard as the rest of the development in either;
 - Face brick,

- Painted render,
- Painted brickwork, or,
- Other clean material,

And are to be thereafter maintained to the satisfaction of the City of Subiaco.

8. Prior to the issue of a building permit, the applicant shall submit a schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Subiaco.
9. Prior to the issue of a building permit, the applicant shall demonstrate that the proposed triple garage provides for appropriate minimum dimensions meet the Australian and New Zealand Standard for a triple car garage, to the City satisfaction of the City of Subiaco.
10. Prior to the issue of a building permit, the front fence (excluding the gatehouse) shown on the approved plans shall be amended to be no greater than 1.8m in height and achieve one of the following:
 - Compliance with the 1.5m visual truncation in accordance with the R-Codes; or
 - Any fencing within the 1.5m visual truncation reduced to no more than 0.75m in height in accordance with the R-Codes; or
 - Any fencing material above 0.75m within the 1.5m visual truncation (as defined under the R-Codes) being made at least 50% visually permeable.
11. Prior to occupation of the development the screening proposed for the ground floor terrace as detailed on the hereby approved plans dated 30 May 2023, located on the north, east and west elevations shall be screened in accordance with the Residential Design Codes by either:
 - a) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level; or
 - b) an alternative method of screening approved by the City of Subiaco.

The required screening shall be thereafter maintained to the satisfaction of the City of Subiaco.
12. Prior to occupation of the development any new or modified crossover and/or tree removal associated with the hereby approved development must receive separate approval from the City of Subiaco.
13. Tree Preservation Zones (TPZ) are to be established and maintained around each existing street tree for the duration of the construction. The TPZ is to be a minimum of two (2) metres extending out from the base of the tree.

Advice Notes:

- i. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.*
- ii. In relation to condition three (3), the exterior fixture associated with any air-conditioning unit or hot water system is considered an appropriate location where it is positioned:*
 - *outside of balcony/verandah areas (if applicable); and below the height of a standard dividing fence within a side or rear setback area; or*
 - *within a screened rooftop plant area or nook.*
- iii. In relation to building matters:*
 - *An application for a building and demolition permit is required.*
 - *The excavation associated with the construction of the basement must be carried out safely and to avoid potential damage to the subject*

building, adjoining structures and property through the soil collapsing or subsiding. Full particulars to be provided in regard to the method of retaining the embankment during excavation.

- **The responsible builder must ensure the work does not adversely affect land beyond the boundaries of the works land unless notification and consent in the form of a BA20 is provided.**
- **If access is required to neighbouring land, the ‘Work affecting other land’ provisions of Part 6 of the Building Act 2011 will apply, and notification and consent in the form of a BA20a must be provided.**

Please contact the City’s Building Services on 9237 9222 for further information.

iv. In relation to condition six (6), the dilapidation report(s) should address the following matters to satisfy the City of Subiaco:

- a) Dilapidation reports are to clearly identify the name of the organisation and person(s) undertaking the inspection and shall include their relevant qualifications;**
- b) Dilapidation reports are to be prepared in accordance with relevant legislation and standards, including Australian Standard AS4349.1 (or equivalent);**
- c) A calibration gauge should be used for measurement, in combination with high resolution photos for accurate record keeping;**
- d) Landowners of properties requiring dilapidation reports are to be afforded the opportunity by the applicant to identify any existing areas of concern that can be visually identified and recorded in any dilapidation report;**
- e) The applicant, in consultation with the owner of the property requiring the dilapidation report, is to ensure that every reasonable effort is made to ensure that they can obtain safe and reasonable access to any and all areas of a property requiring dilapidation reports; and**
- f) Landowners of properties requiring dilapidation reports are to be provided the same copy and version of the dilapidation report as any submitted to the City of Subiaco as part of any request to clear conditions of development approval as required.**

For the City to be fully satisfied, consideration will be given to written feedback from landowners up to 7 days after receipt of the dilapidation report.

v. In relation to condition nine (9), the layout of proposed triple car garage parking should be demonstrated to ensure compliance with the relevant AS. Please contact the City’s Engineering Services on 9237 9222 for further information. If sufficient compliance with the AS cannot be achieved/demonstrated, there is sufficient space for a double garage car parking layout side by side as shown on the plans.

vi. In relation to condition ten (10), visually permeable means the vertical surface has:

- **Continuous vertical gaps of 50mm or greater width occupying not less than one third of the total surface area;**
- **Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or**
- **A surface offering equal or lesser obstruction to view;**

As viewed directly from the street.

Additional Information

The recommendation has been updated to correct a format numbering issue, to separate a part of condition 10 which was combined into condition 12. A new condition relating to visual privacy has been included (condition 11) to ensure ongoing compliance and that the screens are designed and installed to meet the relevant requirements. The development plans (Attachment 1) have been updated to include a version of the survey plan which includes all the relevant site information, which was missing from the previous survey plan but formed part of the plans previously considered by Council. The internal referral section of the report has been updated to correct incorrect reference from 'previously approved' to 'previously considered'.

Executive Summary

This report considers amended plans for a development application proposing a two-storey single house including basement at No. 126 Barker Road, Subiaco. This application was considered and refused by Council at its 21 March 2023 Ordinary Council Meeting.

This proposal has been subject State Administrative Tribunal (Tribunal) proceedings since March 2023 and following mediation on 25 May 2023 the Tribunal invited:

- the applicant to provide amended plans and additional supporting information by 30 May 2023; and
- the City reconsider the application pursuant to section 31 (s.31) of the *State Administrative Tribunal Act 2004* (SAT Act) on, or before, 4 July 2023; and
- the matter is listed for further directions hearing on 14 July 2023.

Amended documentation was received on 30 May 2023 and following assessment it is recommended that the refusal be set aside and the application be approved subject to conditions.

Background

The application seeks development approval for the demolition of a single house and the construction of a two storey Single House with basement comprising:

- Three (3) bedrooms;
- Basement with gym, store room, cellar, study and activity room with a terrace;
- Kitchen, living and dining;
- Lift;
- Terrace;
- Garage; and
- Pool and pool house.

Following the mediation session on 25 May 2023, the applicant submitted amended plans (**Attachment 1** – Amended development plans dated 30 May 2023) and a comparison table outlining the proposed amendments (**Attachment 2** – Comparison table dated 30 May 2023).

Landowner:	Nicholas Shao
Applicant:	Welink Group Pty Ltd
Application Date:	15/07/2022
DA Reference:	DA 7.2022.70.1
Lot size:	627m ²
TPS Zoning:	Residential R20
TPS Precinct:	Triangle Precinct Sub-Precinct 1

Land Use:	Single House
Land Use Permissibility:	P
Existing Development:	Single House
Heritage Listing:	Not listed

Development History

The application was presented as Item C2 to the February 2023 OCM, where the Officer Recommendation lapsed for want of a mover. As a result, there was no determination on the application in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Following the February 2023 OCM, the applicant lodged an appeal with SAT on the grounds that the application is deemed refused. The SAT Act allowed the decision maker to reconsider its decision upon agreement between the parties under cl.26(d) of the SAT Act. The applicant requested that the application be determined and Council's determination would constitute an agreement under the Act.

At the March 2023 OCM the Council resolved to refuse the application (Item C1), and therefore the applicant proceeded with the SAT appeal. The reasons for refusal were as follows:

'In accordance with the provisions of Local Planning Scheme No. 5 and the Metropolitan Region Scheme, the application submitted by Welink Group Pty Ltd dated received 15 July 2022 for a two storey Single House including basement at No. 126 (Lot: 205 D/P: 31318) Barker Road, Subiaco as shown on plans dated received 27 September 2022, 21 November 2022 and 9 January 2023 (Plans 1-13 of 13) be REFUSED for the following reasons:

1. *The proposal is inconsistent with the Residential Design Codes WA (Volume 1) and does not satisfy the following applicable design principles:*
 - a) *Design Element 5.1.6 (Building Height) (P6) as the proposed development is considered to create an adverse impact on the amenity of adjoining properties to the east and west by way of building bulk.*
 - b) *Design Element 5.4.1 (Visual Privacy) (P1.1) as the proposed development overlooks the outdoor living area of the adjoining property to the west.*
2. *The proposal does not satisfy the provisions of Local Planning Scheme No. 5 in so far as:*
 - a) *The proposal is inconsistent with the following objective of the Residential Zone in Clause 16(2) of Local Planning Scheme No. 5:*
 - b) *Objective (e) – The proposal is considered excessive development that does not protect the amenity of the surrounding residential area, particularly in respect of the impact of building height on surrounding properties.*
3. *Having regard to Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 the proposal does not satisfy the following matters for consideration:*
 - a) *Clause 67(a) – The proposal is not considered to be consistent with the provisions of Local Planning Scheme No. 5;*
 - b) *Clause 67(c) – The proposal is not considered to be consistent with the provisions of the Residential Design Codes WA (Volume 1), being a state planning policy;*
 - c) *Clause 67(m) – The proposal is not considered to be compatible in its setting owing to the adverse building height and bulk of the development on the eastern and western adjoining properties.'*

A mediation session was held on 25 May 2023 between the applicants and the City. Following mediation, the SAT made orders requiring the applicant to provide an amended application to the City, and to invite the City to reconsider its previous decision on, or before, 4 July 2023. The purpose of this report is for Elected Members to reconsider the decision made at the March OCM under s31 of the SAT Act.

The City was represented by an Allering and Associates planning consultancy throughout the SAT proceedings. City Officers have attended each session and have assisted the Elected Members and the City's appointed planning consultants. City Officers have also prepared this report.

Consultation and Referrals

Details of public consultation undertaken on the original development application, and a summary of submissions, was provided in the previous report to Council (refer **Attachment 3**).

With regard to the amended plans received on 30 May 2023, the application was not required to be re-advertised pursuant to Clause 9.1 of Local Planning Policy 7.3 – *Public Consultation for Planning Proposals* (LPP 7.3), as the plans did not introduce additional variations to the planning framework.

Internal Referrals

The proposal was re-referred to relevant internal departments and no major concerns were raised. However, additional matters were raised which have been captured through standard conditions and advice notes as appropriate and do not raise any additional variations to what was previously considered. The comments received have been included in **Attachment 4**.

Comment

An assessment of the proposal has been conducted with regard to the provisions of Local Planning Scheme No. 5 (LPS 5), the Residential Design Codes (R-Codes), and Local Planning Policy 1.1: Residential Development – Single Houses and Grouped Dwellings (LPP 1.1).

The proposal complies with all the requirements of the LPS 5, relevant deemed-to-comply requirements of the R-Codes and provisions of the aforementioned policy with the exception of the matters outlined below.

The applicant has provided a useful comparison table outlining the key changes between the plans that were refused in March and the proposed amendments, supplemented with commentary to detail the changes. These are contained within **Attachment 2** and should be read in conjunction with the assessment provided below.

Residential Design Codes

A detailed assessment against the R-Code provisions is contained within **Attachment 5**. A summary of the changes within the amended plans is provided below.

5.1.6 Building Height

Table 1: Building height assessment		
Permitted	Proposed	Variation
Wall height: 3.6m	Up to 6.66m	Discretion sought
Ridge height (flat): 4m	4.88m	Discretion sought
Ridge height (pitched): 6.5m	Up to 7.622m	Discretion sought

As demonstrated in **Table 1**, the amended application seeks variations to the permitted building height. The wall and flat roof height remain unchanged, and the overall ridge height has reduced by 0.3m. The amended plans have considerably reduced the floor area of the upper storey by 37.3m², where the length of the two storey walls have shortened up to 3m from the rear boundary towards the street. This has further reduced the impact of building bulk onto adjoining properties particularly to the west and east and is capable of support. A detailed consideration against the design principles is contained within **Attachment 5**.

5.2.4 Street Fencing

Table 2: Street Fencing		
Permitted	Proposed	Variation
Visually permeable above 0.9m	Portions of the fence are solid above 0.9m	Discretion sought
Maximum overall height of 1.8m	Maximum overall height of 2.675m	Discretion sought
Gatehouse not permitted within the front setback	Gatehouse proposed	Discretion sought

When the application was recommended for approval to Council in February and March 2023, a condition of approval was included to address the primary street fence including the proposed gate house. This condition will have required the front fence be consistent with Local Planning Policy 1.1 and the gatehouse could not have been supported.

As evidenced in **Table 2**, the application seeks variations to the visual permeability and overall height of the proposed street fence, which include a gatehouse element. The gatehouse element is solid and tall, the amended plans have reduced its height by 0.11m and set it back approximately 1.5m to reduce its impact upon the street and also increased the amount of visually permeable fencing.

The proposed gatehouse is a departure from the Local Planning Policy 1.1 and there are no other gatehouses on Barker Road (between Olive Street and Coghlan Road). The surrounding area is characterised by solid impermeable fencing. A detailed consideration against the design principles is contained within **Attachment 5**.

Council can consider departing from Local Planning Policy 1.1 to approve the gatehouse element. This may result in the streetscape provisions of Local Planning Policy 1.1 being questioned in future applications and an undesirable precedent being set into the future across similar areas in the City.

5.3.1 Outdoor Living Areas

Table 3: Outdoor Living Area		
Deemed-to-Comply	Proposed	Variation
Minimum dimension of 4m	Minimum dimension of 3.5m	Discretion sought
2/3rds without permanent roof cover	Wholly covered by roof	Discretion sought

As outlined in **Table 3**, the application seeks variations to minimum dimensions and roof coverage for outdoor living areas. The proposed development maintains an outdoor living area (terrace) that features a reduced width and greater roof cover than permitted under the R-Codes. Notably, the outdoor living area is orientated to the north to maximise solar access and features a much greater length dimension than required, being 13.4m in length rather than 4m. Furthermore, there are additional areas at the

rear for outdoor pursuits. A detailed consideration against the design principles is contained within **Attachment 5**.

5.3.7 Site Works

Table 4: Site Works		
Deemed-to-Comply	Proposed	Variation
2m setback for excavation with a depth between 1.5m and 2m	Excavation up to a depth of 1.99m abutting a lot boundary	Discretion sought

As evidenced in **Table 4**, the application seeks variations to the setback for excavation and retaining walls. The proposed development incorporates excavation and a retaining wall up to the eastern lot boundary to a maximum depth of 1.99m to facilitate construction of a staircase to the basement level, which would otherwise require a 2m setback. The variation is considered to be capable of support against the design principles as demonstrated in **Attachment 5**.

5.4.1 Visual Privacy

Table 5: Visual Privacy		
Deemed-to-Comply	Proposed	Variation
Cone of vision contained within lot boundaries (7.5m for raised outdoor living areas)	Cone of vision encroaches 4m into eastern neighbouring property	Discretion sought

As evidenced in **Table 5**, the application seeks discretion for the cone of vision from the terrace encroaching into the lot boundaries of the eastern adjoining property. The cone of vision falls onto a boundary wall and presents minimal privacy concerns. The variation is considered to be capable of support against the design principles as demonstrated in **Attachment 5**.

The plans considered at the March OCM presented an additional variation for visual privacy, where the cone of vision encroached into the lot boundary of the western adjoining property. The plans now propose screening, which wholly contains the cone of vision within the subject site's lot boundaries.

Options

In relation to its decision to refuse the application in March, after reconsidering a decision through s31 of SAT Act, the Council may:

1. Affirm the decision; or
2. Vary the decision; or
3. Set aside the decision and substitute a new decision.

If Option 1 is pursued, it is possible that the matter will progress for a final hearing at SAT.

If Option 2 or 3 are pursued, and the applicant is satisfied with the outcome, the applicant reserves the right to withdraw their SAT application, resulting in the new decision coming into effect.

If any of the abovementioned options are pursued, and the applicant is not satisfied with the outcome, the application may proceed to a SAT hearing where the decision will be reviewed.

The costs of a final hearing vary and could be up to \$15,000 to \$20,000.

Strategic Implications

There are no strategic implications for this report

Statutory and Policy Considerations

The application for development approval has been considered in accordance with the *Planning and Development Act 2005*, the City of Subiaco Local Planning Scheme No. 5 and relevant planning policies as detailed in the 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

The assessment of development applications is undertaken under the planning framework, which includes controls based on social and environmental implications.

Attachments

1. Amended Plans dated 30 May 2023
2. Comparison table of the refused OCM plans and amended s31 plans submitted by the applicant
3. Schedule of submissions
4. Schedule of internal referral comments
5. Design principle assessment
6. Site Photos

C2 REVIEW OF THE SUBIACO ACTIVITY CENTRE PLAN***REPORT FROM DIRECTOR DEVELOPMENT SERVICES**

Author: Manager Planning Services, Anthony Denholm
Senior Strategic Planning Officer, Jutta Kober

Date: 14 June 2023

File Reference: A/7272

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

OFFICER RECOMMENDATION

Pursuant to clause 29(1) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an amendment to the Subiaco Activity Centre Plan prepared in lieu of preparing a new Precinct Structure Plan for the Subiaco Secondary Activity Centre.

Executive Summary

- At the Ordinary Council Meeting (OCM) of 31 May 2022 (Item C4) Council resolved to prepare a Precinct Structure Plan (PSP) for the Subiaco Activity Centre.
- The Department of Planning, Lands and Heritage (DPLH) has recommended that the City amend the Subiaco Activity Centre Plan (SACP), rather than prepare a new PSP.
- This approach is supported as the amendments can achieve everything the full review intended to achieve.
- It is recommended that Council resolve to amend the SACP instead of preparing a new PSP for the Subiaco Activity Centre.

Background

At the Ordinary Council Meeting (OCM) of 31 May 2022 (Item C4) Council considered the strategic urban planning projects proposed to be progressed and resolved as follows:

1. *Pursuant to clause 47(b) and (c) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, Council resolves to prepare a Local Development Plan for the land generally bound by Rokeby Road, Bagot Road, and Walmsley Lane (Coles/Crossways Precinct) identified as requiring a Local Development Plan in the City's Subiaco Activity Centre Plan and Local Planning Scheme No. 5.*
2. *Pursuant to clause 15(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, Council resolves to prepare a Precinct Structure Plan for the Subiaco Secondary Activity Centre.*
3. *The preparation of the Local Development Plan commences immediately with the Precinct Structure Plan to commence as soon as resources permit.*

Officers are currently progressing the work on the Coles/Crossways Precinct Local Development Plan in accordance with Part 1 of the Resolution.

In pursuance of Part 2 of the resolution, officers have been liaising with the Department of Planning, Lands and Heritage (DPLH) regarding the Precinct Structure Plan (PSP).

In respect of Part 3 of the resolution, as the Coles/Crossway LDP is intended to be presented to Council at the July OCM for advertising providing additional time to commence the SACP review.

Comment

DPLH advised by letter dated 21 December 2022 (**Attachment 1**) that they recommend the City amend the existing Subiaco Activity Centre Plan (SACP) instead of preparing a new PSP. DPLH advised that amendments could incorporate provisions for the area subject to the draft North Subiaco Structure Plan (NSSP) and that an extension to the term of the SACP lifespan can be considered as part of the amendments.

Follow-up discussions with DPLH have confirmed a number of matters of detail which gave City officers the confidence that the matters identified as requiring resolution, can be addressed through amendments. This includes confirmation that the SACP will not need to be brought into compliance with the format and content required by State Planning Policy 7.2 – Precinct Design Guidelines (SPP 7.2), which now guides the preparation of precinct plans. The preparation of a new PSP was proposed to be outsourced to a planning consultant. In addition, SPP 7.2 requires a number of additional technical studies to be prepared, which would have resulted in significant additional cost. The approach now proposed is to undertake most of the work in-house and outsource the update of relevant technical studies as required. This is expected to result in substantial cost savings compared to the preparation of a new PSP.

The preparation of amendments to the SACP is supported for the following reasons:

- The proposed amendments can achieve everything that the proposed review intended to achieve, including incorporating the NSSP area, correcting errors and inconsistencies, updating out of date information, reviewing built form and development standards, and extending the lifespan of the SACP beyond 2027;
- Amendments can be implemented faster;
- Amendments will be more cost effective as most of the work can be completed in-house, instead of having to engage a planning consultant and a number of specialist consultants to undertake additional technical studies to support the new PSP; and
- Community engagement for amendments to the SACP will be more specific and targeted compared to the wide-ranging and comprehensive engagement process that is required to be undertaken to prepare a new PSP.

Work on the SACP review is proposed to commence in September 2023 with estimated completion by September 2025, including WAPC approval of the amendments to the SACP.

Options

Council has a number of options on how to proceed with the review of the SACP:

1. Support the officer recommendation and proceed with a review of the SACP and preparation of amendments; or
2. Proceed with the preparation of a PSP for the Subiaco Activity Centre in accordance with the resolution of the OCM of 31 May 2022 (Item C4); or
3. Defer the review of the SACP until a date closer to the expiry of the SACP and proceed with the preparation of a new PSP at that time.

Details of each option are discussed below.

Option 1:

Discussions with DPLH have clarified that amendments to the SACP can achieve the review aims as outlined in the Comments section above. This option is more cost effective and can be implemented faster than the preparation of a new PSP. This option is the recommended approach.

Option 2:

Preparation of a new PSP was recommended by officers previously based on a number of reasons, including:

- The understanding that any plan prepared for the Subiaco Activity Centre would have to comply with the current State planning framework, which has changed since the SACP was approved in 2017. The Deemed Provisions refer to the need to comply with the manner and form for structure plans, which now relates to the new format and content for PSPs as set out in SPP 7.2. For this reason, the option to amend the SACP had not previously provided as an option in discussions with DPLH.
- A number of proposed modifications, including the proposal to incorporate both the SACP and the draft Nssp into a single document, was considered to fall outside the scope of an amendment.

The letter received by DPLH on 21 December 2021 states that should the City pursue the option of preparing a new PSP, development intensity may be required to be increased compared to the density and height contemplated by the current SACP. Based on more recent discussions with DPLH this option is no longer considered to provide the best outcome for the reasons outlined in the Comment section above.

Option 3:

Deferring the review of the SACP risks creating a gap in planning provisions once the current SACP expires in 2027. This approach is not recommended. Should this option be pursued, it is recommended that the review of the SACP is commenced no later than in 2024 and an appropriate Council resolution to this effect be provided.

Consultation

No consultation was undertaken as part of the preparation of this report.

Should Council resolve to proceed with either Options 1 or 2 outlined above, a project plan will be prepared which outlines the proposed consultation processes. The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) set out the process for statutory consultation requirements.

Strategic Implications

Local Planning Strategy

Action 6 under Population and Housing states:

Review the Subiaco Activity Centre Plan and North Subiaco Structure Plan in particular in regard to key redevelopment sites and within the Hay Street East area. The review should result in a single Activity Centre Plan that encompasses the entire Subiaco Secondary Centre and considers the Redevelopment Areas to allow for the area to be normalised into the City's local planning scheme into the future.

Preparation of amendments to the SACP will achieve the intent of Action 6.

Strategic Community Plan

The recommendations in this report align with the following actions and objectives in the strategic community plan:

Focus Area three – Subiaco as a destination

Objective two: To develop the economic sustainability of our City of Subiaco

3.2.1 Attract and retain a diverse range of businesses

Focus Area four – The built environment

Objective two: A sustainable city that balances the requirement of an increasing population, whilst maintaining its valued character

4.2.1 Identify appropriate locations for increased density, and plan effectively in order to accommodate an increasing population.

4.2.3 Investigate and consider opportunities for the development of affordable and diverse housing.

Statutory and Policy Considerations

Schedule 2 of the Deemed Provisions of the LPS Regulations sets out the process for the preparation of structure plans, which includes activity centre plans.

Clause 29(2) sets out that an amendment to an existing structure plan is to follow the process for making a structure plan, with any necessary changes.

Clause 29(4) provides for the Western Australian Planning Commission (WAPC) to extend the period of approval as part of an amendment to a structure plan.

The process set out in the Deemed Provisions will be followed should Council resolve to undertake amendments to the SACP.

Any amendments to the SACP will require approval by the WAPC. As a result, officers will closely liaise with DPLH to facilitate a smooth approval process.

Risk and Asset Implications

Undertaking amendments to the SACP reduces the risks associated with the preparation of a new PSP, including reduced risk of budget and timeframe blow-outs. There is uncertainty associated with WAPC approval of a new PSP compared with a lesser risk associated with amendments to an existing plan.

Should Council resolve to not proceed with either Option 1 or 2 as outlined above, there is a risk of a gap in planning provisions once the current SACP expires in 2027.

An out-dated planning framework risks uncertainty for community and applicants, leaving options to explore weaknesses in the planning framework. A contemporary and best-practice local planning framework provides the City with the best chance of success in situations where the decision-maker is not Council, such as a Development Assessment Panel (DAP), or where a review has been sought through the State Administrative Tribunal (SAT).

Financial

As outlined in the Comment section above, undertaking amendments to the SACP will be more cost effective than the preparation of a new PSP as most of the work can be undertaken in-house. There may be a need to engage consultants to prepare specialist studies to fill any information gaps identified through the review process or to update

existing out-of-date background information. The preparation of maps and diagrams is expected to be outsourced.

It is estimated that this cost will be up to approximately \$250,000. For comparison, the cost of preparation of a PSP in 2022 was estimated to be approximately \$612,000.

Social and Environmental Implications

A contemporary local planning framework provides greater certainty and improved development outcomes for the community.

Attachments

1. Letter from Department of Planning, Lands and Heritage regarding the Subiaco Activity Centre Plan Review dated 21 December 2022.

C3 SCHEME AMENDMENT NO. 3 – OMNIBUS AMENDMENT TO LOCAL PLANNING SCHEME NO. 5*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Author: Manager Planning Services, Anthony Denholm
Strategic Planning Officer, Emily Crosby

Date: 14 June 2023

File Reference: A/7272

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

OFFICER RECOMMENDATION

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, Scheme Amendment No. 3 (Omnibus Amendment) is prepared to amend the Local Planning Scheme No. 5 text as follows:

1.1 Amend Table 3 of Clause 17 as follows:

a) Replace the permissibility symbols in the Mixed Use and Local Centre Zones with the following:

Use and Development Class	Zones	
	Mixed Use	Local Centre
Consulting Rooms	P	P
Medical Centre	D	D

b) Amend the associated Notes as follows:

“Notes:

1. *Refer to supplemental provisions
2. *¹The X designation relates to development in the Residential Zone with a density below R80, the A designation relates to development in Residential Zone with a density of R80 and above. Refer to local planning policy relating to restaurant/café land use in Residential Zones R80 and above.
3. *²Refer to supplementary development standards for non-residential development in the Residential Zone.”

1.2 Delete sub-clause 26(1) and renumber subsequent sub-clauses.

1.3 In renumbered sub-clause 26(1), amend the Location descriptions as follows:

“Location A – Within an area identified as an Activity Centre as defined by the City of Subiaco Local Planning Strategy.

Location B – Within areas outside of Activity Centres, as defined by the City of Subiaco Local Planning Strategy, but within 800m of a train station on a high frequency rail route or within 250m of a high frequency bus route.

Location C – Not within areas outlined above.”

1.4 Amend renumbered sub-clause 26(2) to read:

a) “In relation to multiple dwellings within areas coded R40 or greater, within mixed use developments and/or within Activity Centres, as defined by the City of Subiaco Local Planning Strategy; acceptable outcome A3.9.2 in element 3.9 Car and bicycle parking in Part 3 Siting the development of the R-Codes is amended to read as follows:”

- b) Amend the associated Definitions as follows:
“Location A: within the defined boundaries of an Activity Centre as defined by the City of Subiaco Local Planning Strategy.
Location B: within areas outside the defined boundaries of an Activity Centre, as defined by the City of Subiaco Local Planning Strategy, but within an 800m walkable catchment of a train station and/or 250m of a stop (bus or light rail) of a high frequency route.”
- 1.5 In Clause 29 Table 4, amend as follows:
“SPP7.0 – Design of the Built Environment.”
- 1.6 In sub-clause 32(1), amend Table 5 as follows:
- a) Amend No. 1(2) to read:
“(2)(a) The local government will only grant development approval for the demolition of a building or a structure where it is satisfied that the building or structure:
- i. **Has limited or no cultural heritage significance; and**
 - ii. **Does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.**
- (b) In considering an application under clause (2)(a), the local government shall have due regard to any heritage assessment required under clause 11 of Schedule 2 Deemed Provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.
- Note: Clause 61 of Schedule 2 Deemed Provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 exempts requirement for development approval for the demolition of certain buildings and structures.”**
- 1.7 In Clause 33, amend Table 6 as follows:
- a) Amend No. 2 Description of Land to read:
“Lot No. 22 (No. 10) on D/P: 32850 Rokeby Road, Subiaco and Lot No. 19 (No. 375) on D/P: 13216/1, Roberts Road, Subiaco”
- b) Amend No. 3 Description of Land to read:
“Lot No. 601 (No. 55) on D/P: 406430) Salvado Road, Subiaco”
- c) Amend No. 4 Description of Land to read:
“Strata Lots 1-21 (No. 531) on Strata Plan: 17651 Hay Street, Subiaco”
- d) Amend No. 5 Description of Land to read:
“Lot No. 101 (No. 388) on D/P: 83867 Hay Street, Subiaco”
- e) Amend No. 6 Description of Land to read:
“Strata Lots 1-36 (No. 184) on Strata Plan 24889 Rokeby Road, Subiaco

**Lot 50 (No. 277) on D/P: 45359 Barker Road, Subiaco
 Lots 21-24 (No. 218) on D/P: 2240 Park Street, Subiaco”**

- f) Amend No. 7 Description of Land to read:
 “Lot 229 (No. 121) on D/P: 89002 Railway Road, Subiaco and
 Lot 230 (No. 374) on D/P: 89002 Bagot Road, Subiaco”**
- g) Amend No. 8 Description of Land to read:
 “Lot 503 (No. 500) on D/P: 413388 Hay Street, Subiaco”**
- h) Amend No. 9 Description of Land to read:
 “Lot 600 (No. 588) on D/P: 406430 Hay Street, Subiaco and
 Lot 601 (No. 5) on D/P: 406430 Wembley Court, Subiaco”**
- i) Amend No. 10 Description of Land to read:
 “Lot 601 (No. 1) on D/P: 406430 Harborne Street, Subiaco”**
- j) Renumber No. 12 and No. 13 to ‘11’ and ‘12’ respectively.**
- k) Amend renumbered No. 11 Description of Land to read:
 “Strata Lots 1-11 (No. 567) S/P: 12758 on Hay Street, Daglish”**
- l) Amend renumbered No. 12 Description of Land to read:
 “Rokeby Road South Precinct as defined by the approved
 Local Development Plan for the Rokeby Road Precinct.”**
- m) Amend renumbered No. 12 Requirement to read:
 “To be guided by the approved Local Development Plan for
 the Rokeby Road South Precinct.”**

1.8 Amend clause 37 by inserting ‘plot ratio area’ definition below the definition for ‘non-conforming use’ as follows:

“plot ratio area has the following meanings –

- (a) In relation to residential development, has the meaning given in the R-Codes; and**
- (b) In relation to non-residential development, has the meaning given in the R-Codes except that any reference to dwelling is replaced with the term tenancy.”**

1.9 In Schedule 1 – Supplemental Provisions to the Deemed Provisions amend Clause 12(4) as follows:

“Where a proposed ‘consulting rooms’ or ‘office’ use is located in a residential zone and is subject to subclause 12(1) of the Deemed Provisions, the proposed use may be considered an ‘A’ (advertising) use under clauses 17 and 18 of this scheme.”

1.10 In Schedule 1 – Supplemental Provisions to the Deemed Provisions amend Clause 61(1)(k) to read as follows:

- “(1) Development approval is not required for works if –**
- (a) the works are of a class specified in Column 1 of an item in the below table; and**
 - (b) if conditions are set out in Column 2 of the below table opposite that item – all of those conditions are satisfied in relation to the works.”**

	Column 1 Works	Column 2 Conditions
22.	The removal of a tree.	The tree is not identified on the significant tree register.

1.11 In Schedule 1 – Supplemental Provisions to the Deemed Provisions amend Clause 67 as follows:

“(2) (zc) Any advice of the Design Review Panel.”

- 1.12 Under Schedule 3 – Additional Site and Development Requirements, Tables 8 and 10 amend the Building Setbacks – Rear Minimum Setback as follows:

“The first two (2) storeys have a Nil (0m) setback.

The third (3) storey and above shall be set back at least 6.0m.

If to a right of way, the rear setback shall be sufficient to provide a total vehicle manoeuvring width of 6.0m.”

- 1.13 Under Schedule 3 – Additional Site and Development Requirements, Table 9 amend the table as follows:

- a) Replace the text in Part 2.1 – Rokeby Road South as follows:

2.1 Rokeby Road South	
Building height	Development shall not exceed the maximum building height prescribed by the Rokeby Road South Local Development Plan to a maximum building height of five (5) storeys.
Building setbacks	Building setbacks shall not be less than the setbacks prescribed in the Rokeby Road South Local Development Plan.

- b) Replace the first row in the Building setback element column in the setbacks table for Part 2.3 as follows:

“First two (2) storeys.”

- 1.14 Under Schedule 3 – Additional Site and Development Requirements, Table 9 Part 2.4 replace ‘thought’ with ‘through’.

- 1.15 Under Schedule 3 – Additional Site and Development Requirements, Table 10 amend the Building Setbacks – Street (primary or secondary) Minimum Setback as follows:

“Nil for the first three (3) storeys, 2.0 m for the fourth (4) storey.”

- 1.16 Under Schedule 5 – Car Parking Standards amend Table 12 as follows:

- a) Amend the following Land Use Categories:

- ‘Office, Other commercial’ to be replaced with ‘Office and Other Commercial’; and
- ‘Fast Food, Lunch Bar’ to be replaced with ‘Fast Food/Lunch Bar’.

- b) In the Bicycle Parking columns replace all references to class 1, 2 and 3 with class ‘A’, ‘B’ and ‘C’ respectively.

- c) Amend the associated Notes as follows:

“Notes:

1. Reference to Activity Centres means within an area identified as an Activity Centre as defined within the City of Subiaco Local Planning Strategy.
2. Class A, B and C bicycle parking facilities are defined under AS2890.
3. Where a standard set out in Table 12 results in a parking requirement that is not a whole number, the requirement is to be rounded up to the next whole number.”

- 1.17 In Schedule 5 – Car Parking Standards delete sub-clauses (1), (2) and (3).

- 1.18 Amend the formatting as follows:

- a) Align the text indentation with the remainder of the Scheme text for:

- Sub-clause 13(1)
 - Sub-clause 13(2)
 - Sub-clause 14(1)
- b) In Schedule 4 – Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan, align the text indentation of Objective ‘(e)’, with the remainder of the objectives.
 - c) Amend text size of all Notes to ‘size 10’.
 - d) In sub-clause 32(1) Table 5 No. 3(2) capitalise the letter ‘S’ in ‘scheme map’.
 - e) In Schedule 3 – Additional Site and Development Requirements replace all references of ‘metres’ with ‘m’.
 - f) In the tables throughout Schedule 3 – Additional Site and Development Requirements insert full stops ‘.’ after all sentences.
 - g) In Schedule 3 – Additional Site and Development Requirements, Table 10 capitalise ‘S’ in scheme map.
2. Pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment is considered to be a Standard Amendment for the following reasons:

The omnibus amendment comprises:

 - (a) an amendment relating to a zone that is consistent with the objectives identified in the scheme for that zone or reserve; and
 - (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
 - (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - (g) any other amendment that is not a complex or basic amendment.
 3. The Mayor and Chief Executive Officer are authorised to execute the scheme amendment documentation.
 4. Pursuant to Regulation 47(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* proposed a notice of advertising is prepared and proposed Scheme Amendment No. 3 (Omnibus Amendment) to Local Planning Scheme No. 5 is advertised with a submission period of not less than 42 days.
 5. Pursuant to Section 81 of the *Planning and Development Act 2005*, proposed Scheme Amendment No. 3 (Omnibus Amendment) to Local Planning Scheme No. 5 is referred to the Environmental Protection Authority.

Executive Summary

- Local Planning Scheme No. 5 was gazetted on 21 February 2020. Since its gazettal and implementation, technical and administrative matters have been identified that require resolution.

- The nature of the matters is such that a standard amendment is required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- It is recommended that the City prepare Scheme Amendment No. 3 (Omnibus Amendment) to Local Planning Scheme No. 5 (LPS 5) to maintain a clear local planning framework.

Background

The *Planning and Development Act 2005* enables local governments to prepare and maintain local planning schemes to guide the use and development of land in their area. These are maintained through periodic reviews and amendments to ensure the local planning framework remains contemporary.

Since the gazettal (21 February 2020) and implementation of Local Planning Scheme No. 5 (LPS 5), officers have identified a number of technical and administrative errors and have prepared Scheme Amendment No. 3 (Omnibus Amendment) to justify the amendments.

Proposed Amendment No. 3 includes 18 individual amendments detailed in **Attachment 1** – Scheme Amendment Report.

The amendments proposed are primarily technical and administrative in nature to ensure consistency with State Planning Policy changes and do not consider holistic land use changes.

A summary of all of amendment proposals is provided in **Attachment 2**. A track changes version of LPS 5 which includes the proposed amendments is included as **For Information 1**.

Comment

Amendment classification

Council is required to resolve whether the amendment is classified as a basic, standard, or complex amendment and provide reasons for that decision. The LPS Regulations include criteria for this assessment:

- A basic amendment is generally one that corrects an administrative error or brings the scheme into consistency with State Government policy or legislation. A basic amendment is administrative in nature and as a result no community consultation is required;
- A standard amendment is one that has no significant environmental, social, economic or governance impacts and will have minimal impact on the surrounding area, and an amendment that is consistent with an endorsed local planning strategy; and
- A complex amendment is one that is inconsistent with an endorsed local planning strategy, or that is not addressed by a local planning strategy, an amendment that is of a nature or scale that will have significant impact on the locality.

In accordance with regulation 34 of the LPS Regulations, each specific amendment was assessed and classified. In summary there are:

- 14 basic
- Four standard
- Zero complex.

The assessment against the LPS Regulations and rationale behind each classification is contained in the Amendment ‘Classification (Regulation 34)’ of **Attachment 2**.

Basic Amendments

The 14 basic amendments are administrative in nature. They constitute general typographical corrections, rewording for clarification or general updating following amendments to the Deemed Provisions of the LPS Regulations, or State Planning Policy. They are deemed to have no significant impact to the application of LPS 5. For these reasons, they have not been discussed in detail in this report. A full list, and further information of these amendment proposals is available in **Attachments 1 and 2**.

Standard Amendments

The four standard amendments are considered to have a planning impact on the application of LPS 5, however still align with the intent of the local planning framework. As such, a brief summary of each standard amendment is provided below.

Clause 17 – Zoning Table: Medical Centre and Consulting Room Land Use Permissibility in the Mixed Use and Local Centre Zones

The only difference between the Medical Centre and Consulting Rooms land use definitions is the greater number of medical practitioners allowed for the Medical Centre use (**Table 1**).

In the Mixed Use and Local Centre zone, a Medical Centre, which is a more intensive land use (as it has more practitioners), has a ‘P’ use permissibility, meaning development approval is not required. Whilst Consulting Rooms, a less intensive land use, has a ‘D’ use permissibility. This means the use cannot occur without the local government exercising its discretion and granting development approval.

Table 1: Current and proposed amendment land use permissibility for Consulting Rooms and Medical Centres in the Mixed Use and Local Centre zones			
Land Use	LPS 5 Definition	Current Permissibility	Proposed Amended Permissibility
Consulting Rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.	‘D’ – Discretionary, only permitted subject to Development Approval	‘P’ – Permitted without Development Approval
Medical Centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.	‘P’ – Permitted without Development Approval	‘D’ – Discretionary, only permitted subject to Development Approval

It is recommended that the Medical Centre use is amended to a ‘D’ use permissibility, and the Consulting Room use to a ‘P’ permissibility, in the Mixed Use and Local Centre zones. This will require intensive land uses to be considered through an application for development approval.

Clause 37 – Terms used

LPS 5 does not include a definition for plot ratio. The plot ratio definition in State Planning Policy 7.3 - Residential Design Codes (R-Codes) only applies to residential development. It is recommended that the guidance contained in Local Planning Policy 2.2 - Non-Residential Development on Land Zoned Centre, Local Centre and Mixed

Use be included in the Terms used in LPS 5. The following wording is proposed for the new term:

'plot ratio area has the following meanings –

- (a) In relation to residential development, has the meaning given in the R-Codes; and*
- (b) In relation to non-residential development, has the meaning given in the R-Codes except that any reference to dwelling is replaced with the term tenancy.'*

Schedule 1 - Supplemental Provisions to the Deemed Provisions – clause 12(4)

Under Clause 12(4) – Schedule 1, Consulting Rooms and Office uses in Residential zones are a 'P' – permitted use (subject to subclause 12(1) of the Deemed Provisions of the LPS Regulations).

This enables Consulting Rooms and Office uses to be established in a place entered in the State Register of Heritage Places, or the City's Heritage List, or a place within a Heritage Area where this is considered to facilitate the built heritage conservation of the place or to preserve the heritage values of a heritage area.

Upon review, this mechanism provides for commercial type uses to locate in a residential area where a good heritage outcome is achieved, however, given the land use is Permitted, there is no consideration of amenity.

The changes will require an amenity assessment to be undertaken in conjunction with the heritage considerations for Consulting Rooms and Office land uses in residential zones.

Schedule 3 – Table 9 Part 2.1 – Specific site and development requirements for the Mixed Use and Centre zone, Rokeby Road South

Schedule 3 'Additional site and development requirements', Table 9 part 2.1, contains specific controls for the Rokeby Road South precinct area, including plot ratio and building height controls. The development controls were carried over from former City Town Planning Scheme No. 4 (TPS 4) as an interim measure to provide controls until such time as a Local Development Plan (LDP) was prepared for the Rokeby Road South precinct.

The Rokeby Road South LDP has been finalised and provides more detailed and nuanced provisions for the precinct. The existing Scheme provisions are now inconsistent with the Rokeby Road South LDP and should be replaced with the key built form provisions of the LDP. It should be noted that a provision for plot ratio is included in Schedule 3 – Table 8 and as such does not need to be repeated in Table 9 as it is consistent with the maximum plot ratio contained within the LDP. For reference, Table 8 includes general provisions that apply to all development in the Mixed Use and Centre zone outside of activity centre plans, including the Rokeby Road South Precinct. Table 9 includes specific development requirements for specific precincts, such as the Rokeby Road South Precinct. The proposed provisions are summarised in **Table 2**.

Table 2: Proposed Amendment to Schedule 3 – Table 9 – Part 2.1		
	LPS 5 Current	Proposed LPS 5 Provision
Plot ratio	Buildings shall have a maximum plot ratio of 1.0 except where a mixed use development comprising residential uses together with non-residential uses is proposed. In this instance, the maximum plot ratio may be increased to 1.5 provided that all additional floor space is residential.	N/A – this row can be deleted as the maximum plot ratio of 2.0 is already contained in Table 8 of LPS 5. This is consistent with the maximum plot ratio of the Rokeby Road South Local Development Plan
Building height	Development shall not exceed a maximum wall height of 9m and an overall height of 12m	Development shall not exceed the maximum building height prescribed the Rokeby Road South Local Development Plan to a maximum building height of five (5) storeys.
Building setbacks	N/A – in accordance with Table 8, which is inconsistent with the Rokeby Road South Local Development Plan	Building setbacks shall not be less than the setbacks prescribed in the Rokeby Road South Local Development Plan.

Complex Amendments

No complex amendments have been identified as part of this process as none of the amendment proposals satisfy the definition of a complex amendment in accordance with clause 34 of the LPS Regulations as follows:

- All amendment proposals are consistent with the City's Local Planning Strategy, which has been endorsed by the WAPC;
- No amendment proposal relates to a development of a significant scale;
- The amendment is not being made to comply with an order made by the Minister under section 76 or 77A of the Planning and Development 2005 Act; and
- The amendment does not identify or amend a development contribution area, or development contribution plan.

The assessment of each amendment proposal against regulation 34 of the LPS Regulations, is provided in **Attachment 2**.

Options

Section 75 of the *Planning and Development Act 2005* enables local governments to amend a local planning scheme.

There are two overarching options available to Council. It is open to Council to resolve that LPS 5:

- A. needs to be amended; OR
- B. does not need to be amended.

Option 1

If Council resolves not to prepare the amendment, that will be the end of the process. This approach is not recommended by City officers for the reasons outlined in this report.

Option 2

If Council resolves to prepare the amendment, the LPS Regulations set out the process for amending a local planning scheme. In considering whether to prepare the omnibus amendment, Council has to consider an appropriate pathway for processing the amendment under the LPS Regulations. This occurs in the first instance by classifying

the proposed amendment, as outlined below. This approach is recommended by City officers for the reasons outlined in this report.

Options for amendment classification

The Council resolution is required to specify whether it considers the proposed amendment to be:

1. Option 1 – a basic amendment; or
2. Option 2 – a standard amendment; or
3. Option 3 – a complex amendment.

The decision is to be made in accordance with the criteria listed in regulation 34 of the LPS Regulations as outlined in the Amendment classification section above.

The Council resolution is also required to include an explanation of the reason for the local government forming that opinion. The classification of the proposed amendment as basic, standard or complex determines how the amendment proceeds and the options available to Council. These are explored in further detail below.

Basic

Due to some of the amendment proposals being standard, the omnibus amendment cannot be considered as a basic amendment.

Should Council wish to treat the amendment as a basic amendment, Council may resolve to delete those amendment proposals that fall under the definition of a standard amendment and proceed with those proposals classified as basic.

If this option is chosen the omnibus amendment does not require to be advertised and can proceed directly to the Western Australian Planning Commission (WAPC) for consideration and determination by the Minister for Planning.

While this would resolve the minor administrative errors identified, this option precludes the amendment proposals classified as standard being considered as part of this omnibus amendment. A further amendment would need to be prepared to consider these amendment proposals to ensure LPS 5 remains up-to-date.

Standard

Should Council concur with the assessment that the omnibus amendment is a standard amendment, advertising must commence as soon as practicable. This gives Council the following options:

1. Option 1 – advertise the proposed omnibus amendment as per the officer recommendation
Should Council be satisfied with the proposed amendment in its current form, this option requires the City to advertise the proposed amendment as soon as practicable.
2. Option 2 – advertise the proposed omnibus amendment with modifications to the omnibus proposals
It is open to Council to modify the omnibus proposals contained within the amendment. City officers would need to consider such modifications and their appropriateness in the context of an omnibus amendment, including classification of the amendment under regulation 34 of the LPS Regulations, to determine their suitability for inclusion in an omnibus amendment. As mentioned

above, omnibus amendments can only deal with minor technical and administrative matters.

Should Council wish to pursue this option, the resolution and required documentation will be updated with such modifications prior to advertising. The advertising will then commence as soon as practicable.

3. Option 3 – not proceed with the proposed omnibus amendment

This option means Council does not consider an amendment appropriate and does not wish to pursue the matter further. This option should be pursued if Council does not wish to proceed with the amendment. Officer's do not recommend Council pursue Option 3 for the following reasons:

- The minor technical and administrative matters requiring resolution will remain to exist in LPS 5;
- Areas of LPS 5 will remain ambiguous creating confusion for applicants and City officers; and
- An up-to-date local planning scheme is necessary to achieve the best possible planning outcomes.

Complex

For the reasons outlined under the Complex Amendments heading above, it is not appropriate to consider the amendment as complex. The omnibus amendment proposes to only resolve minor technical matters, or ones that or administrative in nature.

Consultation

Should Council resolve to proceed with the omnibus amendment, it will need to be advertised as soon as practicable in accordance with the LPS Regulations. The statutory consultation requirements as per the LPS Regulations and the City's Local Planning Policy 7.3 – Public Consultation for Planning Proposals are outlined in **Table 3**.

Requirement	Standard Amendment
Advertising period	42 days
Signs on site	N/A, no specific site
Letters	N/A, no specific site
Website notice on Have Your Say Subiaco	Yes
Newspaper notice	Yes

Strategic Implications

Strategic Community Plan

The omnibus amendment aligns with the aims of the City's Strategic Community Plan as per **Table 4**.

Focus Area	Objective	No.	Omnibus Amendment Alignment
Four: the built environment	Two: a sustainable city that balances the requirements of an increasing population, while maintaining its valued character	4.2.4 Collaborate with state government agencies to achieve positive development outcomes for the community	The City is required to collaborate with the Department of Planning, Lands and Heritage, WAPC, Environmental Protection Authority and any other public authorities deemed to be impacted on the scheme amendment. This will ensure the omnibus amendment achieves positive development outcomes for the community.

Six: council leadership	One: a leading council that is supported by an excellent organisation	6.1.1 The Mayor and councillors provide strong, consistent and decisive leadership	Council support of the omnibus amendment will instil the community with confidence that council is making decisions to support a local planning framework that is clear, robust and contemporary.
		6.1.3 Be innovative, responsive and maintain a strong customer focus	The omnibus amendment ensures the City maintains a strong customer framework by providing a local planning scheme that is clear for the community, developers, and City officers to understand.
		6.1.4 Ensure best practice asset management principles are adopted	By supporting the amendment, Council is encouraging best practice of maintaining a correct and contemporary local planning framework.

Local Planning Strategy

The omnibus amendment aligns with the aims of the City's Local Planning Strategy as per **Table 5**.

Table 5: Alignment with the Local Planning Strategy	
Local Planning Strategy	Omnibus Amendment Alignment
Aligns with the recent State Government plans and policies	The amendments ensure that the correct references to State Government plans and policies are made, and incorporate within, LPS 5.
Provides the rationale for the zoning of land and development standards set out in the Local Planning Scheme	The amendments clarify the development standards that apply to the City's jurisdiction.
Guided the preparation of Local Planning Policies and other instruments	Through a clear and concise scheme, greater guidance will be given to the preparation and review of local planning policies and other planning instruments.
Sets out a works program for future strategic planning projects	An updated contemporary scheme will help deliver the objectives of the overarching strategic local projects.

Local Planning Scheme No. 5

Local planning schemes guide the future development in the City. The omnibus amendment clarifies areas of ambiguity in the scheme, to ensure the scheme text is as clear as possible. This ensures the intent of the clauses are not misunderstood, and that the aims of the scheme can be delivered. The omnibus amendment aligns with delivering the aims of LPS 5 as per **Table 6**.

Table 6: Alignment with LPS 5	
Local Planning Scheme No. 5	Omnibus Amendment Alignment
(a) Set out the local government's planning aims and intentions for the Scheme area	The amendments provide clarification of the aims and intentions for the scheme.
(d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans	The amendments remove ambiguity of development controls to ensure that development is guided consistent with the scheme's intent.
(g) make provision for the administration and enforcement of this Scheme	The omnibus amendment comprises the administration of the scheme. The amendments will assist in the enforcement of the scheme by correcting errors.

Statutory and Policy Considerations **Planning and Development Act 2005**

Section 75 of the *Planning and Development Act 2005* states:

‘A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and with other land within any adjacent district, by an amendment –

(a) Prepared by the local government, approved by the Minister and published in the Gazette; ...’

Should Council resolve to prepare the amendment, section 81 of the *Planning and Development Act 2005* requires the local government to refer a proposed scheme amendment to the Environmental Protection Agency (EPA) for consideration.

If Council resolves not to prepare the amendment, that will be the end of the process.

Planning and Development (Local Planning Scheme) Regulations 2015

Part 5 of the LPS Regulations sets out the process for amending a local planning scheme. Council must resolve whether to prepare the proposed amendment and the resolution must specify whether, in the opinion of the local government, the amendment is a basic, standard or complex amendment in accordance with regulation 35 of the LPS Regulations.

The proposed amendment is considered to be standard in accordance with regulation 34 of the LPS Regulations as it is comprising:

- (a) an amendment relating to a zone that is consistent with the objectives identified in the scheme for that zone or reserve; and
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- (g) any other amendment that is not a complex or basic amendment.

Although the omnibus amendment does include amendment proposals that are basic, given the presence of standard amendment proposals, it cannot be considered as a basic amendment.

Division 3 of the LPS Regulations sets out the applicable steps in undertaking a standard amendment to a local planning scheme.

In accordance with regulation 47 of the LPS regulations, if a local government resolves under regulation 35(1) to prepare a standard amendment, the:

‘... local government must as soon as is reasonably practicable, prepare a notice in a form approved by the WAPC giving details of –

- (a) the purpose of the amendment; and*
- (b) how the amendment is to be made available to the public in accordance with regulation 76A; and*
- (c) the manner and form in which submissions may be made; and*
- (d) the period under sub regulation (3) for making submissions and the last day of that period.’*

The local government then must advertise the standard amendment as per regulation 76A of the LPS Regulations for a period of no less than 42 days, and give a copy of the

notice to any public authority's that the local government considers likely to be affected by the amendment.

A further report will be presented after the advertising period has concluded and the consideration period has completed.

Risk and Asset Implications

The amendment proposals of the omnibus amendment correct errors and address administrative matters that do not alter the intent of LPS 5. Should Council not proceed with the omnibus amendment, the errors identified in LPS 5 will remain. This will mean areas of the scheme will remain ambiguous, and could be misinterpreted. Errors and ambiguity in LPS 5 also present a reputational risk to the City, by having a scheme with clauses that are unclear and incorrect.

There are no 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. Scheme Amendment Report
2. Schedule of Omnibus Proposals

For Information

1. Local Planning Scheme No. 5 with Omnibus Amendments – tracked changes version

C4 TOWN CENTRE PARKING PRECINCT PLAN*

REPORT FROM DIRECTOR TECHNICAL SERVICES

Author:	Manager Health and Compliance Services, Kris Rogers A/Coordinator Compliance Services, Dean Bradshaw
Date:	14 June 2023
File Reference:	A/7272
Voting Requirements:	Simple - more than half elected members present required to vote in favour

OFFICER RECOMMENDATION

- 1. The proposed Draft Town Centre Parking Precinct Plan for the purpose of public consultation be endorsed.**
- 2. A report be presented to Council outlining the results of community consultation at the conclusion of the process.**

Executive Summary

A draft plan for the Town Centre Parking Precinct has been created and this report seeks approval to proceed with public consultation.

The proposed Draft Town Centre Parking Precinct Plan, seeks to remove all weekend restrictions; manage parking pressure in high demand areas through reduced time controls or the introduction of ticket machines; installation of additional Loading Zones as needed to assist the business community; ensure that streets have consistent and reduced number of parking controls; and replacing five minute bays with 15 or 30 minute bays.

Council Policy 4.1 also identifies that prior to any change to parking controls, a level of community consultation will be conducted with properties that may be affected by any proposed change. Community consultation will be targeted to those directly affected by the proposed changes.

Officers recommend that the draft Town Centre Parking Precinct Plan be released to the community for consultation for a period of 21 days via the City's *Have Your Say* website and through targeted mail where necessary.

Background

In February 2014, Council endorsed the creation of parking precincts to assist in the review of parking controls across the City. Council Policy 4.1 Parking Control, identifies that each parking precinct will be reviewed every three years to ensure that parking controls are clear, consistent, and appropriate to the locality.

The boundaries of the Town Centre Precinct are pictured below in **Figure 1** and is established by the north side of Bagot Road from Railway Road to Townshend Road, Townshend Road/Haydn Bunton Drive to Salvado Road, Salvado Road to Station Street, Station Street to Roberts Road, east on Roberts Road to Railway Road.



Figure 1 – Town Centre Precinct (shown in pink)

A set of principles adopted by Council in the 24 May 2016 meeting (item D3) have been used to guide the development of this plan and can be summarised as follows:

- Reduced number and more consistent time controls
- Consistent hours of application for all parking controls
- Controls that maintain 85% occupancy in short-stay parking stations
- Paid on street parking priced to encourage use of off-street facilities as the preferred option
- Parking for people with disability to be in off-street facilities
- Paid on-street parking within 250m of train stations hospitals and schools, but only as far south to Roberts Road in relation to Subiaco Train Station
- A desire to not use ticket machines in Rokeby Road and Hay Street for parking control

The Transport Access and Parking Strategy (TAPS) was adopted by Council in July 2017. TAPS was developed to identify and affirm the strategic position of the City in regards to all aspects of transport, access and parking in Subiaco and how they relate to one another.

The parking management principles outlined in TAPS can be summarised as follows:

- Designation of parking that is to be presented as all day storage for commuter vehicles and priced so that parking is fully occupied
- Timed ticket parking in core activity centres and other areas where commercial and retail visitor parking is dominant and turnover is paramount and priced so that parking occupancy does not exceed approximately 85%
- Timed parking restrictions on the fringes of activity centres and other places where all day parking is not desirable and enforce that parking so that occupancy does not exceed 85%
- Parking areas focused on preservation of residential access and amenity
- Provide compliance enforcement in line with community expectations of the signed parking controls

Comment

Approach to parking management

Parking controls throughout the Town Centre Parking Precinct Plan are largely effective, however further refinement is required to adapt to changes in the area such as the Seddon Street redevelopment and the construction of Subi One.

The approach to parking management driving the development of the Town Centre Parking Precinct Plan has been to provide a clear, consistent, sustainable and contemporary parking control model that is appropriate for the locality, empathetic towards the needs of the community and in line with City principles.

An effective parking control model encourages parking turnover in areas of high demand, reduces traffic congestion by rationalising demand, makes parking easy to find, and improves customer experience. The goal is to balance residential, business, visitor and worker/commuter parking needs.

This draft parking precinct plan aims to have no impact on residents, move more workers / commuters to public transport or into off-street car stations to free up street parking and car stations for ample shopper parking.

Main streets (Rokeby Road and Hay Street)

Rokeby Road and Hay Street, is where parking is considered premium parking, requiring a consistent turnover of vehicles.

Using ticket machines as a parking control method was not considered the best option for these streets. Rather, the existing one-hour time controls are intended to remain the same apart from alterations to remove the weekend parking control.

Side streets

Drivers generally focus on parking in close proximity to their destination. The introduction of a consistent parking control model across the on-street Town Centre parking areas will help to rationalise the supply of parking.

In accordance with the principles outlined at the May 2016 Council meeting, streets on the periphery of Subiaco Train Station, Rokeby Road and Hay Street be treated as areas requiring a consistent turnover of parking bays to provide accessibility for visitors and shoppers. To support this, time controls in these streets range from 1 hour to 3 hours paid parking, with a first hour free option available.

The fee structure in three-hour car stations shall be set higher per hour in comparison to the fees of the off-street Town Centre car stations in order to encourage use of the car stations as a priority. Parking demand will be analysed based on ticket machine and pay by phone transactions in order to amend fees in areas with peak demand.

Loading Bays

While the City may have sufficient Loading Bays located throughout the Town Centre, consideration will be made on installing further bays as required. Based on feedback received from businesses and observations made by officers in the field, it is proposed that additional Loading Bays may be installed on Station Street and Alvan Street. The introduction of additional Loading Bays will be considered based on feedback received from the community as part of the consultation process.

Time restrictions

Weekend and evening restrictions remaining from the last Town Centre Parking Precinct review are proposed to be removed to achieve consistency with the existing time controls across the City.

Parking bays carrying a 5-minute time restriction will be replaced with a 15-minute restriction, as this is a more reasonable parking control for motorists and compliance action.

Streets that currently experience high levels of consistent parking pressure will have their time controls reviewed and adjusted as appropriate, to ensure equity of parking for all stakeholders.

Subiaco Train Station

The City is in receipt of a petition from 10 businesses operating at the eastern side of Subiaco Square Road, adjacent to the train station, seeking to have the time control extended from 30 minutes to a two hour fee payable time model with the first hour free.

This is not seen as desirable however, as it will encourage commuter parking for motorists seeking to catch the train and thus reduce parking opportunities for visitors and patrons to the area.

Instead, it is proposed that a one-hour fee payable restriction be installed. This provides longer parking for those motorists who find the current 30-minute model too restrictive, but still encourages vehicle turnover. Longer parking options continue to be offered by independent parking operators at nearby Woolworths and Coles, with 600 bays on offer.

Seddon Street

A total of 6 parking bays are planned to be included in the Seddon Street redevelopment, which will include one ACROD bay. Upon completion, it is expected that these bays will carry a 30-minute time restriction to encourage consistent parking turnover.

King Edward Memorial Hospital (KEMH)

As identified in the King Edward Memorial Hospital Parking report presented at the Ordinary Council Meeting on 24 August 2021, parking on streets near the hospital should be prioritised for patients and visitors, without significantly affecting parking availability for residents.

As such, it is proposed that all day parking options be removed from Bagot Road, Barker Road and Hensman Road, as these areas are near the hospital and are used almost exclusively by hospital staff and not patients or visitors to the hospital, as intended.

Instead, all day parking options will be replaced with a three-hour fee payable option, with the first hour offered as free.

To balance the loss of all day parking immediately outside of the hospital, it is proposed that the northern side of Hamersley Road between Hensman Road and Subiaco Primary School be converted from 2P Monday to Friday 8am to 5pm, to fee payable all-day parking with the first hour offered as free.

All day parking options near the hospital will be directly advertised to KEMH staff, to advise and incentivise appropriate all-day parking options in the area.

Residents

Residents and their visitors living adjacent to streets where paid parking is proposed may continue to park in those areas without the need to pay for parking. Their existing Residential and Visitor Parking Permits remain valid and there will be nothing for residents to do as their existing permits will exempt the driver from the need to pay.

Town Centre car stations

It is proposed that all off-street Town Centre car stations continue to be treated with the same parking controls to create consistency and to encourage a greater spread of occupancy across all sites. The fee structure will continue to provide for the first hour free whilst enabling drivers who require longer term parking to stay as long as they need.

Parking pressure is considered to be significant on Churchill Avenue and Barker Road east of Rokeby Road. As such, it is proposed that car stations be installed on these streets up to Townshend Road, to better manage this issue.

Car stations within the Town Centre Parking Precinct will be reviewed, with ACROD bays installed where possible.

Workers and commuters

It is pertinent to acknowledge that workers and commuters seeking parking in Subiaco streets is a factor that must be considered in the development of an effective parking control model.

Whilst there are no plans to create more parking for workers and commuters, the proposed plan encourages the use of the approximately 400 parking bays within City off-street car stations and the private sector car stations, which may be used for all day parking.

The City will investigate the provision of monthly parking permits to workers and commuters in the City, be issued in underutilised car stations.

A key objective is to move workers and commuters off the streets and into car stations or public transport.

Upcoming reviews

After the commencement of the Town Centre review the planned order of precincts for review is as follows:

- Central Subiaco
- Subiaco East
- Subi Centro
- Darglish/Jolimont
- Shenton Park

Consultation

Community consultation has not been conducted in direct association with this report. Council Policy 4.1 'Parking Control', requires that for any proposal to change parking

restrictions, the residents of properties affected by that proposal are to be consulted and given an opportunity to make a comment on the proposed changes.

The City will conduct targeted consultation directly with commercial and residential property owners and occupiers affected by the proposed changes. Questions asked as part of the consultation will not be leading and will remain focussed on topic.

The community may also comment on the plan and the current parking controls adjacent to their property. This will provide the City a deeper understanding of the issues that affect motorists and may inform the development of this, and further Precinct Plans.

Respondents will be able to provide feedback on the Draft Town Centre Parking Precinct Plan as a whole, via the City's *Have Your Say* website. A copy of the draft questions is included as Attachment 6 of this report. Property owners and occupiers who are directly affected by the proposed changes, will receive targeted consultation in relation to these, to ensure their feedback is captured. These targeted questions are included as Attachment 5.

A minimum of 21 days will be given to the community to provide comment. A summary of the community consultation findings will be presented to Council.

Strategic Implications

The Transport Access and Parking Strategy (TAPS) supports the parking management principles used to develop the Draft Town Centre Parking Precinct Plan.

Statutory and Policy Considerations

The creation of parking controls and parking compliance is facilitated by the City of Subiaco Parking Facilities Local Laws. Council Policy 4.1 requires that properties are consulted before changes to parking schemes are imposed.

Risk and Asset Implications

The risk of not addressing the concerns of the community is ongoing reputational damage to the City.

A further risk is that any vehicles displaced by proposed parking control changes may 'migrate' to nearby areas, the progressive review and implementation of precinct parking plans will address this issue.

Financial

There are no financial implications for this report.

Attachments

1. Town Centre Parking Precinct Plan map – Current Restrictions
2. Draft Town Centre Parking Precinct Plan map – Proposed Changes
3. Town Centre Addendum 1 map - Current Restrictions
4. Draft Town Centre Addendum 1 map – Proposed Restrictions
5. Draft Targeted Consultation Questions
6. Draft General Consultation Questions

C5 VERGE VALET SERVICE TRIAL OUTCOMES AND OPTIONS FOR PERMANENT SERVICE DELIVERY*

REPORT FROM DIRECTOR TECHNICAL SERVICES

Author: Manager Waste and Infrastructure Maintenance, Robert Wyllie
Date: 23 June 2023
File Reference: A/7272
Voting Requirements: Simple – more than half elected members present required to vote in favour

OFFICER RECOMMENDATION

The Verge Valet Service is continued on a permanent basis with the following inclusions:

- a) an additional green waste collection;**
- b) the ability to interchange allocated Bulk Waste Verge Valet Service with a Green Waste Verge Valet Service; and**
- c) the ability for businesses to access the Verge Valet Service for a fee.**

Additional Information

The officer recommendation has been amended to align with Option 1 in the report. City officers have also identified an error in Table 4, under the 'Financial' section. The cost per annum in each line of the table has been amended accordingly.

Questions during and following the Agenda Briefing Forum indicate potential for a combination option. So that Council has all relevant information, more time is required to update the report to Council.

To be able to consider all options and relevant information it would be beneficial to progress this matter through a strategic workshop, prior to consideration at a subsequent Ordinary Council Meeting (25 July 2023).

Executive Summary

- The City has been trialling the option of replacing the bi-annual bulk verge collection service with a Verge Valet Service (VVS).
- Council endorsed an 18 month VVS trial at the Ordinary Council Meeting of 22 June 2021 (Item C9) with community feedback to be sought before a further Council decision on permanent implementation.
- Two separate sources of community feedback have been received as follows:
 - A survey of users of the verge valet service; and
 - Wider community consultation on the City's Have Your Say Subiaco engagement portal, after the conclusion of the trial period.
- Issues raised in consultation relate to bulk waste collection in general, and the VVS method is considered to reduce illegal dumping, improve the amenity of the area and most significantly provide residents choice in disposal of bulk waste.
- Three options are provided for Council's consideration, two of which continue the VSS and one considers the reintroduction of the traditional bi-annual bulk verge collections that was in place prior to the trial.
- Options which continue VVS provide greater choice and equity for residents in the disposal of bulk waste and is recommended to be continued with additional green waste collection and the ability to interchange with bulk waste collection.

Background

This report considers implementation of waste measures to cater for community needs in a responsible manner following the City's trial of the Verge Valet Service (VVS).

The City, like many other local governments, has historically ran a bulk verge collection. A broader understanding about the importance of minimising waste in conjunction with technology advancements has led to improvements in waste collection provided to the community across many jurisdictions.

In October 2019, the State Government released the Waste Avoidance and Resource Recovery Strategy 2030 (the Strategy) with objectives to:

- **Avoid** by generating less waste
- **Recover** value and resources from waste
- **Protect** the environment by managing waste responsibly.

The Strategy is enforceable through legislation which applies to local government.

The City's Waste Plan 2020-2025 includes an action to consider replacing the bi-annual bulk verge collection services with a VVS and Council endorsed a trial of this initiative at its 22 June 2021 Ordinary Council Meeting (Item C9). The plan is consistent with the objectives of the Strategy.

The merits of VVS and bulk verge collection are discussed further in this report with the results of the trial to assist Council making an informed decision regarding future bulk waste collection.

Comment

Bulk Waste Collection

VVS and bulk verge collections collect bulk general waste from residents with the main difference being the way in which the services are provided. VVS collection is provided on demand on a date convenient for the resident, while bulk verge collection is provided on fixed dates determined by the local government.

Bulk verge collection previously occurred on two set days throughout the year. The dates are advertised by the City and allow residents to set out bulk waste within a specific period prior to the collection date.

The VVS trial ran from October 2021 to March 2023 and provides each household the ability to book two on-demand collections per year. Bookings occur online for collections on a date suitable to the resident. The VVS service allows for additional collections for a fee.

Amenity Impacts

Traditional bulk waste collections resulted in negative amenity impacts, including:

- Unsightly or messy verges for weeks at a time during bulk verge collections, in part due to kerbside scavengers;
- Illegal dumping by non-residents during bulk verge collection periods;
- Inclusion of hazardous waste and non-compliant material in bulk verge collections.

The VVS trial has shown that the negative amenity impacts experienced as part of the previous bulk waste collection has reduced due to the localised collection, and resident education as part of the online booking process.

Resource Recovery

Monitoring of booking numbers and volume of waste collected during the VVS trial shows a trend towards waste reduction. While booking numbers have remained steady during the trial period, the quantity of waste collected has been decreasing. This indicates a trend towards items being reused or repurposed rather than being placed on the verge for bulk waste collection.

After waste is sorted and recyclable materials removed through VVS, the residual waste becomes eligible for waste to energy making VVS the best practice approach for waste reduction. In comparison, waste collected from traditional bulk verge collections are not considered best practice and as a result residual waste from traditional bulk verge collections may not be accepted for waste to energy and sent to landfill.

Education and Integration

The online booking system for VVS enables targeted education regarding the service, including eligible materials and set-out dates. This has resulted in a reduction of hazardous waste and non-compliant material being included as well as shorter periods during which waste is on the verge.

VVS creates additional flexibility for the City, with the potential to allow residents to convert one or both of their bulk waste VVS collection to green waste collection. In addition, VVS can be adapted to integrate with the recently rolled out FOGO system by including an additional on-demand VVS for green waste. Combined with the existing two fixed bulk green waste collection dates, the ability to convert one or both of the VVS collections to green waste allows for up to five green waste collections per year.

Similarly, the VVS can be extended to businesses, who have expressed the desire for this service in the past.

The City has commenced a digital transformation to deliver more of its services online, where they are available on demand. The VVS aligns with the digital transformation as it provides the ability for an on-demand service to be booked online at a time suitable to the resident.

Table 1 provides a summary of the key differences between traditional bulk collection and VVS.

Table 1 – Comparison between VVS and traditional bulk verge collection	
Verge Valet	Bulk collection
Service Comparison	
Scheduled on demand through online booking	Two set days throughout the year
Ability to book additional collections for a fee	No additional collections possible
Potential to be expanded to include VVS for green waste	Limited to traditional fixed-date green waste collections
Amenity Impacts	
Small, localised verge set out	Encourages illegal dumping through large-scale verge set out
	Messy and unsightly verges

Resource Recovery	
Reduced quantity of waste	Greater quantity of waste
Residual waste accepted as waste-to-energy	Residual waste may not be accepted as waste-to-energy
Reduced hazardous waste and non-compliant waste included	Some hazardous and non-compliant waste included
Integration with new systems	
Integrates with FOGO by enabling provision of an additional on-demand green waste collection	No ability to integrate with FOGO
Integrates with digital transformation by enabling 24/7 online bookings	No ability to integrate with digital transformation
Cost of Waste	
\$139.50 per tonne	\$170.00 per tonne

Consultation Outcomes

Two surveys provided feedback on the VVS trial, being a user survey completed by residents who have used the VVS during the trial period, and a broader survey open to all residents on the City’s engagement portal, Have Your Say Subiaco (HYSS).

Verge Valet Survey

The City received feedback from VVS users who completed a usage survey. In total 213 responses were received during the trial period.

Figure 1 shows the preference of service and rating (1-5 stars) of the booking system, collection and service overall.

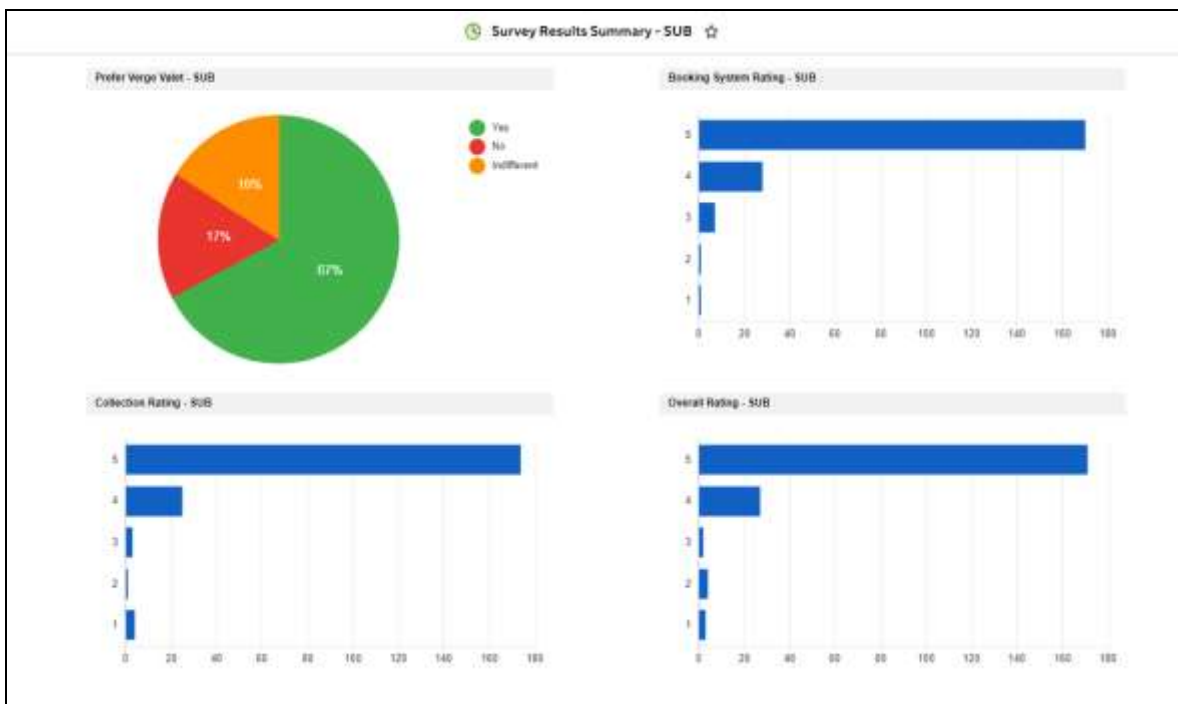


Figure 1 – VVS User Survey Summary

67% of residents who have used VVS prefer it to conventional bulk waste collection with a further 17% indifferent and 16% not preferring it. The service rated highly with an average overall rating of 4.73 out of 5 stars.

A copy of survey questions and summary of results is provided as **Attachment 1 and 2** of this report.

Have Your Say Subiaco Survey

A Have Your Say survey was conducted between 31 March and 27 April 2023 as per Council's 22 June 2021 resolution. The survey was advertised in the Subiaco Scene in the Post newspaper on 8 April and 22 April 2023, the City's Facebook page on 11 April and 20 April, the Subiaco Snapshot e-newsletter on 6 April and 19 April, and direct email on 21 April to those who had participated in the VVS trial to date.

The City received 632 responses to the survey, 41% (256) of whom had not used Verge Valet and 59% (370) had used the service.

Submitters who had not used Verge Valet

Of the 256 residents who had not used the service 91% said they preferred the twice-yearly set-date bulk collection, 5% preferred Verge Valet and 4% had no preference.

The main reasons cited for not using Verge Valet and comments addressing these matters are provided in **Table 2** below:

Table 2 – Matters raised from submitters who haven't used VVS	
Issue	Response
I don't feel I have enough items to warrant an individual collection (160 responses)	The VVS is available for any number of items within reasonable limits, similar to bulk verge collections.
I am worried it will create illegal dumping on my verge (86 responses)	VVS is shown to reduce illegal dumping when compared to bulk verge collections. Behaviour suggests that wide-scale bulk collection encourages greater illegal dumping from surrounding areas, whereas this is minimised with the short timeframe bulk waste is on the verge through VVS.
I use other methods instead (such as Buy Nothing, charity drop off or direct to West Metro recycling centre) (73 responses)	Noted.
I don't have time to book / I didn't get around to making a booking (69 responses)	The VVS booking system is quick and convenient, taking less than 5 minutes. This is more convenient than bulk verge pick ups scheduled by the local government which may not align with individual circumstances.

Submitters who used Verge Valet

Of the 370 residents who had used Verge Valet 51% said they preferred the twice a yearly set-date bulk collection, 44% preferred Verge Valet and 5% had no preference.

A copy of HYSS survey questions and summary of results is provided as **Attachment 3 and 4** of this report.

A summary of the issues raised and responses to address the matters is provided in **Table 3** below.

Table 3 – Matters raised from submitters who have used VVS	
Issue	Response
Verge valet will cause illegal dumping on my verge	Illegal dumping is reduced in VVS when compared to bulk verge collection. Illegal dumping concerns remain with bulk collection.
Verge valet is booked out	The Verge Valet service provides a range of timeframes with availability generally within 3-4 weeks from the request.
Size limits and illegal dumping which may exceed the limit	Both verge valet and bulk collection have size limits. Illegal dumping is reduced in VVS when compared to bulk verge collection and this reduces the risk of exceeding size limits.
Enjoyed the convenience	Noted.
Have to wait until significant amount of bulk rubbish is collected before booking the service	It is up to residents to consider when is best for their circumstances to book the VVS. The bulk verge collection requires residents to store material until a service is scheduled.
Difficult to achieve three-day requirement to put items out	Noted. VVS and bulk collection both have requirements of when waste may be placed on the verge. When booking VVS, residents can place waste on the verge 5 days prior to collection, to make the best use of weekends.
Not having time to book VVS service	The VVS booking system is quick and convenient, taking less than 5 minutes. This is more convenient than bulk verge pick-up scheduled by the local government which may not align with individual circumstances.
Love getting to choose when I need a collection	Noted. VVS provides people with options and is a more equitable system to handle bulk waste collection.
Prefer aesthetics of bulk verge with everyone putting waste out at the same time	VVS provides for localised collection which reduces larger scale amenity issues.
Requests for additional bulk waste and green waste services	Some properties have substantial trees which is a positive attribute. In response, an additional green waste collection is proposed. In addition, residents will be able to change the mix of bulk and green waste collection to suit their needs.

Other feedback

In addition to the two surveys, feedback was received through the City's Listening to Business campaign. During the session held on 23 November 2022 businesses requested that a bulk waste service be made available to businesses.

Summary

The results of the surveys vary. VVS users have reported high rates of satisfaction with the VVS, while the HYSS survey indicated a preference for the traditional bulk verge collections.

The issues raised in submissions have been considered and many of the concerns raised about VVS are related to waste management in general and apply to bulk verge collections. VVS assists in reducing many of the concerns raised around illegal dumping by reducing its prevalence.

The two methods of bulk service collection, traditional bulk verge collection and VVS serve the same purpose however are administered differently. Both provide a verge bulk waste collection service for residents with two collections being undertaken per year.

The key difference is that the VVS provides residents with the choice waste collection on a date suitable to them. On demand service is more equitable as it provides the resident control and choice based on their individual circumstances. Bulk verge collection does not allow for choice and requires the storage of waste until the next scheduled collection date.

Illegal dumping is reduced as VVS collection is localised to individual properties and is less likely to attract other people who may seek to illegally dump waste.

In addition, the City and resident can adjust the service to include additional VVS collections for green waste and to expand the service to businesses. The VVS has been shown to reduce amenity impacts on verges, the amount of hazardous and non-compliant materials included and illegal dumping by non-residents.

In light of this, it is recommended that Verge Valet service is continued with additions to provide greater service and flexibility to the community.

Options

The options for permanent bulk waste collection services are outlined below.

Option 1 – Verge Valet Service is continued on a permanent basis with the following additions:

- a. an additional green waste collection;
- b. the ability to interchange allocated Bulk Waste Verge Valet Service with a Green Waste Verge Valet Service; and
- c. the ability for businesses to access the Verge Valet Service for a fee.

This is the recommended option.

This option provides residents the flexibility to choose when their bulk waste is collected and to change one or both of their existing VVS collections to a green waste collection.

Businesses are provided the ability to access VVS collections for a fee to dispose of bulkier waste that would otherwise require them to hire a skip bin to dispose of.

Option 2 – Verge Valet Service is continued with no changes

This option provides residents the ability to choose when their bulk waste is collected, but offers less flexibility and choice for residents by not providing the additional green waste collection or the option to change one or both collections to a green waste collection. It also prevents businesses from accessing the VVS.

Option 3 – Revert to bi-annual bulk verge collection

This option reverts back to the previous bulk waste service.

Consultation

Consultation is considered in the comment section of the report.

Strategic Implications

This initiative aligns with the objectives of Councils adopted Waste Plan 2020 – 2025 and the Strategic Community Plan 2017 – 2027. Particularly:

- Objective 2.1.5 – maintain an efficient and sustainable waste and recycling service.

Statutory and Policy Considerations

This initiative aligns with the Waste Avoidance and Resource Recovery Strategy 2030 (Strategy).

The State Waste Strategy includes objectives to avoid waste, recover more value and resources from waste, protect the environment by managing waste responsibly, with set targets to increase material recovery to 75 per cent by 2030. The Strategy is enforceable under the Waste Avoidance and Resource Recovery Act.

This shift to best practice contemporary pre-booked verge side services such as the VVS trialled is key to assisting the City meet these targets, and is also consistent with trends in large urban centres in other Australian jurisdictions where pre-booked services are very common.

Risk and Asset Implications

The VVS is an important action within the City's adopted waste plan 2025, which will assist the City in meeting its material recovery, landfill diversion targets and better manage the disposal of our waste.

Financial

The current Verge Valet rate is \$139.50/tonne as per the 2022/23 Western Metropolitan Regional Council (WMRC) fees and charges.

Were the City to opt to revert to a set date bulk verge collection service, the waste would have to be delivered to the WMRC under the Establishment Agreement which would attract a rate of \$170.00/tonne. This option would also leave the City open to future waste landfill levy increases for the disposal of the residual waste left over from this process. As discussed in the Comment section of this report, the residual waste is not likely to be accepted for waste to energy.

The financial implications of each option contained within this report are summarised in **Table 4**.

Table 4 – Cost comparison per option	
Option	Cost per annum
1 – Verge Valet with modifications	\$156,301
2 – Verge Valet with no changes from trial	\$125,283
3 – Two bulk verge collections for residents	\$135,788

The financial implications of implementing any of the above options, can be accommodated within the waste services budgets and the Strategic Financial Plan which has a recurrent annual budget that is sufficient to fund either of these activities.

Social and Environmental Implications

The City's Waste Plan 2020-2025 provides a consistent framework to ensure that the City and its community are working together to create a circular economy (avoid,

recycle, reuse), with a greater focus on avoidance as well as moving to targets for material recovery and environmental protection in addition to landfill diversion. The VVS is an important action within the City's adopted waste plan 2025, which will ensure we minimise waste, protect our environment and create a more sustainable low waste economy for future generations.

Attachments

1. Verge Valet Service Survey Questions
2. Verge Valet Service Survey Summary
3. Have Your Say Subiaco Survey Questions
4. Have Your Say Subiaco Survey Summary

C6 2023/2024 REVIEW OF REGISTER OF DELEGATIONS AND AUTHORISATIONS FROM COUNCIL*

REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Coordinator Governance, Rhonda Bowman
Date: 14 June 2023
File Reference: A/7272
Voting Requirements: Absolute majority - 5 elected members required to vote in favour

OFFICER RECOMMENDATION

The reviewed Register of Delegations and Authorisations from Council, as detailed in Attachment 1, be adopted by absolute majority in accordance with section 5.42(1) of the *Local Government Act 1995*.

Executive Summary

The *Local Government Act 1995* (the **Act**) determines that all delegations made by Council must be reviewed at least once every financial year.

The 2023/2024 review of the Register of Delegations and Authorisations from Council has been completed and was the subject of a Memorandum in the Elected Members Information Bulletin dated 26 May 2023. The Register of Delegations and Authorisations from Council is presented for adoption at **Attachment 1**.

Background

Delegation means the process, as prescribed in legislation, whereby the delegate assigns authority to exercise an express power to duty to another person (named by position title or office), or an entity. Delegated authority is used by local governments to undertake day-to-day statutory functions, and to implement Council resolutions. This allows council to focus on community leadership, representation, strategic planning and policy development.

Using delegated authority permits the large volume of routine work of a local government to be undertaken in a timely manner, and in turn, facilitates efficient service delivery to the community.

Sections 5.18 and 5.46(2) of the Act require that the City's delegated statutory authorities are reviewed at least once each financial year by the delegator. The last annual review of the Register was conducted in 2022 and adopted by Council at the Ordinary Meeting of 31 May 2022 (Report C8 – 2022/2023 Review of Register of Delegations and Authorisations Register of Delegations from Council to the CEO).

The 2023/24 annual review of the Register of Delegations and Authorisations from Council has been undertaken and gave consideration to the following:

1. Appropriateness of existing delegations.
2. Wording and reference improvement of individual delegations.
3. Amendment or deletion of any delegations suitable for "acting through".
4. Requirement for any additional delegations.
5. Any changes in legislation.

Officers have completed the review and have prepared the new Register of Delegations and Authorisations by Council.

Comment

The Register of Delegations and Authorisations from Council, incorporating the proposed amendments in markup is submitted as **Attachment 1**.

The amendments proposed are summarised in the table below and further detailed in **Attachment 2**.

The changes in respect to items 1 to 5 as outlined in the table are minor in nature to reflect changes in current operational procedures or changes in position titles or structure.

In relation to items 6 - 10, the proposed change recommended is in relation to signing of documents, with the change recommended to improve operational efficiency in relation to business-as-usual actions. The authorisation is in relation to the following section of the Act:

9.49A Execution of documents

- (1) *A document is duly executed by a local government if –*
 - (a) *the common seal of the government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of –*
 - (a) *the mayor or president; and*
 - (b) *the CEO,**Each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*

In addition to the above, section 5.43(ha) of the Act prevents the CEO from authorising a person to sign documents on behalf of the local government. This authorisation can only come from the Council.

The authorisation as it is currently, provides no ability for officers other than the CEO to sign documents and therefore execute them. This includes contracts for the purchase of low value goods and services which officers are otherwise able to proceed with in accordance with the City's financial delegations. In addition, although Directors currently have the authorisation to sign documents, this is only in the absence of the CEO where no Acting CEO has been appointed. Authorisation to other officers in the organisation to sign documents would provide for administrative efficiencies and enable the CEO to use his time more effectively on matters of a higher priority.

It is recommended that the authorisation is amended to address these limitations. A review of the delegations and authorisations of other local governments in relation to s9.49 would indicate that officers are often authorised to sign and execute documents according to their level of delegated authority. The proposed changes in the City's review of the register for the delegations and authorisations from Council is not

dissimilar to this approach, and restricts execution to specified documents only (Directors) and procurement related documents only (all other staff).

These proposed conditions also clearly set out that the signing of documents must not be inconsistent with a Council resolution or policy. In addition, if a Council resolution is required for the execution of a document, it cannot be signed if that resolution has not been made.

Change No	Delegation Source of Power / Duty	Type of Change	Change	Reason
1	<i>Bush Fires Act 1954, s.59(3)</i>	Addition of Delegated Officer	Added Manager Health and Compliance	For the level of authority of this function, it is appropriate that the Manager has this delegation rather than the Senior Support Officer – Compliance. There is no power for a sub-delegation on this function.
2	<i>Bush Fires Act 1954, s.59(3)</i>	Removal of Delegation	Removed the position of Senior Compliance Officer	This position has been removed from this delegation. The role is administrative and provides no efficiency in having this delegation.
3	<i>Bush Fires Act 1954, s.59(3)</i>	Change in Officer Title Reference	Changed the reference to the position titles to acronyms	This provides for consistency across the register.
4	City of Subiaco Local Planning Scheme and the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Change of Officer Title	Director Community and Development Services changed to Director Development Services.	The Director title changed with the restructure of the organisation
5	<i>Food Act 2008, s.125</i>	Addition of Delegated Officer	Added Manager Health and Compliance	It is appropriate for the Manager to have this level of authority for this delegation and improves the efficiency in the area of compliance.
6	<i>Local Government Act 1995 – Affix Common Seal and Sign Documents, s.9.49A(4) and (5)</i>	Minor Amendment to Function	The function authorised has been amended.	With the addition of Schedule 1, this amended function provides clarification of exactly what has been authorised.
7	<i>Local Government Act 1995 – Affix Common Seal and Sign Documents, s.9.49A(4) and (5)</i>	Amendment to Conditions	A new condition has been added as Condition 1.	This condition has been added to provide clarification that documents cannot be executed if doing so is inconsistent with a Council policy or resolution.

Change No	Delegation Source of Power / Duty	Type of Change	Change	Reason
8	<i>Local Government Act 1995</i> – Affix Common Seal and Sign Documents, s.9.49A(4) and (5)	Removal of condition	Original condition 2 has been removed.	Removal of this condition is applicable as the Director is captured as a part of Schedule 1 with what can be signed. The Director will have the ability to sign documents within the broad nature of the role.
9	<i>Local Government Act 1995</i> – Affix Common Seal and Sign Documents, s.9.49A(4) and (5)	Amendment to Condition	The updated Condition 2 removes reference to the CEO.	The authorisation will be applicable to the CEO and all Directors with the same conditions for each officer providing for administrative efficiencies.
10	<i>Local Government Act 1995</i> – Affix Common Seal and Sign Documents, s.9.49A(4) and (5)	Amendment to Condition	The updated Condition 2 provides for the restrictions on officers who are signing documents.	The addition to this condition provides that if a document requires a Council resolution, it cannot be signed unless that resolution has been made.

Options

The following options are available to council:

1. To support the officer recommendation to adopt the reviewed Register of Delegations and Authorisations from Council.
2. To support the officer recommendation with amendments
3. To not support the officer recommendation.

Consultation

Public consultation was not required in the development of this report.

Strategic Implications

Strategic Community Plan

Focus Area 6

Council Leadership

Strategy 6.1.1

The Mayor and Councillors provide strong, consistent and decisive leadership.

Statutory and Policy Considerations

The Act provides for the delegation of certain powers and duties of Council to the CEO who may, (unless prohibited by Council's instrument of delegation or the respective legislation), further on-delegate powers and duties to employees. A power can only be delegated if it exists under legislation, and the legislation allows the delegation to take place.

- Section 5.42 of the Act prescribes that Council may delegate functions or duties to the CEO and Section 5.43 prescribes the limitations on such delegations.
- Section 5.44 of the Act prescribes that the CEO may delegate powers and duties vested in their office and sub-delegate powers and duties delegated to the office of CEO to other local government employees.

All delegations made by Council must be by absolute majority as prescribed by Section 5.42 of the Act. Absolute majority means a majority comprising enough of the members for the time being of the Council for their number to be more than 50% of the number of offices (whether vacant or not) of members of the Council, as per section 1.4 of the Act.

Risk and Asset Implications

Failure to complete the required review under section 5.46(2) of the Act would result in non-compliance with Council's statutory obligations. If the review of delegations is not adopted by the end of June, the City would be in breach of the Act for failing to review its delegations during this financial year. It is noted that the review of delegations is a recurring question in the Compliance Audit Return, and is a requirement under Regulation 13 of the *Local Government (Audit) Regulations 1996*. Failure to adopt the review this financial year would result in a non-compliant outcome in the City's Compliance Audit Return.

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. Register of Delegations and Authorisations from Council 2023/2024.
2. Details of Changes – Review of Delegations and Authorisations Register 2023.

C7 ANNUAL BUDGET 2023-24***REPORT FROM DIRECTOR CORPORATE SERVICES**

Author:	Manager Financial Services, Bianca Jones
Date:	14 June 2023
File Reference:	A/7272
Voting Requirements:	Absolute majority - 5 elected members required to vote in favour

OFFICER RECOMMENDATION

That the Council adopts the 2023-24 Budget for the City of Subiaco, including the following:

1. The Budget 2023-24 document, which includes the Statement of Comprehensive Income by Program and Nature & Type, Rate Setting Statement, Cash Flow Statement, Capital Funding Statement, Notes to and forming part of the Budget, Supporting Schedules, Program Statements and Schedule of Fees and Charges.
2. General Rate of 6.8302 cents in the dollar on the Gross Rental Value of all rateable property within the district of the City of Subiaco.
3. A minimum rate of one thousand one hundred and ninety dollars (\$1,190) in the General Rate in respect of any rateable property.
4. The option of payment of rates by instalments as detailed in the Budget document.
5. Transfer of \$2,200,000 from the Capital Investment Reserve to serve as an internal loan towards the Digital Transformation strategy.
6. An interest charge on unpaid rates of eleven percent (11%) per annum, calculated daily, on those rates unpaid after the due date for payment and also on the outstanding balance of instalments unpaid after the due date for payment.
7. A Waste Service Charge is applied to all properties. The charges are:, \$340 for one standard residential waste service, \$580 for one 240 litre residential waste service, \$843 for a 360 litre FOGO Service, \$607 for one standard commercial waste service, \$1,664 for one 660 litre commercial waste service and \$2,800 per 1100 litre commercial waste service, per property per year. Additional services are subject to GST.
8. In addition to the deferment and/or rebate entitlement of pensioners a 50% discount on waste charges for pensioners registered with council for a full rebate on rates and charges at 1 July 2023.
9. An Emergency Services Levy (ESL) rate in the dollar, maximum rate, minimum rate and interest charge will be applied as published in the Government Gazette.
10. Mid year budget reviews are to be conducted each year in accordance with legislation and council policy. A variance value of \$50,000 or greater be used to report material variances in the Finance Activity Statement in accordance with regulation 34 of the Local Government Financial Management Regulations 1996.

Additional Information

Officers have updated the Introduction section of the City of Subiaco Budget 2023-24 (Attachment 1) to make it more concise.

Executive Summary

As required by Section 6.2 of the Local Government Act 1995, a local government is required to prepare and adopt a budget for its municipal fund for the financial year ending 30 June 2024.

An overview of initiatives contained for the 2023-24 budget have been detailed in the introduction section of the budget document.

The budget statements presented have been prepared in accordance with the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards (to the extent that they are not inconsistent with the Act). The Annual Budget 2023-24 presents a balanced budget and is recommended for adoption by Council.

Elected members have had three strategic workshops and have been provided with a series of briefing papers outlining each aspect of the Budget 2023-24.

The purpose of this report is to recommend adoption of the budget for the 2023-24 financial year.

Background

The annual budget is a key document forming part of the Integrated Planning & Reporting Framework, which provides the financial resources to give effect to the Corporate Business Plan and Strategic Financial Plan in the year ahead. It is also predicated on council decisions, funding of major projects such as required infrastructure renewal and upgrades, and fulfilment of the City's statutory obligations.

The Strategic Community Plan is the overarching document guiding the future of the community with a broad and long term focus to meet the community's aspirations and priorities. The Corporate Business Plan identifies the specific services, strategies and actions to be delivered over a period of four years to progress the Strategic Community Plan, and provides a reporting framework for measuring progress towards desired outcomes. It is supported by resourcing strategies covering asset management, strategic financial management, workforce management and information, communication and technology plans.

The Strategic Financial Plan is also an important precursor to the annual budget as it provides the 10-year financial framework for achieving the aims of the Strategic Community Plan and Corporate Business Plan while ensuring long term sustainability. It forecasts financial trends based on a range of assumptions, financial strategies and principles.

Comment

The key **Principles** applied in developing the budget are:

- Operating expenditure is based on the actions and services provided for within the City's Corporate Business Plan, adjusted for the known impacts on the City's operations and following the outcome of any service reviews;
- Capital expenditure is based on the Strategic Financial Plan provisions, developed through the Strategic Asset Management Plan (SAMP) and detailed in the Capital Works Plan;
- New projects are considered in context of the whole organisation and their total cost of ownership (whole of life costs);

- Borrowings (loans) and reserves are adjusted to ensure intergenerational equity and to minimise pressures on rates revenue;
- Waste Services, and Lords are managed on a self-funding or cost minimisation basis to reduce impacts on rates revenue. **A 7.8 % increase is planned for Waste fees in 2023-24** for the introduction of Food Organics and Garden Organics “FOGO” system. This equates to an annual increase of \$25 for the standard residential service (120L bin);
- Commercial Services and Property (includes commercial parking and investment properties) is focused on portfolio management and income generation, diversifying the City’s funding sources and reducing reliance on rate revenue;
- Lease revenue and interest on the capital investment reserve, are used to fund asset renewal, capital expenditure and community-based projects;
- Returns on our investment property portfolio and parking compliance are used as a rate minimisation strategy by applying increases in returns to address the City’s asset renewal gap;
- Fees and charges are based on legislative requirements, cost recovery, market prices or the Local Government Cost Index (LGCI);
- After considering all other funding sources, any residual expenditure required is funded by rates revenue; and,
- Rates are compared to the Local Government Cost Index (LGCI), plus any additional levies determined by Council. **This Annual Budget has a 1.9% increase for the rate in the dollar in 2023-24.**

A summary of key initiatives contained within the budget are set out below:

A local development plan will be prepared for the Coles/Crossways Precinct to encourage redevelopment of key development sites along this mid-point along Rokeby Road.

The Subiaco Activity Centre will be reviewed to incorporate Subiaco East to provide new planning controls and shape development following changes in the area with the closure of Princess Margaret Hospital and Subiaco Oval.

The City’s Heritage will be identified, protected and promoted, guided by the City’s Heritage Strategy, including the continued review of the Local Heritage Survey on a precinct-by-precinct basis, and the consideration of potential heritage areas and individual listings. The review of the Rokeby Road and Hay Street Heritage Area and associated Local Planning Policy will also be finalised.

Place Management activities will continue, focusing on town centre activations and events to create vibrancy and increase foot traffic within the City, as well as marketing and promotion of the City to establish the City of Subiaco as a destination of choice.

Economic Development activities will continue to provide business support and collaboration that nurtures the existing business environment, attract and retain retail trade, improve business engagement and attract business investment. A renewal of the City’s Economic Development Strategy is to be conducted this year.

The City will continue to deliver services, programs and activities that contribute to making Subiaco a vibrant, connected and equitable place for the community, including people who may be experiencing marginalisation or isolation. In particular the Dementia

Series will continue to support residents with a lived experience of Dementia, and their carers.

Subiaco Library will continue to be a leader in youth education, developing creative and literacy skills through workshops and our annual awards, the Shaun Tan Award for Young Artists, and the Craig Silvey Award for Young Writers. The library aims to deliver a state-first remote Library Lockers initiative at Subiaco Train Station, expanding the reach of our engagement and building on our strong audience base for community events and services.

Subiaco Museum will focus on growing its digital collection hosted on Collections WA. Through family and schools programming, the museum will welcome over 1000 young people through its doors in 2023, as well as delivering programming for general public, seniors, open days and community exhibitions. The Subiaco Museum shop will continue to commission pieces from diverse community artists that celebrates Subiaco's identity and heritage.

The City will continue to support and strengthen relationships with volunteers and community organisations and to support Subiaco's most vulnerable and disadvantaged residents through partnerships, community development grants and youth grants.

The City's first Reconciliation Action Plan (RAP) will be finalised as part of the City's commitment to strengthening relationships with the Aboriginal community and increasing the level of engagement that Traditional Owners have with the City.

Despite the ongoing impact of COVID-19, Lords Recreation Centre has still achieved strong participation results as the community has continued to prioritise health and wellbeing and connection to others. Lords will continue to focus on the three core service areas of health & fitness memberships, social sports programs and facility hire in 2023-24 to maintain these positive results.

Actions will be progressively implemented to increase urban forest canopy cover as a result of urban infill, reduce heat islands and provide innovative solutions to maintaining a green and leafy City.

Key programs and initiatives identified in the Environmental Plan will be delivered in support of the City's greening strategy and drying climate plan, while ongoing focus will be placed on educating, mobilising and responding to the public to promote environmental sustainability.

The City's new Waste Plan focuses on implementing sustainable waste and recycling practices to establish and maintain consistent, cost effective and functional waste service delivery and reduce waste to landfill. This is driven by the targets set in the State Government's Waste Avoidance and Resource Recovery Strategy (WARR Strategy) which requires a 5% reduction in municipal solid waste (MSW) to landfill and a move to FOGO by 2025. The City has recently rolled out its new FOGO system which is an action within the City's DWER approved Waste plan.

The Transport, Access and Parking Strategy will be reviewed, which identifies and affirms the strategic position of the City with a holistic treatment of all aspects of transport, access and parking in Subiaco. The City continues to implement the Bike Plan 2021 – 2025 and has identified a number of additional projects to align to State-level cycling strategies and funding programs. Funding has been included for the first

stage of construction for the Keightley and Evans Safe Active Street project should Council endorse the detailed design.

Asset management is a continuous and evolving practice that is inherently dynamic and continually being improved. The City will focus on asset data collection and analysis with the following two major asset classes – streetlights, and roads. Through this work the City will gain a better understanding of how well the assets are performing and identify the cost required for their renewal, upgrade, or potential disposal.

The City will progress a digital transformation strategy to transform its systems and processes. The project will better equip the City's staff to provide excellent customer service and deliver on community outcomes, while enabling customers to access more City services anywhere, any time and from any place in a digital format.

Major Capital Initiatives

Parks, reserves

Provision for maintenance and operations has been made to keep the various areas of parks and reserves within the City maintained at the current level of service. In the past asset renewal has been implemented with the assets in the worst condition being renewed first. This method of renewal has left a legacy of parks and open spaces with an undesirable mix of old and new assets. To provide a consistent level of service and public amenity any future renewal will be planned and delivered at a park and open space level.

Funding has been provided for improvements to parks and reserves including recreation facilities improvements. Other activities and initiatives include environmental improvements, water quality and sediment testing, greening strategy.

The City prides itself on being a Gold Water Wise Council and its reputation for its urban forest canopy and programs such as annual tree planting and storm water quality projects support these objectives.

Properties (Community Facilities)

During this financial year, the City will undertake minor to moderate capital and refurbishment works to selected social and community buildings to ensure that they continue to remain safe and useable. This year's capital works program will see refurbishment works commence on the EH Parker Library and select repairs and renewal to the Lords Recreational Centre, as well as a range of other community buildings.

Roads

To ensure an effective and safe road network routine maintenance and capital renewal programs are required. The proposed road program has been developed based on the Strategic Asset Management Plan, along with specific criteria such as condition, function and capacity/utilisation. Every 3 years the City carries out a full evaluation of roads and laneways to ensure these programs are optimising the allocated budget.

The programs provide for the Distributor Roads, Local Roads and Laneways which meet the specific criteria to be prioritised. Such prioritisation extends the life of the road pavement and avoids expensive road reconstruction before it is necessary.

Drainage

Drainage investigations and hydraulic modelling completed after the March 2021 storms have identified improvement projects which have been used to inform current and future capital works programs. These projects will maintain service levels by ensuring a well-functioning drainage network and reduce potential flooding events and minimise risk.

Streetlights

This year's capital expenditure will be focussed on a number of LED upgrades on various locations within the City. Further condition assessments to obtain better street light assets data will need to be undertaken to determine renewal priorities relating to pole renewal and associated funding requirements.

Footpaths

The current footpath program reflects annual inspections and the last network condition assessment carried out in 2018. It provides for the worst condition paths to receive earliest attention and at the same time, provides for improved access to schools, activity centres and other trip generators. To ensure the program remains effective and meets current demand the City will conduct another comprehensive condition assessment in this financial year.

Cycling

To ensure an effective and safe cycling network routine maintenance and capital renewal programs are required. The City continues to implement the Bike Plan 2021 – 2025 and has identified a number of additional projects to align to State-level cycling strategies and funding programs. Funding has been included for the first stage of construction for the Keightley and Evans Safe Active Street project should Council endorse the detailed design.

Streetscapes

Along with the carried forward streetscape projects funding has been allocated for progressing the second node of Subi POP at Forrest Walk which is currently going through detailed design.

Plant and Equipment

Plant and equipment assets are at the core of the City's service delivery and ensures that activities such as waste collection services, street sweeping, mowing and maintaining parks, gardens and public areas and watering street trees can continue to be delivered. Renewal of these assets ensure that they are in good working order so as to achieve the best cost benefits for Council.

Information System Improvements

The City runs a technology asset renewal program to ensure the reliability and availability of systems to support employees in performing their roles while enabling the community to access Council services through various means. Major new works planned for 2023-24 include records projects, cybersecurity related upgrades and software improvements.

Funding has also been allocated to implement audits and improvements of the City's Information Systems to meet the Office of the Auditor General requirements for Local Government.

The following capital initiatives are detailed in the new and capital works schedule contained within the 2023-24 budget.

Asset Type	Funding	Budget 2023-2024
Parks and Reserves	Operational Reserves	1,592,220
Buildings	Operational Reserves	2,787,650
Plant and Equipment	Operational Reserves and Proceeds	4,231,520
Information System	Operational Reserves	1,248,770
Local Roads	Grants and Operational Reserves	5,823,430
Major Roads	Grants and Operational Reserves	1,728,430
Investment Property	Capital Investment Reserve	180,830
Public Art	Operational Reserves	645,000
Environment	Operational Reserves	2,130,760
Furniture and Equipment	Operational Reserves	583,400
Drainage	Operational Reserves	2,932,880
Lighting	Operational Reserves	1,408,980
Footpaths	Operational Reserves	383,470
Total		25,677,340

Rates, Fees and Charges Initiatives

Waste Service Charge

Waste Service Charge is levied on all properties. The waste service charge covers all the costs incurred in providing the City's waste and recycling services. The charge is a result of the Waste Avoidance and Resource Recovery Act 2007, which places an onus on the City to provide regular collection of waste to all properties.

In May 2023 the City rolled out the FOGO waste collection system, this is another great step towards a high performing waste and recycling system in which materials are recovered, reused and recycled creating a circular economy.

This will have a significant impact in reducing the hundreds of millions of dollars of materials that are lost to landfill each year, most importantly, waste can have a significant impact on the environment and public health through greenhouse gas emissions, pollution, biodiversity loss and resource depletion.

There is a 7.8% increase proposed to the City's waste service charges in 2023-24.

This equates to an annual increase of \$25 for the standard residential service (120L bin).

For residential services, the waste service charges will be, \$340 per standard residential service and \$580 per 240L residential service. A new 360 litre residential FOGO service has also been included, for those residents who may not meet the criteria for a larger FOGO bin or already have a larger FOGO bin but still wish to have more capacity.

For commercial services, the waste service charge will be \$607 for the standard commercial service. The City's 660 litre service for commercial and multi-unit dwellings will be \$1,664 per service. A new 1100 litre service has also been included at \$2,800 per service.

To compliment the services the City already provides to commercial premises, the verge valet service will also be made available to commercial premises at a cost of \$165 per service. This will provide businesses the ability to dispose of bulkier waste items, that may otherwise require the hire of a skip bin which can be unsightly and untidy.

A 50% pensioner discount on waste levies is still applicable to those eligible.

Rates

Rates are levied to provide funds for services that benefit the entire community. This includes the funding of essential infrastructure, roads, footpaths, parks, community facilities and the administration of the City.

Rates on properties are calculated using the gross rental value (GRV) method. The GRV for a property is determined by the Valuer General in accordance with the Valuation of Land Act 1978 and is an assessment of the gross annual rent the property might reasonably be expected to realise if let on a tenancy. The Valuer General conducts general valuations triennially and 2023 is a revaluation year.

This year GRV valuations have been increased across the board for both residential and commercial properties, with the exception of properties subject to specific adjustments such as:

- New improvements to a property;
- Changes in use (Residential vs Commercial);
- Vacant land;
- A correction to a previous valuation as provided by the Valuer General.

Minimum rates

In recognition that each property benefits from a broad range of services, the City sets a minimum rate based on the cost of core services. The City proposes no increase to the minimum rate from last year.

Pensioners and Seniors

Pensioners are eligible for up to 50% rebate off the rate amount (currently capped at \$750 in 2023-24) or are able to defer the full amount of the rates. The City also provides for a 50% discount on waste service charges.

Seniors holding Commonwealth Senior Health Care cards are treated as pensioners and have the same entitlements as above.

All other seniors are able to claim a rebate for up to 25% of the rates amount (currently capped at \$100 in 2023-24), and have no deferment entitlement, nor discount on the waste services charge.

As an alternative to payment in full, the option of paying in four instalments continues to be available.

Emergency Services Levy

The Emergency Services Levy is collected on behalf of the State Government. Pensioner and seniors' rebates apply. The City is required to collect the levy and remit the funds to DFES. The levy is shown as a separate item on the rates notice and will be applied in accordance with the rates contained within the Government Gazette.

Fees and Charges

Where specific individuals benefit from the use of council property or services, charges are set to ensure the user pays for the service. Some examples are: use of the Lords Recreation Centre, parking fees, ground hire charges, photocopying, planning fees and swimming pool inspection fees. Fees and charges are set based on legislative requirements, cost recovery, market prices or increase in line with the Local Government Cost Index (LGCI) in accordance with the Strategic Financial Plan.

The City's commercial investment leases are the most significant of these charges for Subiaco followed by parking fees. The City has developed and implemented Parking Precinct Plans across Subiaco to improve parking management which contributes to parking revenue in the 2023-24 Budget.

The fees and charges are detailed in the schedules that form part of the budget.

Loans

Loans are used by the City to fund major capital initiatives, with repayments met from general rates in order to maintain equity with past practice. In developing the loan funding strategy, the City has provided for the underground power program and capital developments over a 30 year horizon.

Projects that continue to be funded by previous loans include:

- Lake Jualbup
- Rosalie Park Improvements
- Underground Power Program
- Self-supporting Loan Regal Theatre - \$200,000

Additional information on loans is provided in the introduction and notes to the budget.

Reserves Provisions

Reserve funds are effectively a means to save a portion of funds generated through rates and other sources, for expenditure in the future. Reserves are used to smooth or spread major expenditures and are maintained over a 10-to-15-year cycle.

The City uses operational reserves to fund plant and equipment replacement, building and facilities improvements, parking and public transport improvements, infrastructure renewal, and undergrounding of power (loan repayments) throughout the City. The City also maintains two investment reserves, the Capital Investment reserve and the Investment Income reserve, as part of its commercial land and property portfolio.

Reserves have been managed to help fund the major capital expenditure detailed in the City's 10 year capital works plan and used to address the asset renewal gap over the medium to long term, ensuring that capital renewal does not significantly impact on rating revenue.

Internal Loan from the Capital Investment Reserve

The budget provides for the digital transformation of the City's systems and processes, to provide for improved service delivery and digital services for our community and customers. Various options have been explored for the funding of the project, including through rates, treasury loans and utilisation of existing reserves.

It has been determined that an internal loan is a suitable way of funding the project given that investment returns on cash are roughly equivalent to treasury interest rates, and an internal loan offers greater repayment flexibility. The loan of \$2.2m is to be taken from the Capital Investment Reserve which currently holds \$26.7 million in cash, set aside for future commercial property refurbishment, redevelopment and investment. The loan has been modelled on a principal and interest repayment basis, applying the market rate that would otherwise have been secured through a loan with Treasury. Surplus funds identified through the City's mid-year budget review will be prioritised towards repaying the internal loan, effectively bringing forward repayments where appropriate.

Additional information on reserves is provided in the introduction, supporting schedules and notes to the budget.

Options

1. Council adopts the 2023-24 Annual Budget;
2. Council adopts the 2023-24 Annual Budget subject to changes.

Consultation

The budget has been developed following three budget workshops with Elected Members and a series of budget briefing papers covering each of the main components of the budget. The City will promote the adopted budget through an information campaign using social media, local papers, City publications, e-newsletters, rate notice insert, the City's website and notices at the Administration and Library buildings. The adopted budget will be available on the City's website, at the Administration building and the Library.

Strategic Implications

The Budget has been developed to advance the City's strategic directions based on the Strategic Community Plan, Corporate Business Plan and the Strategic Financial Plan. It recognises the City's commitment to responsible stewardship by funding a wide range of activities throughout the community whilst seeking to keep the change to the ratepayer at a reasonable level.

Statutory and Policy Considerations

Section 6.2 of the *Local Government Act 1995* requires a local government to prepare an annual budget for each financial year ending 30 June.

That section provides for the budget to contain estimates relating to:

- expenditure;
- revenue and income (independent of general purpose rates);
- the amount required to make up the deficiency (i.e. amount required from general rates);
- details of rate of interest to be charged by the local government on unpaid rates and service charges;
- the fees and charges to be imposed;
- particulars of borrowings; and
- details of the amounts to be satisfied in, or used from reserve funds.

The City's budget is required to be adopted by an absolute majority vote.

Risk and Asset Implications

The officer recommendation has been structured to give effect to Council's planned activities and enables for the adoption of fees and charges and the levying of rates which come into effect once adopted. If Council is unable to determine the budget for 2023-24 the City's cash flows will be impacted, as delays will occur in the issuing of rates notices and collection of revenues resulting from the legislative requirements for rates implementation. There is also a legislative requirement that a local government adopt a budget by 31 August each year. The budget papers detail planned changes to the City's assets, identifying renewals, purchases, disposals and new acquisitions or developments.

Financial

The financial implications of the 2023-24 budget are detailed in the attachment and above.

Social and Environmental Implications

The social and environmental implications of the 2023-24 budget are detailed in the attachment and above.

Attachments

1. City of Subiaco Budget 2023-24.

C8 FINANCIAL STATEMENTS AND REPORTS FOR THE MONTH ENDING 30 APRIL 2023*

REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Manager Financial Services, Bianca Jones
Date: 23 June 2023
File Reference: A/7272
Voting Requirements: Simple - more than half elected members present required to vote in favour

OFFICER RECOMMENDATION

That the financial reports for the period ending 30 April 2023, incorporating the following items, be endorsed:

- **Statement of Financial Activity.**
- **Statement of Financial Position.**
- **Summary of Cash and Investments.**
- **Summary of Major Debtor Categories.**
- **Payments Summary.**
- **Credit Card Payment Summary.**

Additional Information

A typographical error was identified in the Comment section of the report under Emergency expenditure. The costs incurred figure has been amended from \$381,348,18 to \$382,098,18.

Executive Summary

The purpose of the attached reports is to provide details of the financial activity that has occurred for the period ending each month and a snapshot of the financial position after those transactions have occurred. The reports have been prepared in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards (to the extent that they are not inconsistent with the Act). The financial reports presented fairly represent, in all material respects, the results of the operations for the month being reported.

Background

The monthly financial reports provide an overview of the City's financial performance. These reports represent a snapshot as at 30 April 2023.

Comment

Statement of Financial Activity

As at the end 30 April 2023, the City was \$4.076m ahead of budget, primarily due to:

- \$0.631m in interim rates being levied earlier than budgeted;
- \$0.428m in leasing income being realised earlier than anticipated due to the timing of invoicing;
- \$1.755m in budgeted materials and services expenditure not yet being spent, primarily due to planned operational project expenditure likely to be carried forward to 2023/24;
- \$0.795m in wages savings due to unfilled positions.

Other variances are as described within the attached statements.

Statement of Financial Position

The City's current assets of \$80,702,519 are mainly comprised of cash and cash equivalents of \$78,067,855, rates debtors of \$1,451,442 and sundry debtors of \$1,589,817 (including Modified Penalties).

The City has net current assets of \$73,554,194 less restricted assets (Reserves) resulting in a net current position at 30 April 2023 shown below:

Current Assets	80,702,519
Less: Current Liabilities	7,148,326
Less: Total adjustments to net current assets	
Cash Backed Reserves	63,363,463
Current Portion of Borrowings	(164,591)
Current Portion of Borrowings (self supporting)	(9,832)
Current Portion of Lease Liabilities	(73,825)
Resulting In:	
Net Current Assets	10,438,978

Cash and investments

The City currently holds financial investments of \$71,363,463.

This includes cash backed reserves of \$63,363,463. Reserves are held to support the City's ability to allocate funds for future projects as identified through the City's strategic asset management and long term financial planning. 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 City's investment policy operates with a view to maximising income and capital growth in relation to liquid assets. For short term liquid investment assets, the policy requires that no more than 30% is to be invested with any one institution at the time of investment. The policy also sets the requirement of a minimum A-2 rating for any institutions the City invests in short term bank deposits and bank bills.

Statement of Major Debtor Categories

The attached report provides a summary of outstanding debts payable to the City of Subiaco. The balance of debts outstanding (including rates and sundry debtors) at 30 April 2023 was \$3,041,259.

Outstanding rates and charges include amounts in arrears and current year levies where ratepayers have elected to pay by instalments. It also includes amounts deferred by ratepayers under the Rates and Charges (Rebates and Deferment) Act 1992.

Payments Summary

A list of accounts paid under delegated authority between 1 April and 30 April 2023 are provided in the reports attached.

During the reporting period the City made the following payments:

Payroll payments to Employees	984,032.39
Cheque & EFT payments to Creditors	2,440,350.49
Credit Card Payments	14,648.97
TOTAL PAYMENTS	3,439,031.85

Emergency Expenditure

On Tuesday 6 September 2022 a fire occurred at the City of Subiaco Administration building located at 241 Rokeby Road Subiaco, resulting in the closure of the facility to all staff and the public. The facility was assessed by essential services to make safe the building and ongoing assessment and rectification works required to determine cause and make the necessary repairs. The fire has resulted in the City's server room, which houses the network infrastructure, primary servers, and storage, being damaged.

In order for the City to respond quickly to the emergency, restoring services to the administration building and re-establish the required network infrastructure and systems, authorisation was given by the Mayor under section 6.8(1)(c) of the *Local Government Act 1995* to procure goods and services from the City's Municipal Account and enable procurement to occur without the calling of public tenders or quotes in response to the emergency situation. The expenditure to be incurred pertains to emergency building rectification works and IT network infrastructure at the City's Administration building at 241 Rokeby Road, Subiaco. The authorised expenditure shall be limited to emergency expenditure necessary for business continuity and expedited reinstatement of use of and access to the Administration Building. Any further expenditure shall require authorisation in the usual way.

Details of the types of goods and services to be procured

- goods and services required to mitigate, make safe, clean, remediate and repair the damage caused as a result of or in connection with the fire;
- goods and services required to replace or repair assets damaged as a result of or in connection with the fire;
- goods and services required to ensure business continuity whilst the aforementioned works take place.

The City has lodged a claim with its insurers in relation to this incident and have received confirmation that the claim has been accepted.

Costs of \$382,098.18 have been incurred at the date of preparing this report, including payments made and purchases committed. Regulation 6.8(1)(c) require reporting of "incurred expenditure" to the next Council meeting, in contrast to the "payments" listed within the Payment Cashbook attached to the monthly reports. A breakdown has been provided below of incurred expenditure undertaken in accordance with Regulation 6.8(1)(c):

Supplier	Description	Amount
Estrat Pty Ltd	Systems support to reinstate IT services	40,489.07
Steamatic	Cleaning, Remediation and packing/storing items	199,410.21
Vocus Communications	Internet and IT services	14,138.54
Data #3 Limited	IT systems consultancy services	39,915.65
Surun Services	Electrical services	16,912.41
Amcom Pty Ltd	Internet and IT services	14,138.54
CMS Engineering Pty Ltd	Ventilation system for server room	7,280.06
Geared Construction Pty Ltd	Initial response building works following fire	22,040.81
International Art Services	Museum artwork relocation and storage	11,082.89
Securex Security Systems & Services	Security and patrol services	11,000.00
Xpanse Pty Ltd	IT systems consultancy services	5,690.00
	TOTAL	382,098.18

The City does not expect to procure any new services under these emergency provisions in response to the fire in 241 Rokeby. However as some further invoices are yet to be received these will continue to be reported in accordance with Regulation 6.8(1)(c) until such time as all contracts are complete.

Options

1. Council endorses the Financial Statements and Reports for the month ending 30 April 2023.
2. Council does not endorse the Financial Statements and Reports for the month ending 30 April 2023.

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 sub regulation (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 2022/2023 is essentially in line with budget expectations.

Social and Environmental Implications

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

Attachments

1. Statement of Financial Activity – April 2023 (1 page)
2. Statement of Financial Position – April 2023 (1 page)
3. Summary of Cash and Investments – April 2023 (1 page)
4. Summary of Major Debtor Categories – April 2023 (1 page)
5. Payments Summary - April 2023 (8 pages)
6. Credit Card Payment Summary - April 2023 (1 page)

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

11.1 SIGNIFICANT TREE AT NO. 203 (LOT 4) BAGOT ROAD, SUBIACO

Submitted by: Cr Lynette Jennings
 Date: 8 June 2023
 Voting requirements: Simple - more than half elected members present required to vote in favour

ELECTED MEMBERS' MOTION

1. The Chief Executive Officer commences the process for Council to consider entering the mature species *Corymbia citriodora* (Lemon Scented Gum) within the property at No. 203 (Lot 4) Bagot Road, Subiaco onto the Local Planning Scheme No. 5 Significant Tree Register.
2. A report for Council consideration of entry of the tree onto the Significant Tree Register is to be presented to Council as soon as reasonably practicable and no later than at the August ordinary council meeting.
3. No other consultation, as permitted by the Scheme cl 13A(3)(c) will be undertaken before the report referred to in motion 2, is presented to Council.

Cr Jennings provided the following reasons:

1. Once a tree is entered in LPS5's Significant Tree Register this may provide some protection from its removal, in that then:
 "The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register."
 (LPS5 cl 13A(5))
2. There are few other regulatory mechanisms available to the City that assist in protecting trees on private property from removal.
3. Entry of the tree in the Register will signal to decision makers about any future development on the property, that the tree is considered important and significant and is worthy of preservation.
4. As the City owns 203 Bagot Road in freehold, this is an opportunity for the Council to show leadership in regards to preserving the district's tree canopy by private freehold landowners and providing an example that other owners, with significant trees on their land may follow.
5. The Scheme does not require an arborist's report before entry of a tree in the Register, although staff have obtained such a report, which concludes the tree is healthy.
6. The tree is worthy of entry on the register as set out in these reasons.
7. Due to size (20m tall and canopy spread of 20 – 23m), age (over 50 years), condition (healthy with a possible life span of another 100 – 150 years) and the lack of large trees in the immediate area.
8. Also the tree enhances the landscape and provides significant amenity and shade for users of this prominent local area, contributing to the liveability of the suburb. It also helps support local biodiversity particularly birds and insects.
9. None of the trees on the City's Significant Tree Register are of this species. And there are only 24 trees in the Register, of which 7 are no longer alive. It can be argued there should be more trees in the Register, as there are 16,000 trees approximately in the City (excluding on private property) and this motion provides the opportunity to pursue that.

10. Staff inform that there are only 23 trees of this species of similar value in the City's parks and reserves.
11. Entering this tree on the Register is in alignment with the following City plans and strategies:
 - Strategic Community Plan 2.1.1 - Preserve, enhance and maintain the urban forest,
 - Urban Forest Strategy,
 - Environmental Plan,
 - Street and Reserve Tree Policy and Management Guidelines.
12. Staff provided the following information regarding the tree's history:

"Information from the Subiaco community states that the large gum tree was planted by the community sponsored, Senior Citizen's Club when the centre was built. The centre was built with contributions from a public fund raising campaign and the tree was planted to acknowledge and celebrate that effort."... "The site is dominated by a mature gum tree with smooth white bark planted c1967."
13. This registration has become a priority due to the possibility that 203 Bagot Road may be disposed of, as a result of the process commenced at the May 2023 Ordinary Council Meeting.
14. As the City owns 203 Bagot, the process for entry onto the Register is easier as the City need only in effect notify and consult with itself. If the property was in other ownership, the views of a new owner may not align with the Council's view at that time (if for preservation of the tree and entry of the tree in the Register).
15. Staff advise they anticipate a report to Council about possible entry of the tree in the Register can be provided at the July Ordinary Council Meeting.

The Director Corporate Services provided the following comment:

The City's Local Planning Scheme No. 5 provides that the City may enter a tree into its Significant Tree Register following any consultation and consideration of submissions made in relation to the proposal to do so.

Each owner and occupier of the land containing the tree is to be consulted and invited to make submissions within 21 days of the notice being served. In this case the owner of the land is the City. Hence it is appropriate that time be provided to enable officers to prepare a report to inform Council's decision in relation to the listing of this tree.

Should the resolution be passed, a report is intended to be presented to either the July or August 2023 Ordinary Council Meeting.

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

13. MEETING CLOSED TO THE PUBLIC

PROCEDURAL MOTION (7.1(h) of the Meeting Procedures Local Law)

That the meeting be closed to the public, pursuant to section 5.23(2)(f)(i) of the *Local Government Act 1995* while item 13.1 is considered.

Reason:

- *Section 5.23(2)(f)(i) – provides that a meeting may be closed to deal with a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.*

13.1 WASTE LOCAL LAW 2022 – UNDERTAKING*

14. CLOSURE OF MEETING