

## **MINUTES**

### **COUNCIL MEETING**

**COUNCIL CHAMBERS  
241 ROKEBY ROAD, SUBIACO**

**TUESDAY, 17 APRIL 2018**

**COMMENCEMENT: 5.30PM  
CLOSURE: 8.44PM**

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\* Separate attachments

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

The presiding member acknowledged the Whadjuk Nyungah people as the traditional custodians of the area and recognised the continuing cultural connection of the Whadjuk Nyungah people with the land and waterways of Subiaco.

## 2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

### Elected Members Present:

Mayor Taylor (Presiding Member)

Councillor Gedero	Central Ward
Councillor Mansfield	Central Ward
Councillor Mummery	Central Ward
Councillor Richardson	South Ward
Councillor McMullen	South Ward
Councillor Nash	North Ward
Councillor Stroud	North Ward
Councillor Matheson	North Ward
Councillor Davis	East Ward
Councillor Rowe	East Ward

### Staff Members Present:

Don Burnett	Chief Executive Officer
Rochelle Lavery	Director Community and Development Services
Alan Millard	Director Technical Services
Scott Hawkins	Director Corporate Services
Alex Petrovski	Manager Planning Services
Kerry Plantinga	Executive Assistant/Public Liaison
Sally Fry	Governance (Minutes)

### Approved Leave of Absence:

Nil

### Apologies:

Cr McAllister	North Ward
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### Public Gallery Present:

Members of the public	33
Members of the press	2

## 2.1 Request for Leave of Absence – Cr Stephanie Stroud

**COUNCIL DECISION**

Moved Cr Matheson/seconded Cr Mummery

**That Councillor Stroud be granted leave of absence for all meetings of Council from 24 April to 7 May 2018 inclusive.**

CARRIED 11/0

5.32pm

## 2.2 Request for Leave of Absence – Cr Peter McAllister

**COUNCIL DECISION**

Moved Cr Matheson /seconded Cr Richardson

**That Councillor McAllister be granted leave of absence for all meetings of Council from 4 May to 28 May 2018 inclusive.**

CARRIED 11/0

5.32pm

## 3. DISCLOSURE OF INTEREST

Nil

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

Nil

## 5. PUBLIC QUESTION TIME

### C11.1 ELECTED MEMBERS MOTION – SPORTING CLUBS USING ROSALIE PARK

*Helen Leeder, 3 Cuthbert Street, Shenton Park asked the following questions:*

#### Question 1

Does the CEO agree that in Feb 2016 he asked Council to approve the NPL's use of temporary fencing and seating, on the condition that it was removed after every match, applicable for 2 years?

#### Question 2

The CEO now says that "General Housekeeping" (as opposed to the previously quoted "operational issues") is all that was required to accommodate the NPL's request for fencing to remain in situ for half the year in 2018. Why did he not use "General Housekeeping" to approve the 2016 request?

**Question 3**

Exactly when did the City first give written approval to the SAFC to go ahead with the new “temporary” fencing that penetrates the ground and is to remain in place for 6 months of the year? And did SAFC commit to a substantial expenditure based on that written approval?

The Chief Executive Officer provided the following responses:-

**Question 1**

The officer's recommendation to Council in February 2016 was adopted by Council, which determined the use conditions for the 2016 and 2017 seasons.

**Question 2**

General Housekeeping is the terminology used in the Conditions of Hire form.

**Question 3**

Written confirmation was given to the Club on 13 December, 2017. The City is not aware of how much the club has spent on fencing.

**6. PUBLIC STATEMENT TIME****C1 NO. 21 (LOT 93) YILGARN STREET, SHENTON PARK – TWO STOREY ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE**

*James Miller read a statement on behalf of Amy McDonald, 25 Yilgarn Street, Shenton Park supporting the officer recommendation for refusal.*

*Mitchell Hill, 21 Yilgarn Street, Shenton Park read a statement in opposition of the officer recommendation.*

**C3 EXTENSION TO TERM OF DEVELOPMENT APPROVAL FOR DA 7.2016.14.1 – 25 ROWLAND STREET SUBIACO (DA 7.2017.163.1)**

*Daniel Hollingworth read a statement in opposition to the officer recommendation for refusal.*

*Vladimir Baltic read a statement in opposition to the officer recommendation for refusal.*

*Ian Oldfield read a statement in opposition to the office recommendation for refusal.*

**C11.1 ELECTED MEMBERS MOTION – SPORTING CLUBS USING ROSALIE PARK**

*Dr Peter Tallentire, 42 Hilda Street, Shenton Park read a statement regarding fencing at Rosalie Park.*

*Helen Leeder, 3 Cuthbert Street, Shenton Park read a statement regarding fencing at Rosalie Park.*

*Brad Forbes, 36 Langham Street, Nedlands read a statement regarding fencing at Rosalie Park.*

*Mark Cheveralls, C/- 510 Hay Street, Subiaco read a statement regarding fencing at Rosalie Park.*

## **P6 LITIGATION POLICY**

*Chantelle O'Sullivan, 103A Roberts Road, Subiaco read a statement regarding a Litigation Policy*

## **16-20 YORK STREET, SUBIACO**

*Chantelle O'Sullivan, 103A Roberts Road, Subiaco read a statement regarding the facility at 16-20 York Street, Subiaco.*

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

Nil

## **8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **COUNCIL DECISION**

Moved Cr Davis /seconded Cr Gedero

**That the minutes of the Ordinary Council meeting held on Tuesday, 27 March 2018 be confirmed as a true and correct record.**

CARRIED 11/0

6.23pm

## **9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The Presiding Member made the following announcement in relation to the Subiaco Street Party:-

The event was larger than ever before, and drew an estimated crowd of more than 40,000 people, who flocked to Subiaco to take part in the festivities.

90% of attendees rated the event an 8 out of 10 or above.

92% of surveyed attendees agreed that events like this are important to local areas.

After the event 80% of audience members said they were extremely likely to recommend visiting Subiaco to family, friends and visitors.

The Presiding Member requested 'thank you and congratulations' be passed on to everyone involved.



## 10. REPORTS OF COMMITTEES AND EMPLOYEES

### ENBLOC DECISION

#### ENBLOC DECISION

Moved Cr Richardson /seconded Cr Mansfield

**That the recommendations relating to items P1, P3, P7 and C9 in the 17 April 2018 agenda of the Ordinary Council Meeting be accepted**

CARRIED 11/0

6.27pm

### 10.1 POLICY AND PRIORITY COMMITTEE

#### P1 POLICY AND PRIORITY COMMITTEE MEETING DATES

##### REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Coordinator Governance, Bana Brajanovic

Date: 7 February 2018

File ref: A/ 4895

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

#### COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Richardson/seconded Cr Mansfield

**That Council:-**

- 1. Suspend further Executive Committee Meeting for the balance of 2018;**
- 2. Re-schedules the meeting dates set aside for the Executive Committee to now be scheduled for the Policy and Priority Committee for the balance of 2018 being:-**
  - **22 May 2018;**
  - **19 June 2018;**
  - **17 July 2018;**
  - **21 August 2018;**
  - **11 September 2018;**
  - **23 October 2018;**
  - **20 November 2018.**

CARRIED ENBLOC 11/0

6.27pm

#### OFFICER RECOMMENDATION

That Council notes the following meeting dates and times for the Policy and Priority Committee:-

- Tuesday, 5 June 2018 at 5.30pm
- Tuesday, 7 August 2018 at 5.30pm
- Tuesday, 2 October 2018 at 5.30pm

**Background**

The Policy and Priority committee was established at the Special Council meeting held on 7 November 2017 (item SC2) with the committee to be reviewed in April 2018 as per below:-

*“That Council establishes a Policy and Priorities Committee in accordance with the attached terms of reference and appoints the following elected members to the committee, with the committee to be reviewed in April 2018...”*

At its meeting held on 27 February 2018 Council reviewed and adopted the Policy and Priority Committee Terms of Reference.

**Comment**

The objective of this committee is to review all existing City of Subiaco Council policies (excluding planning policies) and facilitate the development of new initiatives. It is proposed that the Policy and Priority Committee meets bimonthly on a Tuesday evening commencing at 5.30pm.

Concept forums have generally been conducted on a Tuesday evening commencing at 5.00pm, and concluding at approximately 8.30pm. The purpose of concept forums is to provide an avenue for Councillors to receive information relating to a Council matters to facilitate informed decision making. If Council were to set aside every first Tuesday of the month for the Policy and Priority Committee meetings there would be no Tuesdays available for other non- standard meetings such as concept forums.

The following topics will be covered at the upcoming concept forums:-

**Consultation**

Public consultation was not relevant to the development of the 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**

Section 5.8 of the *Local Government Act 1995* enables Council to establish a Committee.

**Risk and Asset Implications**

There are no specific risk and asset implications to this report.

**Financial**

There are no specific financial implications to this report.

**Social and Environmental Implications**

There are no specific social and environmental implications to this report.

**Attachment**

No attachments.

## P2 POLICY REVIEW (GOVERNANCE AND OFFICE OF THE CEO)

### REPORT FROM DIRECTOR CORPORATE SERVICES

**Author:** Coordinator Governance, Bana Brajanovic  
**Date:** 22 January 2018 2018  
**File ref:** A/ 4895  
**Voting requirements:** Simple - more than half elected members present required to vote in favour

#### COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Gedero/seconded Cr Mummery

**That Council adopts the following policies attached to this report subject to separation of the intent of the policy from the process of application:-**

- **New Council Election Caretaker policy;**
- **2.2 Media Statements;**
- **2.5 Elected Member Professional Development;**
- **3.1 Subiaco Award.**

CARRIED 11/0  
6.30pm

#### OFFICER RECOMMENDATION

That Council adopts the following policies attached to this report:-

- a) New Council Election Caretaker policy
- b) 2.2 Media Statements
- c) 2.5 Elected Member Professional Development
- d) 3.1 Subiaco Award

#### **Background**

Determining local government policies is one of the roles of Council outlined in section 2.7 of the *Local Government Act 1995*.

Regular review of the city's policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which could be made.

#### **Comment**

At the elected members' concept forum held on 31 October 2017, eighth (8) of the twenty (20) existing policies presented and one new policy were referred to the Policy and Priority Committee. Elected members requested that these policies be referred to the Policy and Priority Committee to enable them to further discuss. The policies attached to this report were referred from the Policy and Priority Committee meeting held 6 February 2018 to allow Councillors more time for further consideration on the following policies.

#### **Council Election Caretaker Policy (new)**

The primary purpose of the Council Election Caretaker Policy is to avoid Council from making major decisions that would commit an incoming Council or prevent the use of public resources in a manner which may be perceived as being advantageous to a new candidate or promoting a sitting member who is renominating. The policy also ensures the City's employees act impartially towards each candidate.

While elected members and employees have conducted themselves in accordance with the provisions of *the Local Government Act 1995* in past elections, the policy provides guidance and clarifies areas of responsibility during the caretaker period.

The policy would come into effect from the close of nominations being 37 days prior to the Election Day in accordance with Section 4.49 (a) of the *Local Government Act 1995*, until 6.00pm on Election Day.

## **2.2 Media Statements Policy**

The policy has been formatted to clarify the official spokesperson on Council affairs and the right of an elected member to enter into public debate in their private capacity.

## **2.5 Elected Member Professional Development Policy**

The policy encourages elected members to participate in professional training development to promote their role.

A number of modifications are proposed by way of clarifying eligible events and event arrangements.

## **3.1 Subiaco Award Policy**

The officer recommendation is to rescind this policy.

The current policy states that the Subiaco Awards are run every 3 years. The last time the City attempted to run the awards was in 2009. The CEO at the time (Stephen Tindale) and former Mayor Henderson decided it was not viable to go ahead with the Awards that year due to the lack of nominations (three in total – one of which was a late submission).

Previous to that, in 2006 the Subiaco Awards were deferred to 2009, again due to a lack of worthy nominations. From research, the last time it appears the city ran these awards was 2004 and in that year it was noted that a considerable amount of effort was needed to “stimulate” nominations.

Factors contributing to lack of nominations is likely to be that there is a limited pool of nominees within the city and many of these have been recognised in the past. In addition, there has been a proliferation of awards instituted by State and Federal Governments.

The City does support and promote community (both local and state-wide) contributions to culture and the arts; heritage (local history and built heritage); the environment and community services. This is done through various annual and biennial awards and by putting forward nominations for community members to peak body industry awards.

## **Consultation**

Public consultation was not relevant to the development of the 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**

Section 2.7(2)(b) of the *Local Government Act 1995* states the role of Council in determining its policies.

**Risk and Asset Implications**

There are no specific risk and asset implications to this report.

**Financial**

There are no specific financial implications to this report.

**Social and Environmental Implications**

There are no specific social and environmental implications to this report.

**Attachments**

1. Council Election Caretaker policy
2. Media Statements
3. Elected Member Professional Development
4. Subiaco Award

### **P3 POLICY REVIEW (TRANSPORT AND INFRASTRUCTURE DEVELOPMENT)**

#### **REPORT FROM DIRECTOR TECHNICAL SERVICES**

**Author:** Acting Manager Transport and Infrastructure Development,  
Gray Stead

**Date:** 19 January 2018

**File ref:** A/ 4895

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

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

Moved Cr Richardson/seconded Cr Mansfield

**That Council:-**

1. **Adopts the reviewed policies as follows subject to separation of the intent of the policy from the process of application:-**
  - a) **6.1 Cyclist and Pedestrian Facilities**
  - b) **6.2 Local Area Traffic Management Policy**
  - c) **6.3 Footpaths**
  - d) **6.4 Crossovers**
  - e) **6.5 Stormwater Disposal**
  - f) **6.6 Street Lighting;**
  - g) **6.7 Managing Road Reserve Obstruction to Facilitate Building and Development Works**
  - h) **6.8 Infrastructure Asset Management.**
2. **Rescinds the following policies:-**
  - a) **6.2 Vehicle Speed Control**
  - b) **6.6 Underground Power and Associated Street Lighting.**

CARRIED ENBLOC 11/0

6.27pm

#### **OFFICER RECOMMENDATION**

**That Council:**

1. **Adopts the reviewed policies as follows:**
  - a) **6.1 Cyclist and Pedestrian Facilities**
  - b) **6.2 Local Area Traffic Management Policy**
  - c) **6.3 Footpaths**
  - d) **6.4 Crossovers**
  - e) **6.5 Stormwater Disposal**
  - f) **6.6 Street Lighting;**
  - g) **6.7 Managing Road Reserve Obstruction to Facilitate Building and Development Works**
  - h) **6.8 Infrastructure Asset Management.**
2. **Rescinds the following policies:**
  - a) **6.2 Vehicle Speed Control**
  - b) **6.6 Underground Power and Associated Street Lighting.**

**Background**

Determining local government policies is one of the roles of Council outlined in section 2.7 of the *Local Government Act 1995*.

Regular review of the city's policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which could be made.

**Comment**

Determining local government policies is one of the roles of Council outlined in section 2.7 of the *Local Government Act 1995*.

Regular review of the city's policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which could be made.

**6.1 Cyclist and Pedestrian Facilities Policy**

Proposed policy content has been expanded to clearly describe the purpose and application through objective and scope. Eight (8) policy objectives have also been added to outline what the city will follow to provide these facilities, from assisting the Department of Transport and Main Roads to enhance the safety of bicycle and pedestrian areas. It now outlines the specific considerations the city will make for all users of the facilities, pedestrians (elderly and disabled) and bicycles.

**6.2 Vehicle Speed Control Policy (rescind)**

Main Roads Western Australia has the delegated authority to manage speed restrictions and the current policy does not apply.

**6.2 Local Area Traffic Management Policy (replacement)**

This proposed policy replaces the previous policy 6.2 Vehicle speed control, which managed by Main Road WA. This policy brings clarity to where the introduction of traffic management should take place. The introduction of the traffic management warrant calculator, which inputs traffic data and associated information to determine if traffic calming is warranted. These findings can then be used to apply for funding if the proposed site meets requirements.

**6.3 Footpaths Policy**

Proposed policy content has been rearranged to provide a logical format and expanded to clarify the specific details and parameters that should govern construction of a footpath within the city. Additions focus on redefining what installation and replacement parameters must be met, as well as how current footpath upgrades will take place. The current policy now addresses scenarios such as:-

- Higher speed limit;
- New subdivisions;
- Where provision of a footpath is necessary on both sides of the street;
- Major redevelopment areas.

Each expands to define what is to be addressed when constructing or altering footpaths. The suggested materials, styling, colours and patterns have been specified for each, and in regards to major redevelopment areas specific dimensions for footpath provision have been provided.

#### **6.4 Crossovers Policy**

Proposed policy now provides expanded and specific details on:

- Approval or modification of a crossover;
- Number of crossovers allowed;
- Crossovers conflicting with road reserve or infrastructure assets;
- Delineation of crossovers;
- Crossovers adjacent to an existing footpath or property boundary;
- Existing footpaths at the kerb line;
- Impact of new footpaths at the kerb line on existing crossovers;
- Crossover subsidy payment;
- Maintenance of crossovers;
- Reinstatement of crossovers;
- Redundant crossovers;
- Compliance.

It details under a heading the protection of street trees with measurements of required setbacks and outcomes should these setbacks not be met. A post construction inspection has been inserted to be conducted at the conclusion of works to ensure the crossover itself aligns with the city's crossover management guidelines (Protocols).

#### **6.5 Stormwater Disposal Policy**

Expansion of the proposed policy now includes how the city will effectively manage and control stormwater run-off/disposal from a residential, road reserve and commercial/large sealed catchments perspective. Six (6) points added outline points such as compliance for new stormwater drainage assets, on site stormwater detention facilities and the working towards a catchment based framework.

#### **6.6 Underground Power and Associated Street Lighting Policy (Rescind)**

The undergrounding of power and associated installation of street lighting has been completed and this policy is no longer required.

#### **6.6 Street Lighting Policy (replacement policy)**

The proposed policy now outlines how lighting improvements will be assessed based on a hierarchy of five (5) needs as part of a continuing works programme. A substantial explanation of western power assets and city of Subiaco assets has been provided given the fact that a large proportion of the city's lights are maintained or owned by western power. Each paragraph outlines the obligations each party has to their assets in regards to instalment and repair.

#### **6.7 Managing Road Reserve Obstruction to Facilitate Building and Development Works Infrastructure Asset Management Policy**

The proposed policy has been expanded to be clearly state the requirements and conditions that could be placed on an applicant. It outlines that administration fee will be charged as well as the responsibility of the applicant to any damages or cleaning required as a result of the works. Safety and inspection measures have also been added and now clearly state what measures the city will take during the works to ensure conditions of the permit are being met. Definitions clearly state meanings of misconstrued words outlined within the policy.

#### **6.8 Infrastructure Asset Management Policy**

Proposed policy has improved layout to convey information clearly. No content change.



**Consultation**

Public consultation was not relevant to the development of the 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**

Section 2.7(2)(b) of *the Local Government Act 1995* provides Council with the power to determine policies.

**Risk and Asset Implications**

There are no specific risk and asset implications to this report.

**Financial**

There are no specific financial implications to this report.

**Social and Environmental Implications**

There are no specific social and environmental implications to this report.

**Attachments**

1. Cyclist and Pedestrian Facilities (current policy)
2. Cyclist and Pedestrian Facilities (proposed policy)
3. Footpaths Policy (current policy)
4. Footpaths (proposed policy)
5. Crossovers (current policy)
6. Crossover (proposed policy)
7. Stormwater Disposal (current policy)
8. Stormwater Disposal (proposed policy)
9. Street Lighting Policy (proposed policy)
10. Managing Road Reserve Obstructions (current policy)
11. Managing Road Reserve Obstruction to Facilitate Building and Development Works (proposed policy)
12. Infrastructure Asset Management Policy (current policy)
13. Infrastructure Asset Management Policy (proposed policy)
14. Vehicle Speed Control Policy (current policy)
15. Local Area Traffic Management Policy (proposed policy)
16. Underground Power and Associated Street Lighting Policy (current policy)

The presiding member advised that the order of business would be changed to hear items C1, C3, C11.1 and P6 before item P4.

# **C1 NO. 21 (LOT 93) YILGARN STREET, SHENTON PARK – TWO STOREY ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE\***

## **REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES**

**Author:** Joshua Scrutton, Planning Officer

**Date:** 17 April 2018

**File Reference:** DD007.2017.00000170.001

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

Commercial Rd	10	Murchison St	14	7A	Yilgarn St	10	101	Herbert Rd
	12		16	7		12	103	
	14		18	7B		14	105	
	16		20	9		16	107	
	16A		22	11		18	109	
	18		22A	19		20	111	
	20		24	21		22	111A	
	22		26	25		24	113	
	24		30	27		26	121	
	26		32	29		28	123	
	28		34	31		30	125	
	30		68	33		32	127	
	32		70	35		36	129	
	34		72	37		38	133	
	36		74	39		40	135	
	38		76	41		42	137	
	40		80	43		44A	139	
	42			45		44	141	
	44			47		46	143	
						48	145	

## **COUNCIL DECISION**

Moved Cr Nash/seconded Cr Davis

**That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the determination of the application submitted by Arcadia Design Studio dated 22 December 2017 for Two Storey Additions and Alterations to an Existing Single House at No. 21 (Lot 93) Yilgarn Street, Shenton Park as shown on plans dated received 15 March 2018 (Plans 1-8), be DEFFERED for no more than 60 days from the date of this decision to provide the applicant with the opportunity to submit revised plans, in consultation with the City's Planning Services, in order to meet the following discretionary criteria:-**

- 1. Clause 42A – *Determination of application where wall/overall height is non-compliant* of Town Planning Scheme No. 4 with respect to the over height walls;**
- 2. C3.1 of element 5.1.3 –*Lot boundary setback* of the Residential Design Codes with respect to the southern elevation; and**
- 3. Design Principles P2.1 and P2.2 of the Residential Design Codes 2015, augmented by Design Principle 4.1.1 of Local Planning Policy 4.10 – *Shenton Park Precinct Policy*, specifically relating to the roof form of the proposed development.**

CARRIED 11/0  
6.41pm

## OFFICER RECOMMENDATION

Moved Cr Mansfield/seconded Cr Mummery

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by Arcadia Design Studio dated 22 December 2017 for Two Storey Additions and Alterations to an Existing Single House at No. 21 (Lot 93) Yilgarn Street, Shenton Park as shown on plans dated received 15 March 2018 (Plans 1-8), be REFUSED for the following reasons:-

1. The proposal is inconsistent with Clauses 42(1) and 42A of the City of Subiaco Town Planning Scheme 4;
2. The proposal is inconsistent with Clause 5.1.3 – *Lot Boundary Setback* of the Residential Design Codes as the additions would adversely impact the adjoining property to the south by way of excessive building bulk and loss of access to direct sunlight to the outdoor living area;
3. The proposal is inconsistent with Local Planning Policy 4.10 – *Shenton Park Precinct Policy* in relation to clause 4.1.2 (C2.8 – street setback) as the proposed roof form is inconsistent with the established neighbourhood character.

LOST 2/9

MAYOR TAYLOR AND CRS STROUD NASH, RICHARDSON, MATHESON,  
DAVIS, ROWE, GEDERO AND MUMMERY VOTED AGAINST

6.37pm

## ALTERNATIVE RECOMMENDATION

Moved Cr Nash/seconded Cr Davis

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the determination of the application submitted by Arcadia Design Studio dated 22 December 2017 for Two Storey Additions and Alterations to an Existing Single House at No. 21 (Lot 93) Yilgarn Street, Shenton Park as shown on plans dated received 15 March 2018 (Plans 1-8), be DEFFERED for no more than 60 days from the date of this decision to provide the applicant with the opportunity to submit revised plans, in consultation with the City's Planning Services, in order to meet the following discretionary criteria:-

1. Clause 42A – *Determination of application where wall/overall height is non-compliant* of Town Planning Scheme No. 4 with respect to the over height walls;
2. C3.1 of element 5.1.3 – *Lot boundary setback* of the Residential Design Codes with respect to the southern elevation; and
3. Design Principles P2.1 and P2.2 of the Residential Design Codes 2015, augmented by Design Principle 4.1.1 of Local Planning Policy 4.10 – *Shenton Park Precinct Policy*, specifically relating to the roof form of the proposed development.

CARRIED 11/0

6.41pm

*Cr Nash has submitted the following reasons:-*

- 1 *The identified "key issues", in particular the overshadowing of the neighbours primary outdoor space, are capable of being addressed through appropriate design modifications.*
- 2 *The owners and applicant are to be commended for retaining and upgrading the existing cottage and there are many reasons why such an approach should be encouraged in a sensitive heritage area.*

### **Executive Summary**

The application seeks planning approval for two storey additions and alterations to an existing single storey dwelling (**Attachment 1** – Development Plans). The proposal seeks discretion in regard to the City's planning framework, with respect to wall and overall height, street setback and lot boundary setback.

During the public consultation period, the City received seven objections that were based on valid planning grounds. In accordance with *Council's Register of Delegations and Authorisations 2017-2018*, this application must be referred to Council for determination.

The key issues of this application are:-

Building height (wall height);

Street Setback (roof form and pitch); and

Lot boundary setback (southern boundary).

The applicant was advised in writing on 9 February 2018 of the key issues that did not meet the relevant planning framework, and several material changes have been made to reduce the overall impact of the proposal on both the streetscape and the adjoining properties.

Whilst it is noted that the design of the proposal has some merit, the proposed additions are considered to be inconsistent with the scale of development within the surrounding area and will have an adverse impact on the amenity of the adjoining neighbouring properties. The proposal is inconsistent with the City's Town Planning Scheme No. 4 (TPS 4), Residential Design Codes and Local Planning Policy 4.10 – *Shenton Park Precinct Policy* (LPP 4.10) and refusal is recommended on this basis.

### **Background**

<b>Landowner:</b>	A L Thomas
<b>Applicant:</b>	Arcadia Design Studio
<b>Application Date:</b>	22/12/2017
<b>DA Reference:</b>	DA 7.2017.170.1
<b>Lot size:</b>	324 m <sup>2</sup>
<b>TPS Zoning:</b>	Residential R20
<b>TPS Precinct:</b>	Shenton Park Precinct Sub-Precinct 1A
<b>Land Use:</b>	Single House
<b>Land Use Permissibility:</b>	P
<b>Existing Development:</b>	Single House
<b>Heritage Listing:</b>	Not listed

### **Site Context and Development History**

- The subject site is located on the street block bound by Onslow Road to the north, Yilgarn Street to the east, Aberdare Road to the south and Murchison Street to the west.
- In October 2015 the City appointed Greenward Consulting to undertake a heritage survey of the Station Precincts, which included the subject site. Yilgarn Street was identified as having a good representative collection of timber houses dating from the mid-late 1920s, together with a small number of compatible brick houses of the same period. The final heritage assessment concluded that while timber houses were once commonplace in the southern part of Shenton Park, other streets have been affected to a much greater degree by redevelopment, infill and alterations, and Yilgarn Street now provides the most representative (and relatively rare) local collection of places of this type.

- The Heritage Assessment of the subject site notes the dwelling as having *some contribution* to heritage values.
- On 29 August 2017 Council, in response to community consultation, resolved not to adopt the Yilgarn Street Heritage Area.

### **Planning Comment**

The proposal seeks planning approval for the construction of a two storey addition to the rear of an existing single storey timber dwelling. The applicant addressed some of the City's concerns in relation to the size of the upper floor area, visual privacy and the setback of the upper floor street façade.

An assessment of the amended proposal has been undertaken having regard to the provisions of TPS 4, the R-Codes and LPP 4.10 and discretion is sought in relation to:

1. Wall height;
2. Street setback (roof form and pitch); and
3. Lot boundary setback to the southern boundary.

In isolation, the discretions sought may be capable of approval, however, cumulatively, and in context of the existing development within the surrounding area, the proposal does not meet the relevant requirements and would likely have a detrimental impact on the surrounding area should the application be approved.

### **Key Issues of Assessment**

#### **Assessment of wall and overall height under TPS 4**

- The recent gazettal of Scheme Amendment 33 renamed clause 42(1) of TPS 4 and erroneously removed sub-clauses 42(1)(a) and (b). These sub-clauses contained development controls relating to wall and overall height for development on land zoned Residential and allocated a density code of R15, R20 and R25.
- At its meeting of 27 March 2018, Council resolved to initiate basic Scheme Amendment 36 which seeks to reinsert sub-clauses 42(1)(a) and (b) of TPS 4. Amendment 36 is subject to WAPC consideration, is seriously entertained and is to be given due regard in the assessment of all planning proposals.
- In light of the above, the consideration of planning proposals for Residential R15, R20 and R25 zoned land include an assessment under sub-clauses 42(1)(a) and (b) of TPS 4.

#### **Wall and Overall Height**

*Town Planning Scheme No. 4 Clause 42 – Special Application of the Residential Design Codes (Overall/wall height)*

<b>Development Standard</b>	<b>Proposed</b>	<b>Discretion</b>
Proposed Clause 42(1)(a) – Max. Wall height 3.6m	N: 6.7m E: 6.3m S: 6m W: 6.3m	Variation of 3.1m
Clause 42(1)(b) – Max. Wall height 6m	6.7m	Variation of 0.7m

**Clause 42(1)**

- (a) Notwithstanding any provisions of the Residential Design Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R15, R20 and R25 shall not exceed 6.5 metres overall height and 3.6 metres wall height;
- (b) The local government may permit a variation to subclause (a) and permit buildings of up to 9 metres overall height and 6 metres wall height, where the local government is satisfied that there is to be no undue adverse impact on adjoining residential sites or the general amenity of the locality.

**Clause 42(A)**

- (1) If a development is the subject of an application for planning approval and does not comply with the maximum overall height or the maximum wall height referred to in clause 42, then, despite the non-compliance, the local government may approve the application where:
  - (a) the local government is satisfied that:-
    - i. the non-compliance will have no undue adverse effect on any adjoining residential land or the amenity of the locality; or
    - ii. the wall or overall height which is non-compliant is compatible with the wall and overall heights of surrounding developments that are designed for residential purposes and are considered by the local government to enhance the streetscape.
  - (b) the wall/overall height which is non-compliant:-
    - i. meets the Acceptable Development standards of the Residential Design Codes in relation to setbacks; or
    - ii. is necessitated by a sloping site and would be unlikely to occur if the site had been level; or
    - iii. is the result of an irregular roof design and is unlikely to have occurred if the proposed development had a conventionally shaped roof.

It is noted that the proposed upper floor wall heights are setback in accordance with LPP 4.10. However, as the proposal exceeds the requirements set out in Clause 42(1) an assessment against the provisions of clause 42A is necessary.

The proposal does not to meet the relevant criteria in so far as:-

**42A(1)(a)**

- The proposed height of the upper floor walls are not compatible with the prevailing development within the surrounding area, which is characterised by predominantly single storey timber cottages;
- The height of the proposed walls are likely to significantly impact the amenity of the adjoining properties, particularly in relation to building bulk and overshadowing of the outdoor living area of the property immediately to the south.

**42A(1)(b)**

- The proposal does not meet the deemed to comply criteria or the design principles in relation to lot boundary setback. An assessment of lot boundary setback is detailed later in this report;
- The heights of the proposed walls are not caused by a sloping site; and
- The design of the roof is considered to be a conventionally shaped roof as per clause 42A(3).

In light of the above, the proposal is not considered to meet the discretionary height criteria of clause 42A of TPS4 and should not be supported.

*Residential Design Codes Element 5.1.2 – Street setback augmented by clause 4.1.2 of LPP 4.10 – Shenton Park Precinct*

Required (Clause 5.1.2)	Proposed	Difference
Pitch of roof to be between 30-32 degrees	6-7 degrees skillion roof	24 degrees
Design Principles:- a) the predominant roof form within the surrounding area; b) the impact of the proposed roof form as viewed from the street on the established neighbourhood character; c) whether the proposed roof form as viewed from the street is consistent with the predominant roof form within the surrounding area; and d) where pitched roof forms are the predominant roof form, the predominant roof pitch of the surrounding area.		

The predominant roof forms in the surrounding area are a traditional pitched or hipped roof on single storey houses. It is noted that the upper floor is contained within the line of sight and has merit in terms of its design. However, portions of the proposed skillion roof will be visible from the street such that the upper floor roof design will alter the character of the intact streetscape, albeit to a lesser extent were it not setback in accordance with the city's setback requirements.

It is acknowledged that skillion roofs are located in other parts of the City, however, the immediate locality is characterised by pitched roofs and the proposal is considered to be out of keeping with the prevailing development character of the surrounding area given that the existing housing stock is predominantly single storey.

*Residential Design Codes Element 5.1.3 (c3.1) – Lot boundary setback*

Required	Proposed	Difference
1.8m Deemed to Comply setback (South facing 24.6m long, 3.4m-4.3m high wall)	0.9m setback from southern lot boundary	Variation of 0.9m to the required setback.
In light of the above, the proposal includes 0.9m variation to the required setback of 1.8m and triggers the need for consideration in accordance with the relevant design principles.  <u>Design Principles</u> <ul style="list-style-type: none"> <li>• Reduce impacts of building bulk on adjoining properties;</li> <li>• Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>		

The proposed design interventions employed to prevent views from the upper floor into the adjoining property to the north are acceptable, with the proposal seeking to maximise the northern aspect of the lot.

The location of high (4.2m-6m) walls, set back 0.9m from the adjoining southern boundary, exacerbates the impact of the second storey addition to the southern neighbour. The setback of the upper floor replicates that of the ground floor which is unusual within this context as it increases the impact of bulk and overshadow. A stepped back upper floor would have mitigated some of the impact of bulk and the resultant overshadow.

If approved, the south facing wall would restrict winter sunlight to the rear outdoor living area of the adjoining southern property to an unacceptable degree (52%) of the rear outdoor living area. On this basis, the proposal does not meet the discretionary criteria for lot boundary setback of the Residential Design Codes and refusal is recommended.

### **Consultation and Referrals**

#### **Public Consultation**

Notice of the application was sent to surrounding land owners and occupiers in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Planning Policy 1.4 'Public Consultation for Planning Proposals'. Consultation with adjoining neighbours occurred between 23 January 2018 and 6 February 2018.

At the conclusion of advertising, nine submissions were received, of which two supported the proposal and seven objected to the proposal. The key planning issues raised during advertising have been summarised below:-

<b>Submission Received</b>	
<b>Comments Received</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>Objects to the proposal on the basis that the upper floor of the development is not contained within the roof-space nor the line of sight.</li> </ul>	<ul style="list-style-type: none"> <li>The applicant has revised the plans so that the upper floor is now contained within the line of sight.</li> </ul>
<ul style="list-style-type: none"> <li>Objects to the form, scale and materials of the upper floor, on the basis that it is not consistent with the streetscape</li> </ul>	<ul style="list-style-type: none"> <li>The assessment of the proposal determined that the proposed roof form is not consistent with the traditional pitch and hipped roofs which predominates the surrounding area.</li> <li>An assessment of the proposal has found that in its current form the upper floor of the development is not consistent with the prevailing development context.</li> <li>Following assessment of c4.1.1 of LPP 4.10, the materials of the proposal were found to be contemporary yet compatible.</li> </ul>
<ul style="list-style-type: none"> <li>Concerned with the level of parking provided at the subject site</li> </ul>	<ul style="list-style-type: none"> <li>There is no change to the existing parking bay. The site lies within 800m of a train station, and therefore only requires one parking bay on site.</li> </ul>
<ul style="list-style-type: none"> <li>Objects to the parking bay being located within the front setback area</li> </ul>	<ul style="list-style-type: none"> <li>The parking bay is existing and remains unchanged.</li> </ul>



<ul style="list-style-type: none"> <li>• Objects to the lot boundary setback and associated bulk of the south-facing wall</li> </ul>	<ul style="list-style-type: none"> <li>• An assessment of the proposal has found that the southern lot boundary setback of the proposed upper-floor does not meet the relevant discretionary criteria.</li> </ul>
<ul style="list-style-type: none"> <li>• Objects to the height of the upper floor</li> </ul>	<ul style="list-style-type: none"> <li>• An assessment of the proposal against clause 42A found that the walls do not meet the discretionary criteria.</li> </ul>
<ul style="list-style-type: none"> <li>• Objects to the extent of overshadow caused by the upper floor on the outdoor living area</li> </ul>	<ul style="list-style-type: none"> <li>• Whilst the proposal is deemed to comply with the overshadowing requirements of the R-Codes, the City notes that a large portion of the available open space to the southern adjoining property will be subject to significant overshadowing.</li> </ul>
<ul style="list-style-type: none"> <li>• Objects to the balcony and north-facing upper-floor window which allow views into the adjoining northern property</li> </ul>	<ul style="list-style-type: none"> <li>• The applicant has modified the plans by removing the balcony, and screening bedroom 3 and the main bedroom.</li> </ul>

#### Internal Referrals

The proposal was referred to relevant internal departments and the comments below are considered relevant to this report.

#### *Building*

Should Council approve the subject application, it is recommended that standard advice note is included stating that a Construction Management Plan will need to be submitted as part of the Building Permit.

#### *Traffic and Infrastructure*

Traffic and Infrastructure support the proposal following the amendment to the wall height along the vehicle access point.

#### *Heritage*

The existing dwelling and Yilgarn Street are not provided with declared heritage status. Initial heritage assessment details that the property provides *Some Contribution* to heritage values and the following comment was provided by the City's Coordinator Heritage and Projects:-

*The proposed two storey additions are appropriately located to the rear of the original dwelling and do not propose the demolition of significant fabric visible from the streetscape.*

*The addition reads clearly as new work which is appropriate however it is considered that the bulk and scale of the addition is not respectful of the scale, massing and proportions of the existing building and its key design elements. A reduction in wall height could address this and would also reduce the visibility of the new addition from the primary street.*

*The addition reads clearly as new work which is appropriate. However if the design picked up design elements of the existing cottage, such as the proportions of window openings, the balance of walls to openings and roof form and pitch it would achieve an outcome that is respectful of and sympathetic to the heritage values of both the place and the area.*

**Strategic Implications**

There are no strategic implications for this report.

**Statutory and Policy Considerations**

There are no statutory and policy considerations for this report.

**Risk and Asset Implications**

There are no risk or asset implications for this report.

**Financial**

There are no financial implications for this report.

**Social and Environmental Implications**

There are no social and environmental implications to this report.

**Attachments**

1. Development Plans dated received 15 March 2018

### C3 EXTENSION TO TERM OF DEVELOPMENT APPROVAL FOR DA 7.2016.14.1 – 25 ROWLAND STREET SUBIACO (DA 7.2017.163.1)\*

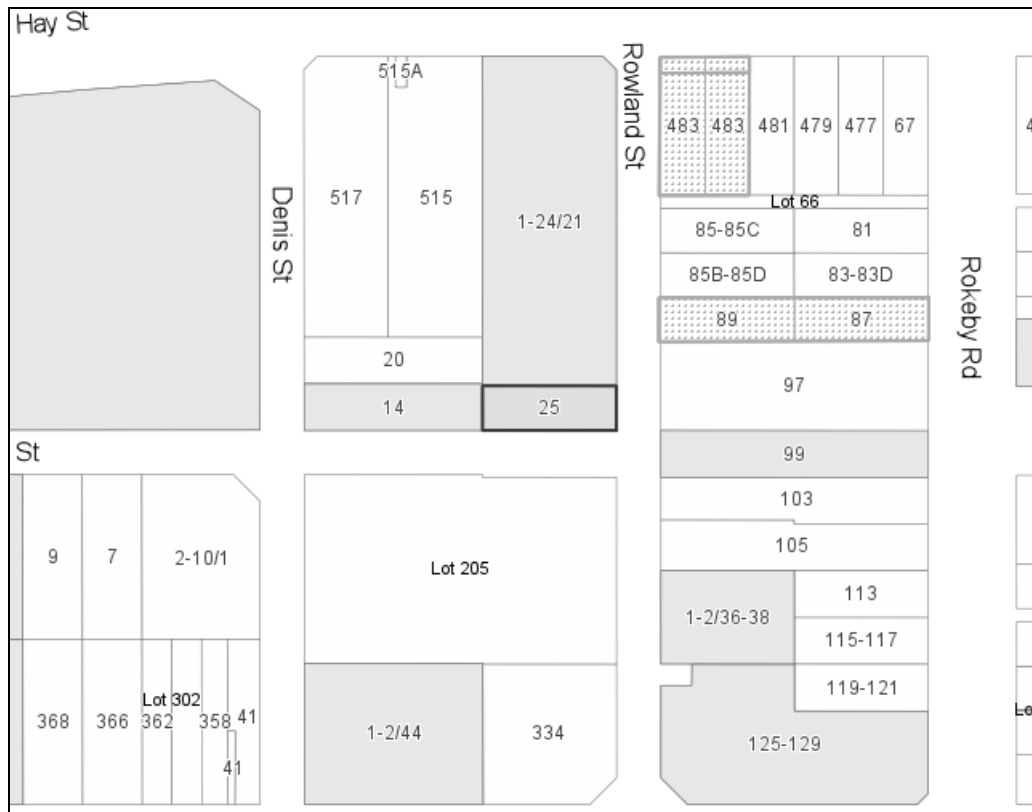
#### REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES

**Author:** Zo Kruger, Planning Officer

**Date:** 4 April 2018

**File Reference:** DD007.2017.00000163.001

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



#### COUNCIL DECISION

Moved Cr Rowe/seconded Cr Matheson

**That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by Rowe Group date stamped 6 December 2017 for an Extension to Term of Development Approval for DA 7.2016.14.1 at No. 25 (Lot 43 on Plan 1489) Rowland Street, Subiaco as shown on plans dated 29 March 2018, be APPROVED subject to the same conditions and advice notes as previously granted to DA 7.2017.14.1 on 19 April 2016, except as amended as follows:-**

- 1. The development is to be carried out in accordance with the plans, drawings and documentation dated 29 March 2018 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's stormwater drainage system unless otherwise approved;
3. 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. The schedule may be subject to review and comment by the City's Design Review Panel;
4. The lot shall be stabilised to reduce the likelihood of dust generation as soon as practical after completion of the demolition;
5. The car stacking equipment depicted on the plans hereby approved shall be design, installed and thereafter maintained so that all vehicle bays approved within the car stacking equipment can be independently accessed at all times;
6. Prior to the occupation of the development approved as plans dated (8 March 2016), vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Subiaco;
7. Prior to occupation, ten (10) bicycle parking facilities are to be provided in accordance with Australian Standard AS 2890.3, to the satisfaction of the City of Subiaco;
8. Prior to occupation, each multiple dwelling is to have an adequate area set aside for clothes drying screened so as to not be highly visible from any adjacent public place or provided with facilities for mechanical drying in accordance with the requirements of the Residential Design Codes to the satisfaction of the City of Subiaco;
9. Prior to commencement of development, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development which shall be thereafter implemented to be implemented to the satisfaction of the City of Subiaco;
10. A Construction Management Plan shall be prepared to the City's satisfaction prior to commencement of the development. 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; and
  - j) any other relevant matters.The requirements of this plan are to be observed at all times during the construction process.

Cont./

- 11. 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 is to be thereafter maintained to the satisfaction of the City of Subiaco.**
- 12. 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, secondary street to the satisfaction of the City of Subiaco;**
- 13. Prior to the commencement of demolition, archival records shall be submitted to the City of Subiaco in accordance with the requirements of the Planning Policy 3.2 'Archival Records and Guidelines for Preparing an Archival Record';**
- 14. Prior to the occupation of the development, a waste management plan shall be submitted to the City of Subiaco for approval. The plan shall include:-**
- (a) Details of collection times and methods;**
  - (b) A noise management plan detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 for any waste proposed to be collected between the hours of 7pm to 7am; and**
  - (c) Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.**
- The plan shall be implemented and adhered to throughout the life of the development to the satisfaction of the City of Subiaco.**
- 15 Prior to the issuing of a building permit, the proposed vehicular access from the carpark to Rowland Street is to be amended to be compliant with the relevant Australian Standards relating to off-street car parking. Any amended proposal shall not substantially change the development as shown on plans dated 29 March 2018.**

CARRIED 10/1  
CR MUMMERY VOTED AGAINST  
6.55pm

**OFFICER RECOMMENDATION**

Moved Cr Mummery

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by Rowe Group date stamped 6 December 2017 for an Extension to Term of Development Approval for DA 7.2016.14.1 at No. 25 (Lot 43 on Plan 1489) Rowland Street, Subiaco as shown on plans dated received 6 December 2017, be REFUSED for the following reasons:-

1. The application is inconsistent with City of Subiaco Local Planning Policy 1.7 *Amendment and Extension to the Term of Development Approval*, as follows:-
  - a) The planning framework has substantially changed since the development approval to which the extension application relates was granted, given the endorsement of the Subiaco Activity Centre Plan by the Western Australian Planning Commission, and the progression of Amendment No. 32 to the City of Subiaco Town Planning Scheme No. 4 which comprises a seriously entertained planning proposal;
  - b) Discretion was exercised in granting the original approval in relation to the City of Subiaco Town Planning Scheme No. 4 and Residential Design Code requirements;
  - c) The application for development does not comply with the current applicable planning framework including the endorsed Subiaco Activity Centre Plan and the draft Scheme Amendment No. 32 with respect to plot ratio, building height and setbacks; and
  - d) The City has not been provided with evidence to demonstrate that the applicant has pursued implementation of the approved development including the clearance of conditions of approval.
2. Approval of the application to extend the term of development approval will set an undesirable precedent for future development in the Subiaco Activity Centre Plan area.

LAPSED FOR WANT OF A SECONDER

**ALTERNATIVE RECOMMENDATION**

Moved Cr Rowe/seconded Cr Matheson

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by Rowe Group date stamped 6 December 2017 for an Extension to Term of Development Approval for DA 7.2016.14.1 at No. 25 (Lot 43 on Plan 1489) Rowland Street, Subiaco as shown on plans dated 29 March 2018, be APPROVED subject to the same conditions and advice notes as previously granted to DA 7.2017.14.1 on 19 April 2016, except as amended as follows:-

1. The development is to be carried out in accordance with the plans, drawings and documentation dated 29 March 2018 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's stormwater drainage system unless otherwise approved;
3. 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. The schedule may be subject to review and comment by the City's Design Review Panel;

4. The lot shall be stabilised to reduce the likelihood of dust generation as soon as practical after completion of the demolition;
5. The car stacking equipment depicted on the plans hereby approved shall be design, installed and thereafter maintained so that all vehicle bays approved within the car stacking equipment can be independently accessed at all times;
6. Prior to the occupation of the development approved as plans dated (8 March 2016), vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Subiaco;
7. Prior to occupation, ten (10) bicycle parking facilities are to be provided in accordance with Australian Standard AS 2890.3, to the satisfaction of the City of Subiaco;
8. Prior to occupation, each multiple dwelling is to have an adequate area set aside for clothes drying screened so as to not be highly visible from any adjacent public place or provided with facilities for mechanical drying in accordance with the requirements of the Residential Design Codes to the satisfaction of the City of Subiaco;
9. Prior to commencement of development, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development which shall be thereafter implemented to be implemented to the satisfaction of the City of Subiaco;
10. A Construction Management Plan shall be prepared to the City's satisfaction prior to commencement of the development. 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; and
  - j) any other relevant matters.The requirements of this plan are to be observed at all times during the construction process.
11. 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 is to be thereafter maintained to the satisfaction of the City of Subiaco.
12. 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, secondary street to the satisfaction of the City of Subiaco;
13. Prior to the commencement of demolition, archival records shall be submitted to the City of Subiaco in accordance with the requirements of the Planning Policy 3.2 'Archival Records and Guidelines for Preparing an Archival Record';
14. Prior to the occupation of the development, a waste management plan shall be submitted to the City of Subiaco for approval. The plan shall include:-
  - (a) Details of collection times and methods;
  - (b) A noise management plan detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental

Protection (Noise) Regulations 1997 for any waste proposed to be collected between the hours of 7pm to 7am; and

- (c) Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.

The plan shall be implemented and adhered to throughout the life of the development to the satisfaction of the City of Subiaco.

- 15 Prior to the issuing of a building permit, the proposed vehicular access from the carpark to Rowland Street is to be amended to be compliant with the relevant Australian Standards relating to off-street car parking. Any amended proposal shall not substantially change the development as shown on plans dated 29 March 2018.

CARRIED 10/1  
CR MUMMERY VOTED AGAINST  
6.55pm

*Cr Rowe has submitted the following reasons:-*

1. *Rather than defer this item it can be given a conditional approval where the staff can request electronic signs, mirrors and the like to achieve a satisfactory vehicle access plan. Transcore have endorsed a report that can be discussed with City staff.*
2. *This application is very similar to a former approval given by the City and the limitation of the site precludes practical achievement of any new conditions requested in our Activity Centre plans.*
3. *It effectively offers beneficial outcomes including inner city residential accommodation, ground floor retail and its design is considered to “bookend” the elevations of Rowland St within the bounds of its physical size.*
4. *Its new crossover location does not encumber the potential of Forrest St in being considered an extension of Forrest Walk in the future.*

### **Executive Summary**

The application seeks to extend the term of approval for DA 7.2016.14.1 by two years. The application for a five storey mixed use development comprising one ground floor shop, one first floor office and nine multiple dwellings on three upper levels was approved by the City of Subiaco on 19 April 2016.

The application was considered by Council at the 27 March 2018 Ordinary Council Meeting, at which the item was deferred to the 17 April 2018 Ordinary Council Meeting. Following consideration of the application by Council in March, amended plans of the approved development at 25 Rowland Street were forwarded to the City. The amendments include the relocation of vehicle access to the site, reconfiguration of residential lobby and tenancy space and back-of-house services (specifically, bin store, stair and lift arrangements).

The amended vehicular access and parking arrangements are not consistent with relevant Australian Standards and are not supported.

It is noted that the amended plans do not alter the original assessment of the application to extend the term of approval, and as previously identified in the report presented to Council in March, the application is inconsistent with the City's Local Planning Policy 1.7 - *Amendment and Extension to the Term of Development Approval* (LPP 1.7). It is considered that approval will generate an undesirable precedent which will undermine the SACP, and refusal is recommended.



Should Council seek to approve an extension to the development approval, it may consider:

- an extension subject to the original development plans; or
- an extension subject to the amended plans submitted by the applicant. In this instance, an additional condition requiring a waste management plan is recommended due to the change in the bin storage area as detailed in the report.

### **Background**

<b>Landowner:</b>	Capelli Holdings Pty Ltd
<b>Applicant:</b>	Rowe Group
<b>Application Date:</b>	6/12/2017
<b>DA Reference:</b>	DA 7.2017.163.1
<b>Lot size:</b>	304m <sup>2</sup>
<b>TPS Zoning:</b>	Town Centre
<b>TPS Precinct:</b>	Town Centre Precinct
<b>Land Use:</b>	Shop, Office and Residential
<b>Land Use Permissibility:</b>	Shop – P, Office – D, Multiple Dwellings – D
<b>Existing Development:</b>	Existing commercial building
<b>Heritage Listing:</b>	Not listed

### **Site Context and Development History**

- A detailed site context and development history is included in the previous report presented to Council on 27 March 2018 (**Attachment 1**).
- The original application (DA 7.2016.14.1) proposing a five storey mixed use development comprising one ground floor shop, one first floor office and nine multiple dwellings on three upper levels was approved by the City on 19 April 2016 (**Attachment 2**).
- The approval included a condition requiring that the development be substantially commenced within two (2) years otherwise the approval would lapse. This period expires after 19 April 2018.

### **Introduction**

The subject application seeks an extension of two (2) years to substantially commence development, which if granted will extend the substantial commencement period to 19 April 2020.

### **Comment**

#### **Assessment against Local Planning Policy 1.7, SACP, draft Amendment 32 and the LPS Regulations**

A detailed assessment of the proposal was conducted in accordance with the provisions of LPP 1.7, the SACP, draft Amendment 32 and the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations). The application is inconsistent with LPP 1.7, which prescribes key considerations for extension to the term of development approval applications. The detailed assessment is contained within the previous report presented to Council (**Attachment 1**).

The submission of amended plans (assessed below) does not alter the original assessment that the proposal to extend the term of approval is inconsistent with LPP 1.7, and the recommendation for refusal remains as per the original report presented to Council.

**Assessment of amended plans**

Clause 77 of the LPS Regulations enables an applicant to apply to a local government to extend the period within which the approved development must be substantially commenced (cl. 77(1)(a)), and to amend an aspect of the development approved which, if amended, would not substantially change the development approved (cl. 77(1)(c)).

Amended plans of the development at 25 Rowland Street were forwarded to the City following deferral of the item at the Ordinary Council Meeting on 27 March 2018, which are included as **Attachment 3** to this report. **Attachment 3** includes a covering letter, a set of amended plans, and a set of plans highlighting the areas subject to alteration. The applicant has indicated that the amendments address the concerns of elected members relating to the ground level interaction of the development with the street and the intended future pedestrianisation of Forrest Street. Specifically, the amendments include:-

**Relocation of vehicle access**

The vehicle access to the site is proposed to be relocated from Forrest Street to Rowland Street. This matter was referred to the city's Transport and Infrastructure Development branch for comment.

Officer Response

With regard to the proposed crossover located off Rowland Street, the crossover is not provided with adequate sightlines to view oncoming traffic as per the requirements of *AS 2890.1 Parking Facilities Part 1: Off-street car parking* (AS 2890.1).

With regard to the proposed pedestrian safety measures, including alarms, light system and mirrors, these measures are considered unsuitable in this location. The city's Transport and Infrastructure branch is not supportive of the proposed use of such measures in a high pedestrian usage area such as Rowland Street.

With regard to vehicle ingress and egress to and from the site, there are no measures integrated into the proposal to manage the simultaneous movement of vehicles entering and exiting the onsite parking bays.

Manoeuvrability provided to the onsite parking bays is affected due to the proposed relocation of the vehicle access from Forrest Street to Rowland Street. The parking bays located along the southern boundary do not satisfy the manoeuvrability requirements of AS2890.1. In relation to the remainder of the parking bays (which are provided by way of car stackers), it is unclear as to how vehicles may safely manoeuvre into all bays due to the proposed relocation of the vehicle access. Further detail is required to assess this aspect of the proposal in its entirety.

**Reconfiguration of residential lobby and tenancy space**

The proposed reconfiguration of the ground floor residential lobby and tenancy space are required to accommodate the alteration to vehicle access, and associated changes to back of house services. Both the lobby and retail tenancy are to decrease in size, notably the retail tenancy is to decrease in size from 69.2m<sup>2</sup> to 24m<sup>2</sup>.

Officer Response

There is no objection to the reconfiguration of the lobby and tenancy space.

**Reconfiguration of back-of-house services**

The proposed reconfiguration of back-of-house services includes relocation of the bin store to enable access from the relocated crossover off Rowland Street to onsite parking and to enable access for waste services. Alterations to the stair and lift arrangements are also required to accommodate the relocation of the vehicle access.

**Officer Response**

The matters concerning modified bin store layout and private contractor collection were referred to the city's Transport and Infrastructure branch for comment. The proposed crossover may not be sufficient to accommodate a garbage truck, which normally would have a length of 8.8 metres. It is unclear as to how garbage is to be collected from the site, and further detail is required to assess this aspect of the proposal in its entirety. This however can be regulated through a condition of planning approval.

**Plot ratio**

The plot ratio of the development is reduced as a result of the amendments to the plans described above. The total plot ratio area of the development as per the amended plans is 933.2 square metres.

**Officer Response**

The plot ratio is reduced from 3.13 to 3.07. While this does not comply with the requirements of the SACP it does represent a reduction which can be supported.

**Elevation plans**

The amended south and east elevation plans reflect changes to vehicular access arrangements. Further, the south elevation to Forrest Street includes backlit laser cut artwork panels that provide visual interest to the public domain.

**Officer Response**

Condition 3 of the existing approval requires the submission of a full schedule of materials, colours, finishes and textures for the development prior to the issue of a building permit and in light of this there is no objection to the proposed new artwork panels.

**Conclusion**

The application to extend the term of approval for DA 7.2016.14.1 by two years is inconsistent with the City's LPP 1.7 and is not supported. The submission of amended plans does not render the proposal consistent with LPP 1.7.

The planning framework has changed substantially since the original approval due to the endorsement of the SACP and progression of Amendment 32, and the approved development is unlikely to receive approval if assessed in relation to the new development requirements. It is considered that approval to the extension may set an undesirable precedent for future development in the SACP area, as it is inconsistent with the planning intent and objective of the SACP with regard to built form requirements.

The amended plans provided to the city do not alter the original assessment of the application to extend the term of approval, and further, the alterations do not satisfy the technical requirements in relation to vehicle movements and parking as discussed in this report.

In light of the above, it is recommended that the application be refused.

Should Council seek to approve an extension to the development approval, it may consider:-

- an extension subject to the original development plans; or
- an extension subject to the amended plans submitted by the applicant. In this instance, an additional condition requiring a waste management plan is recommended due to the change in the bin storage area as detailed above.

### **Consultation and Referrals**

The amended plans received 29 March 2018 were referred to the city's Transport and Infrastructure branch. The comments in relation to the plans are included in the body of this report. In general, the Transport and Infrastructure branch did not support the amended plans.

### **Strategic Implications**

There are no strategic implications for this report.

### **Statutory and Policy Considerations**

There are no statutory and policy considerations for this report.

### **Risk and Asset Implications**

There are no Risk and Asset Implications for this report.

### **Financial**

There are no financial implications for this report.

### **Social and Environmental Implications**

There are no social and environmental implications to this report.

### **Attachments**

1. Extension to term of development approval for DA 7.2016.14.1 – 25 Rowland Street Subiaco (DA 7.2017.163.1) – 27 March 2018 Ordinary Council Meeting Minutes
2. Development Approval DA 7.2017.14.1 – 25 Rowland Street, Subiaco.
3. Cover letter and amended plans – received 29 March 2018.

**C11.1 ELECTED MEMBERS MOTION – SPORTING CLUBS USING ROSALIE PARK**

Submitted by: Cr Hugh Richardson  
 Date: 9 April 2018  
 Voting requirements: Simple - more than half elected members present required to vote in favour.

**COUNCIL DECISION**

Moved Cr Nash/seconded Cr Gedero

**That Council:-**

1. **Notes the current arrangements with the Subiaco Amateur Football Club with respect to the temporary fence at Rosalie Park being in place for the 2018 season.**
2. **Reviews the arrangements with the SAFC and confirms conditions of use prior to the commencement of the 2019 season,**
3. **Undertakes a review of policies dealing with the use and hire of Rosalie Park for all users, be undertaken prior to the 2018/19 summer season allocations.**
4. **In the interest of continuous improvement, refer to the Policies and Priorities Committee the task of formulating a policy framework to ensure consistency of the future actions of City staff, with the decisions, policies and directives of Council going forward.**

CARRIED 7/4

CRS STROUD, RICHARDSON, MCMULLEN AND MUMMERY VOTED  
 AGAINST

7.50pm

**ELECTED MEMBER'S MOTION**

Moved Cr Richardson/seconded Cr Matheson

That staff prepare a written agreement with sporting clubs using Rosalie Park that incorporates terms of use including Policy as established by Council resolution and as advised them at the time of those resolutions.

LOST 3/8

MAYOR TAYLOR AND CRS NASH, MCMULLEN, DAVIS, ROWE,  
 GEDERO, MANSFIELD AND MUMMERY VOTED AGAINST

7.25pm

*Cr Richardson has provided the following reasons:-*

1. *The absence of such agreements defining terms of policy is contrary to the City's Governance Framework;*
2. *Misunderstanding of Policy has caused confusion in the community;*
3. *Failure to follow our own Policy puts the City at reputational risk.*

**ALTERNATIVE MOTION**

Moved Cr Nash/seconded Cr Gedero

That Council:-

1. Notes the current arrangements with the Subiaco Amateur Football Club with respect to the temporary fence at Rosalie Park being in place for the 2018 season.
2. Reviews the arrangements with the SAFC and confirms conditions of use prior to the commencement of the 2019 season,
3. Undertakes a review of policies dealing with the use and hire of Rosalie Park for all users, be undertaken prior to the 2018/19 summer season allocations.
4. In the interest of continuous improvement, refer to the Policies and Priorities Committee the task of formulating a policy framework to ensure consistency of the future actions of City staff, with the decisions, policies and directives of Council going forward.

CARRIED 7/4

CRS STROUD, RICHARDSON, MCMULLEN AND MUMMERY VOTED  
AGAINST

7.50pm

*Cr Nash has provided the following reasons:-*

- 1 *To acknowledge the importance the City places on hosting active sports within our community, as well as continuing to provide access to the grounds for passive recreation at all other times.*
- 2 *To provide certainty around the current agreement both for the club and for the wider community.*

Officer comment

Clubs that are allocated seasonal ground allocations at Rosalie Park operate within terms and conditions under Council's adopted 'Use of Active Recreation Areas Policy'. The way the clubs accept the terms and conditions is that on each ground application form the clubs complete they sign off saying that they accept the terms and conditions. This is also true for casual bookings at Rosalie Park.

Casual use is subject to standard park booking terms and conditions with any additional considerations added to an assessment letter.

It is therefore considered that this process meets the intent of the Elected Member's Motion.

In regards to the Council resolution of February 2015 relating to the Subiaco Amateur Football Club and the use of a soccer pitch, this approval was for the 2 seasons only. The CEO approved the conditions of use for the 2018 in accordance with the Terms of Condition of Hire under General Housekeeping (as per below), being approval for the temporary fencing:-

*General Housekeeping*

*Signs, fittings or structures must not be erected on any reserve without written approval from the city.*

**P6 LITIGATION POLICY****REPORT FROM DIRECTOR CORPORATE SERVICES**

**Author:** Coordinator Governance, Bana Brajanovic  
**Date:** 22 January 2018 2018  
**File ref:** A/ 4895  
**Voting requirements:** Simple - more than half elected members present required to vote in favour

**COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Moved Cr McMullen/seconded Cr Nash

**That Council adopts the Litigation Policy as detailed in Attachment 1.subject to separation of the intent of the policy from the process of application.**

CARRIED 11/0

8.00pm

**PROCEDURAL MOTION**

Moved Cr Matheson/seconded Cr Stroud

That under Meeting Procedures Local Law 2013 7.1(g) the question be referred to the May 2018 Policy and Priority Committee.

LOST 5/6

MAYOR TAYLOR, CRS MCMULLEN, GEDERO, MANSFIELD,  
MUMMERY AND NASH VOTED AGAINST

7.58pm

**OFFICER RECOMMENDATION**

That Council adopts the Litigation Policy as detailed in Attachment 1.

**Background**

At the Annual Electors' meeting held on 5 December 2017 the following motion was raised:-

**MOTION 1**

*That:*

1. *Council ADOPTS the Model Litigant Policy for Civil Litigation.*
2. *The Model Litigant Policy for Civil Litigation be effective immediately and be applied to all civil litigation currently being undertaken or responded to by the Town.*
3. *Council will receive a report from Chief Executive Officer regarding the conduct of any civil litigation undertaken and the legal costs incurred by the local government at each full council meeting.*

At its meeting held 23 January 2018 Council resolved (Item Number C6) as follows:-

*That Council action the following motions from the Annual Electors meeting held on 5 December 2017:*

**MOTION 1:**

*That Council note the resolution from the electors meeting, however it also notes that as part of the city's policy review process, the city will assess the merits or otherwise of developing a policy covering civil litigation.*

The proposed Litigation Policy provides guidance to the city in maintaining proper standards in litigation. The policy detail has been referenced from similar metropolitan local governments; other government agencies and law journals to enable the city to model best practice in litigation.

The City's lawyers McLeods have reviewed the policy to ensure it complies with regulatory requirements.

### **Comment**

The policy applies to civil claims and civil litigation, involving the city including litigation before courts; tribunals; inquires and in arbitration and other alternative dispute resolution processes.

The Litigant Policy is founded upon the concepts of behaving ethically, fairly and honestly to model best practice in litigation.

The policy applies to Elected Members; City employees, the City's lawyers and any other city representatives.

### **Consultation**

Public consultation was not relevant to the development of the 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**

Section 2.7(2)(b) of *the Local Government Act 1995* provides Council with the power to determine policies.

### **Risk and Asset Implications**

There are no specific risk and asset implications to this report.

### **Financial**

There are no specific financial implications to this report.

### **Social and Environmental Implications**

There are no specific social and environmental implications to this report.

### **Attachment**

1. Litigation Policy



## **P4 POLICY REVIEW (OPERATIONS AND ENVIRONMENT)**

### **REPORT FROM DIRECTOR TECHNICAL SERVICES**

**Author:** Manager Operations and Environment, Gray Stead  
**Date:** 19 January 2018  
**File ref:** A/ 4895  
**Voting requirements:** Simple - more than half elected members present required to vote in favour

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

Moved Cr Rowe/seconded Cr Gedero

#### **That Council:-**

**Adopts the reviewed policies as follows subject to separation of the intent of the policy from the process of application:-**

- a) **3.3 Memorial;**
- b) **5.2 Street Verges;**
- c) **5.3 Use of Active Recreation Areas;**
- d) **5.4 Use of Passive Recreation Areas;**
- e) **5.5 Christmas Season Lighting;**
- f) **5.6 Community Garden;**
- g) **5.7 Public Open Space in a Drying Climate;**
- h) **7.1 Waste Services.**

CARRIED 11/0  
8.04pm

#### **OFFICER RECOMMENDATION**

That Council:

Adopts the reviewed policies as follows:

- a) 3.3 Memorial
- b) 5.2 Street Verges
- c) 5.3 Use of Active Recreation Areas
- d) 5.4 Use of Passive Recreation Areas
- e) 5.5 Christmas Season Lighting
- f) 5.6 Community Garden
- g) 5.7 Public Open Space in a Drying Climate
- h) 7.1 Waste Services.

#### **Background**

Determining local government policies is one of the roles of Council outlined in section 2.7 of the Local Government Act 1995.

Regular review of the city's policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which could be made.

#### **Comment**

Below is a comparison of the added and deleted material from Operations and Environment policies. A summary of the changes that are proposed for each policy is provided along with a copy of the current policy and the proposed policy labelled accordingly.

All city policies have been reformatted in a clear and organisationally consistent format which includes objective, scope, definitions, related sources and policy details.

### **3.3 Memorial Policy**

Defining the criteria for the three forms of commemoration memorials provides clearer guidelines for Council and city officers to approve memorial applications.

## **5.2 Street Verges Policy**

The proposed Street Verges Policy addresses the current management and planning issues the city is experiencing. The policy improvements ensure that the city continues to be a leader in verge development and management.

The objectives of the policy and management guideline are to:-

- Provide clear guidelines to ensure a consistent approach towards the presentation; and management of verges in the City of Subiaco;
- Promote and encourage water wise landscaping of verges within the city;
- Provide safe, cool and green access ways for pedestrians, cyclists and vehicles;
- Increase biodiversity and environmental value of verges within the city;
- Reinforce, preserve and enhance the character of our suburbs;
- Guide the maintenance and management of existing and renovated verge gardens to ensure that they thrive in the harsh urban conditions.

In summary, the rationale behind the proposals and changes to improve the current policy are as follows:

The current policy has five points that have been expanded to reflect community expectations in regards to verge development and management.

The current first point focuses on supporting and assisting residents to achieve aesthetically pleasing outcomes and environmental benefits while the proposed objective goes further to also foster a sense of community pride. The risk and liability element has been placed as an individual point to increase the awareness and importance of this element.

The additional focuses of the current policy are appropriately addressed within the management guideline (Protocol), therefore are no longer specified within the policy purpose.

The proposed policy clearly states the city's views on contentious issues such as the installation of synthetic turf. Having a clear direction stated within the policy ensures that the community, the city and Council have clear direction.

The revised management guideline (Protocols) clearly states the city's overall objectives when managing verges. These objectives are consistent with the Policy Statement and Policy Application and support the city's Strategic Community Plan, Greening Strategy, Public Open Space in a Drying Climate Plan, Sustainability and Resilience Strategy and Wildlife Enhancement Plan. Further details will continue to be provided within the management guidelines (Protocols).

### **5.3 Use of Active Recreation Areas Policy**

An expansion of the current policy clarifies the city's intent to provide active recreation opportunities, ensure an equitable methodology for management, balance ratepayer expectations against the city's financial management and collaborate with the sporting clubs.

**5.4 Use of Passive Recreation Areas Policy**

The permit system is necessary to allow the city to provide high quality open space, reduce and manage the impact of passive recreation activities and minimise public liability issues. Including the city's existing bond and permit system process in the policy improves transparency.

**5.5 Christmas Season Lighting Policy**

This policy has been expanded to include all Christmas decorations the city installs to enhance the visual appearance and sense of vitality within the city for the Christmas festive season.

**5.6 Community Garden Policy**

Expanded criteria provide clarity on issues not addressed in the current policy, ensuring the proposed policy meets the changing needs of the community.

**5.7 Public Open Space in a Drying Climate Policy**

The city has refined the policy objective to ensure quality open spaces are achieved through sustainable practices while applying best practice design principles to adapt to a drying climate.

**7.1 Waste Services Policy**

The significant changes to the current policy in the proposed policy reflect the recent changes from recycling bags to recycling bins and the modified greens waste pick up process. Residents will now be provided with a 240Lt (yellow lid) recycling bin or in special circumstances a 120Lt or 360Lt recycling bin. The city's previous on demand green waste process has been replaced with verge collections of loose green waste and/or green waste in approved bags from residential properties for collection on their normal bin day. Commercial properties now have the option of 240Lt or 660Lt waste bin, with the same 240Lt option for recycling as residential properties.

**Consultation**

Public consultation was not relevant to the development of the 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**

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

**Risk and Asset Implications**

There are no specific risk and asset implications to this report.

**Financial**

There are no specific financial implications to this report.

**Social and Environmental Implications**

There are no specific social and environmental implications to this report.

**Attachments**

1. Memorial Policy (current policy)
2. Memorial Policy (proposed policy)
3. Street Verges Policy (current policy)
4. Street Verges (proposed policy)
5. Use of Active Recreation Areas Policy (current policy)
6. Use of Active Recreation Areas Policy (proposed policy)
7. Use of Passive Recreation Areas Policy (current policy)
8. Use of Passive Recreation Areas Policy (proposed policy)
9. Christmas Season Lighting Policy (current policy)
10. Christmas Season Lighting Policy (proposed policy)
11. Community Garden Policy (current policy)
12. Community Garden Policy (proposed policy)
13. Public Open Space in a Drying Climate Policy (current policy)
14. Public Open Space in a Drying Climate Policy (proposed policy)
15. Waste Services Policy (current policy)
16. Waste Services Policy (proposed policy)

Cr Davis left the chamber at 8.10pm and returned at 8.11pm.

## **P5 POLICY REVIEW (STREET TREES POLICY)**

### **REPORT FROM DIRECTOR TECHNICAL SERVICES**

**Author:** Manager Operations and Environment, Gray Stead  
**Date:** 19 January 2018  
**File ref:** A/4895  
**Voting requirements:** Simple - more than half elected members present required to vote in favour

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

Moved Cr Richardson/seconded Cr McMullen

**That Council:-**

- 1. Rescinds the 5.1 Street Trees Policy;**
- 2 Adopts the 5.1 Street and Reserve Trees Policy subject to separation of the intent of the policy from the process of application;**
- 3 Notes the Street and Reserve Trees Policy Guideline.**

CARRIED 11/0  
8.11pm

#### **OFFICER RECOMMENDATION**

**That Council:-**

1. Rescinds the 5.1 Street Trees Policy
2. Adopts the 5.1 Street and Reserve Trees Policy
3. Adopts the Street and Reserve Trees Policy Guideline.

#### **Background**

Determining local government policies is one of the roles of Council outlined in section 2.7 of the *Local Government Act 1995*.

Regular review of the city's policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which could be made.

Council last reviewed and adopted the Street Tree Policy, Application and Management Guideline in May 2012.

The proposed improvements to the Street Tree Policy, Application and Management Guidelines (Protocols) include changes in the layout of the document to provide information in a clear format and address frequently raised questions.

The city has recognised that a change to urban density requirements requires consideration if we are to achieve the city's Strategic Community Plan objectives to preserve and maintain valued street trees while meeting our urban infill requirements.

The City of Subiaco manages approximately 15,000 street, park and reserve trees and recognises the importance of trees in creating functional and attractive streets and reserves within the urban environment. The city's Greening Strategy aims to support and enhance the city's natural environment by progressively increasing the number and quality of street trees. The city's green plan aims to conserve and enhance local biodiversity through the development of a cohesive network of green corridors to link significant habitat areas located within the western suburbs.

### **Comment**

The proposed policy includes an initial summary of the objectives to demonstrate the city's intention when managing trees which is further supported through the management guideline (Protocols).

The objectives are consistent with the policy scope and support the city's Strategic Community Plan, Greening Strategy, Public Open space in a Drying climate Plan, Sustainability and Resilience Strategy and Wildlife Enhancement Plan.

The purpose of the proposed Street and Reserve Tree Policy is to replace the current Street Tree Policy with a policy that addresses the current environmental and planning issues the city is experiencing.

It should be noted that some matters relating to street trees were raised at the 2017 Annual Elected Members Meeting. Motion 7 'Tree retention on Development Sites' is addressed in the Street and Reserve Trees Protocols under 'Development Sites'. In Motion 9, the proposal to no longer plant *Platanus acerifolia* *London Planes* is also addressed within the Street and Reserve Trees Protocols under 'Street Tree Selection', 'Street Orientation' and 'Street Tree Planting'.

The objectives of the policy and management guideline (Protocols) are to:

- Provide clear guidelines to ensure a consistent approach towards the provision of street trees in the City of Subiaco
- Increase the city's tree canopy cover reducing the urban heat island effect, improve air quality and contribute to greening corridors
- Preserve, protect and increase the long term viability of city trees on verges and in reserves adjacent development sites
- Provide safe, cool and green access ways for pedestrians, cyclists and vehicles
- Reinforce, preserve and enhance the character of our suburbs
- Direct the most appropriate species and planting techniques for the many potential tree sites in Subiaco - 'the right tree for the right location'
- Increase the number of trees and canopy coverage in Subiaco's streets
- Improve street tree establishment and survival rates
- Guide the maintenance and management of existing and new trees to ensure that they survive and thrive in the harsh urban conditions.

The rationale behind the proposals and changes to improve the current management guideline (Protocol) are as follows:-

### **Street Tree Selection**

Selection of suitable tree species is based on aesthetic and environmental considerations which are evaluated when developing the street tree master plan. An alternative street tree option may be considered when previously unknown factors prove the current street tree selection is inappropriate.

**Planting and Maintenance**

This paragraph outlines the city's tree planting responsibilities including when tree planting will occur. It addresses resident requests to plant an additional and alternative tree species on the verge adjacent their property. If the application is approved, the ownership and maintenance of the tree becomes the responsibility of the city.

**Street Orientation**

This section has been simplified to better explain that the orientation of the street influences street tree selection.

**Street Tree Planting**

Previously when a street tree planting was identified, the city wrote to the adjacent property owner informing them of a street tree planting opportunity. Where two species were identified in the Street Tree Master Plan, the resident was given a choice of nominating their preferred species. The city plants an average of 250 street trees a year but only receives approximately ten responses back from residents.

Due to the ineffectiveness of the resident responses in determining tree species, this requirement has been removed. The adjacent resident will still be notified of the city's species selection for the street tree planting and will be provided with the opportunity to comment.

**Unauthorised Tree Planting**

The city does not support the unauthorised planting of trees on verges, however in response to issues identified with unauthorised tree planting, the city has included a process on the determination of an authorised planting and clearly states that the ownership and maintenance of the unauthorised street tree becomes the responsibility of the city should the tree be deemed an appropriate selection for the streetscape.

**Commercial Streetscape Upgrading**

As all low voltage power lines have been undergrounded in Subiaco, the section on undergrounding power has been removed. The process for large scale removal of trees when upgrading commercial streetscapes has also been removed as it is not applicable.

**Street Tree Pruning**

An introductory paragraph has been included outlining the city's tree pruning responsibilities and minimum standard of pruning, when street tree pruning may be undertaken, the objectives the pruning will achieve and how the city responds to resident requests. This section also outlines that unauthorised tree pruning is prohibited under Activities in Thoroughfares and Public places Local Law 2014.

**Tree Removal**

The tree removal section has been reworded to reinforce the city's commitment to retaining trees as the preservation of existing trees is of prime importance. Additions to when tree removal may be approved by the Manager of Operations and Environment include: the tree is dead, the tree has been assessed by the city as structurally unsound and when the tree has been affected by infrastructure works and the tree cannot be retained.

Previously, when a street tree had been identified for removal, the city wrote to the adjacent property owner, those immediately abutting the property and those opposite the property, a total of four letters per tree. As this process is inefficient, it has been removed. Where a street tree is to be removed, only the adjacent residential property will be advised of the removal and that the tree will be replaced in the next planting season.

### **Tree Pruning and Removal Requests**

Examples of reasons why requests for pruning or tree removal will not be approved has been expanded to address frequently asked questions. Additions include: the species is disliked, the tree is too large, the tree attracts birdlife or other fauna, the tree shape or structure is not liked and that the tree is an inconvenience.

### **Development Sites**

In consultation with Planning and Building, this section has been significantly expanded to address current and future issues associated with increasing urban density while preserving and increasing our urban tree canopy coverage.

The development section includes a brief on why tree preservation is pivotal, the process for requesting tree root and tree branch pruning and the continuation of the verge bond process including the installation of a tree protection zone. This section also discusses the provision of incorrect information when the development application is submitted and the developer's responsibility for any rectification works directly associated with the development works including replacement costs associated with tree removal, tree pruning and/or tree replacement.

### **Tree Protection Zone (TPZ) Requirements at Development Sites**

The installation of a TPZ is a requirement of all building approvals granted within the city. Including the TPZ conditions in the Street and Reserve Tree Management Guideline (Protocols) ensures that any person reading the management guideline (Protocols) is aware of the development conditions.

### **Boring**

The inclusion of boring conditions is vital in preserving the health of the city's existing street trees when works are undertaken within the road reserve and carriageway that have the potential to negatively impact the trees structural root zone. As industry leaders in urban forest management, the addition of the boring conditions sets an aspirational benchmark and encourages service providers to consider the implications of excavation works adjacent trees.

### **Tree Removal and Replacement at Development Sites**

Supporting the section 'Development Sites' this addition expands on the developer's responsibility for any rectification works directly associated with the development works including replacement costs associated with tree removal, tree pruning and/or tree replacement and the conditions of the rectifications works.

### **Vandalism to city Trees**

A brief section outlining the city's process for community members who witness vandalism to city trees.

### **Consultation**

There has been no consultation as part of this report.

### **Strategic Implications**

The adoption of this policy is consistent with key aspects of Council's adopted Strategic Community Plan:

### **Parks, Open Spaces and Places:-**

Objective One: A sustainable environment that is green and leafy.

2.1.1 - Preserve and maintain valued street trees.

Objective Two: A wide range of well used parks, open spaces and public places



2.2.1 - Ensure that parks, open spaces and public places are developed and utilised to maximum benefit for current and future community users.

### **The Built Environment:**

Objective Two: A sustainable city that accommodates and increasing population, whilst maintaining its valued character.

4.21.1 - Identify appropriate locations for increased density, and plan effectively in order to accommodate 3600 new dwellings required by Directions 2031.

### **Council Leadership:**

Objective One: A leading council that is supported by an excellent organisation.

6.1.6 - Be proactive and innovative in its approach to environmental sustainability and climate change, especially resource conservation, recycling and green energy.

### **Statutory and Policy Considerations**

Existing statutory requirements relating to power line clearance of vegetation is relevant to this report. This policy provides for meeting those statutory requirements.

### **Risk and Asset Implications**

Failing to assess and manage the city's urban forest assets proactively increases potential risk and liability.

### **Financial**

There are no financial implications to this report.

### **Social and Environmental Implications**

Environmental and social implications of this policy are to provide a consistent policy framework to protect and enhance the urban forest, achieve attractive well-managed streetscapes; consistent with the objectives of the city's Greening Strategy, Public Open Space in a Drying Climate Policy, Sustainability and Resilience Plan and Wildlife Plan.

### **Attachments**

1. Street Trees (current policy)
2. Street and Reserve Trees (proposed policy)
3. Street Tree Management Guideline (current management guideline)
4. Street and Reserve Trees Policy Guideline (proposed policy guideline)

## P6 LITIGATION POLICY

This item was debated earlier in the meeting. See page 35.

## P7 BENCHMARKING AND CONSULTATION POLICIES

### ELECTED MEMBERS MOTION

Submitted by: Cr Malcolm Mummery

Date: 6 March 2018

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

### COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Richardson/seconded Cr Mansfield

1. That the administration drafts a Benchmarking Policy for consideration by the Policy and Priority Committee to facilitate arrangements to be made with other local governments that are deemed appropriate for ongoing benchmarking of the unit cost of service delivery functions such that an annual comparison of effectiveness can be part of annual reporting;
2. That the administration drafts a policy for consideration by Policy and Priority Committee that establishes qualitative standards for the validity of consultation with our community.

CARRIED ENBLOC 11/0

6.27pm

*Cr Mummery provided the following reasons:-*

#### Benchmarking Policy:

1. The approach is to replace commercially driven benchmarking and deliver validity that is missing from comparison data on the MyCouncil.wa.gov.au website and be both timely (small lead time on results) and owned by staff as a measure of the City's performance.
2. The policy will be part of high-level policy committing to provide Council with reliable and readily understandable information on the relative performance of the City.
3. The group of appropriate local governments to be approached as participants will include those sharing a border with the City of Perth, will not be less than three\*\* but will not exceed 10 unless those seeking to join the group commit to accept the definitions and data gathering processes of existing member LGs.  
\*\* Initially Nedlands and Cambridge.
4. The group will initially be facilitated by an independent senior accounting consultant who will mediate on the establishment of functional definition of comparable service deliveries. The CFOs of participant councils will commit to the ongoing accuracy of costings for deliverable services deemed comparable (all over time but key ones first).
5. Reporting of data needed for agreed benchmarking of unit service delivery costs will be on a confidential basis such that member LGs may only publish their own data together with the anonymous lowest and average values for the rest of the group.

### Consultation Policy

1. The objective of the policy is to ensure that consultation is as statistically valid as it can be and thus, since participation is the key determinant, this policy also will set goals for active encouragement of community members with local affairs for both the sake of wider community welfare and consultation result validity.

### Officer comment:

The City is already participating in the PWC Australasian LG Performance Program. This program collates data from a number of local governments across Australia, with 31 participating LG's in WA, with 64 from NSW, which is increasing to 70 in 18/19. This data is used for internal review but also comparison and benchmarking with comparable LG's. The City will be doing benchmarking with Cambridge, Victoria Park and Mosman Park and inviting Vincent, South Perth, Bassendean, Cottesloe and East Fremantle to also participate in next year's data gathering so the City's data can be compared their data as well.

As this structure is in place already there is no need to start a new process for benchmarking and any policy developed could be based on this program.

### Consultation Policy

Policy 1.1 Community Consultation was re-adopted by Council at the 27 February 2018 meeting with no changes. The objective of this policy is to ensure that members of the community are informed about and consulted on matters that affect them, and for their feedback to be given due consideration in the decision making process. The City of Subiaco undertakes community consultation activities to gain a broad spectrum of feedback. Consultation materials are developed to provide clear, balanced and useful information to the community. Consultation reports include analysis of feedback and participants involved.

## 10.2 EMPLOYEE REPORTS

### C1 NO. 21 (LOT 93) YILGARN STREET, SHENTON PARK – TWO STOREY ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE\*

This item was debated earlier in the meeting. See page 14.

Cr Richardson left the chamber at 8.13pm and returned at 8.15pm.

### C2 REPORT TO CONSIDER SCHEME AMENDMENT NO. 32 FOLLOWING RE-ADVERTISING – SUBIACO ACTIVITY CENTRE PLAN AMENDMENT\*

#### REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES

**Author:** Planning Officer, Oscar Thomson

**Date:** 17 April 2018

**File Reference:** A/4399

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

#### OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Gedero/seconded Cr Mansfield

##### That Council:-

1. Pursuant to clause 51(7) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, note the submissions received during the re-advertising period contained in Attachment 1;
2. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to support the amendment for final approval subject to modifications contained in Attachment 2;
3. Authorise the Mayor and Chief Executive Officer to execute the relevant modified Scheme Amendment documentation contained in Attachment 3.

CARRIED 10/1

CR MATHESON VOTED AGAINST

8.17pm

#### Executive Summary

The purpose of this report is to consider the submissions received during the readvertising of Amendment No. 32 to Town Planning Scheme No. 4 (TPS 4) and to provide a recommendation to the Western Australian Planning Commission (WAPC) and Minister for Planning.

Amendment No. 32 relates to land in the Subiaco Activity Centre Plan (SACP) and seeks to provide important development provisions of the SACP with the statutory weight of TPS 4. Furthermore, Amendment No. 32 removes inconsistencies between TPS 4 and the North Subiaco Structure Plan (NSSP), enabling the intended development standards of the NSSP to take effect.

Following readvertising, a number of additional modifications to Amendment No. 32 are recommended to:-

- Remove any reference to land recently incorporated into the Subiaco Redevelopment Scheme No. 2 (SRS 2);

- Ensure new provisions are consistent with wording in the SACP; and
- Correct typographical errors.

Amendment No. 32 is a key planning instrument to provide the Council, community and developers certainty in applying important development standards including height, setbacks, storeys and maximum plot ratio. It is recommended that Council recommend to the WAPC that the amendment be supported with proposed modifications.

### **Background**

The gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) clarified that activity centre plans and structure plans are to be given *due regard* in the assessment of planning proposals.

In light of this, the SACP as approved by the WAPC in November 2017, is not given the statutory weight that it otherwise would have had prior to the gazettal of the LPS Regulations. In order to grant the appropriate statutory weight to particular provisions of the SACP and to provide certainty to applicants and the community, an amendment to TPS 4 is required to insert specific provisions into TPS 4. Accordingly, on 28 March 2016, the City initiated Scheme Amendment No. 32 and advertised the amendment for a period of 42 days from 30 June 2017 to 12 August 2017.

Following public consultation, the City determined that a number of modifications were required to address the submissions received, to simplify the amendment and to ensure elements of the amendment are consistent with draft Local Planning Scheme No. 5, which was adopted by Council on 8 August 2017.

On 12 December 2017, Council resolved pursuant to regulation 51 of the LPS Regulations to advertise modifications to the amendment, primarily to:-

- Extend the Centre zone to the entire area of the SACP;
- Resolve conflict between existing provisions in TPS 4 and the provisions set out in the SACP and the (NSSP); and
- Simplify the new SACP development standards by inserting a new Schedule 9 into TPS 4.

As the recommended modifications above were considered significant, and proposed a substantial rezoning of land to *Centre* zone it was considered necessary that the City advertise the proposed modifications to Amendment No. 32 in accordance with the LPS Regulations.

### **Detail**

The purpose of this report is to consider the submissions received during the re-advertising period and any recommended modifications.

The modifications that were previously advertised are summarised as follows:

1. Extend the Centre zone to the entire area of the SACP;
2. Zone No. 100 Roberts Road, Subiaco (Telethon Site) from *unzoned land* to *Commercial/Residential zone* to be consistent with the NSSP;
3. Modify the land use permissibility table for consistency with modification 1 above;
4. Modify Clause 28 of TPS 4 to remove discretion over provisions in the proposed new Schedule 9;
5. Modify the maximum building heights and plot ratios for Commercial/Residential land east of Townshend Road, for consistency with the NSSP;

6. Insert a new clause to set maximum building heights for the land north of Subiaco Road;
7. Modify the objectives of the Centre zone to refer to the need to plan for a development the land as an activity centre, for consistency with the LPS Regulations;
8. Refer all development within the new Centre zone to the proposed new Schedule 9;
9. Remove the proposal to insert a special control area and local development plan provisions into the scheme;
10. To ensure the amendment is consistent with the SACP's approach to the Pavilion Markets site.

During public consultation, the City did not receive any objections to the modifications proposed, accordingly, the majority of the modifications are recommended to be supported. In response to submissions received, additional minor modifications are recommended to correct typographical errors and ensure the amendment is consistent with the SACP. Furthermore, Modification 6 above and a previous proposal to rezone the land north of Subiaco Road to *Residential R-AC0* are recommended to be deleted, as the subject land is no longer within the planning jurisdiction of the City of Subiaco.

All recommended modifications are shown in Table 1 below:-

**Table 1 - Recommended of Modifications**

No.	Modification	Comments
1.	Delete "Rezone lots bound by Hamilton Street, Subiaco Road, Haydn Bunton Drive and Railway Parade from "Residential R80" to "Residential R – AC0"	This land is no longer within the jurisdiction of the City of Subiaco Town Planning Scheme No. 4.
2.	Modify "That subclause 28(4) does not apply to 45(1)9a), 45(1)(b), 45(4), 48(4), 51(3) and Schedule 9." To delete the reference to clause 51(3) and replace it with 51(4).	To correct a typographical error from the original amendment initiation report.
3.	Modify the proposed modifications to clause 42(2)(b) to delete reference to "Catherine Street" and replace with "Townshend Road"	To ensure that the provision applies to its intended land.
4.	Delete the proposed new subclause 42(5) in its entirety	This land is no longer within the jurisdiction of the City of Subiaco Town Planning Scheme No. 4.
5.	Delete the need to renumber clauses accordingly	Consistent with modification 4 above.
6.	Modify clause 53(g) to insert the word "an" between the words "as" and "urban village".	To correct a typographical error.
7.	Modify Clause 3(a)(iv) of Schedule 9 to delete the reference to "lot" and replace it with "street"	For consistency with the Subiaco Activity Centre Plan.

## **Comment**

### **Catherine Street/ Townshend Road Modifications**

Following the public consultation process, a number of modifications are recommended to address the submissions received, primarily to correct a reference to Catherine Street and replace it with Townshend Road which is what it was intended to read.

### **Subiaco Redevelopment Scheme 2 Modifications**

On 23 March 2018 SRS 2 was published in the Government Gazette, which formally transfers planning control of affected land to the MRA. On 13 March 2018, the WAPC NSSP and directed the City to modify the NSSP to remove all reference to the land now under the jurisdiction of the MRA. Accordingly, some elements of Amendment No. 32 are no longer relevant as the City no longer has planning jurisdiction over the affected land. These provisions are recommended to be deleted through additional minor modifications. The remaining recommended modifications are in response to consequential changes that occurred as a result of other proposed modifications, to correct identified typographical errors or to ensure the amendment is consistent with the provisions of the SACP.

As there were no objections to any of the advertised modifications, they are recommended to be supported by Council except as modified in **Table 1** above.

The modified Scheme Amendment No. 32 simplifies the integration of key development standards of the SACP into TPS 4, addresses the submissions received and ensures consistency with the approved SACP. Accordingly, it is recommended that Council support the amendment for final approval with recommended modifications, and seek the support of the WAPC and subsequent approval of the Minister for Planning.

## **Consultation**

Scheme Amendment No. 32 was initially advertised for a period of 42 days from 30 June 2017 to 12 August 2017 and received 17 submissions. Following consideration of these submissions, significant modifications to the amendment were proposed which Council resolved to advertise for a period of 35 days, commencing on 12 January 2018 and concluding on 16 February 2018.

The City received five submissions, of which three supported the proposal and two objected to aspects of the already approved SACP as provided in Table 2 below. The submissions from the initial advertising of the amendment were addressed in the previous report to Council (Attachment 4) and are not restated in this report.

One of the submissions received identified an error in the modified amendment, accordingly, the wording of clause 42(2)(b) has been modified to remove the reference to 'Catherine Street' and be replaced with 'Townshend Road'.

A summary of the valid planning considerations raised during consultation is included in Table 2 below:-

**Table 2 - Summary of Submissions**

<b>Comment/Issue Raised</b>	<b>City's Response</b>
Request to rezone four properties in Daglish for commercial purposes.	The request to rezone 4 residential properties as part of Amendment No. 32 is not supported as this would be an adhoc rezoning without proper justification and due consideration in accordance with the principles of orderly and proper planning.

Request to modify the boundary of the Subiaco Activity Centre Plan to include properties in Daglish within a 'transition area'.	The SACP was advertised for public comment in June 2016 and was formally approved by the WAPC on 14 November 2017. Any amendments to the SACP are to be undertaken in accordance with the process outlined in the LPS Regulations.
Objection to the building heights contained within the Approved Activity Centre Plan.	The Subiaco Activity Centre Plan was formally approved by the WAPC in November 2017, any submissions regarding the buildings heights of the plan should have been submitted during public consultation for the SAPC in June 2016.
Submission noting that the land description contained within the heading of clause 42(2)(b) is not correct	A modification is recommended to correct this in <b>Attachment 2</b> .
Objection to the SACP approach to require development above 4 storeys to be setback from the street, irrespective of actual height.	The amendment implements key provisions consistent with the approved Subiaco Activity Centre Plan, which requires development above 4 storeys to be set back from the primary street, boundary irrespective of actual height. Any amendments to the SACP are to be undertaken in accordance with the process outlined in the LPS Regulations.

### **Strategic Implications**

The proposed amendment will ensure that TPS 4 and the City's approach to planning is aligned with the current planning framework and best planning practice to assist with the transition to LPS 5. These provisions will provide the City with certainty on key matters of the SACP.

The amendment to TPS 4 is consistent with the objectives, strategies and actions in the Local Planning Strategy, specifically those relating to Population and Housing, Economy and Employment/Retail and Commerce, and Community Facilities/Recreation and Open Space. It is also consistent with focus areas three to five of the Strategic Community Plan:-

- Subiaco is a popular destination for everyone. There is a lively atmosphere, an exciting range of entertainment options and local businesses are well-positioned to generate wealth.
- Our heritage buildings, places and streetscapes are protected and maintained, and new developments have been integrated with a respect for this heritage. The city has planned effectively for the increased residential population and business community.
- There is a range of sustainable transport options and supporting infrastructure available, making it easy to get into and around the city.

### **Statutory and Policy Considerations**

Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the requirements relating to TPS 4 amendment process.

Section 75 of the *Planning and Development Act 2005* outlines the statutory provisions relating to Local Planning Scheme Amendments.



**Risk and Asset Implications**

The amendment intends to create certainty about key development standards, such as building height and limit the decision maker's discretion associated with the SACP. Further modifications required by the WAPC may require further public consultation.

**Financial**

There are no financial implications associated with the recommendations of this report.

**Social and Environmental Implications**

There are no environmental or social implications associated with the recommendations of this report.

**Attachments**

1. Schedule of Submissions
2. Schedule of Modifications
3. Modified Scheme Amendment Report
4. Extract of Minutes of Council – 12 December 2017

**C3 EXTENSION TO TERM OF DEVELOPMENT APPROVAL FOR DA 7.2016.14.1  
– 25 ROWLAND STREET SUBIACO (DA 7.2017.163.1)\***

This item was debated earlier in the meeting. See page 23.

Cr Nash left the chamber at 8.18pm and returned at 8.20pm.

**C4 TENDER A/4722 – SUPPLY AND DELIVERY OF ONE SIDE LOADER  
RUBBISH COLLECTION COMPACTOR TRUCK\***

**REPORT FROM DIRECTOR TECHNICAL SERVICES**

**Author:** Acting Manager Transport and Infrastructure  
Development, Gray Stead  
**Date:** 26 March 2018  
**File Reference:** A/4722  
**Voting Requirements:** Simple - more than half elected members present  
required to vote in favour

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Gedero/seconded Cr Mummery

**That Council awards tender A/4722 for the supply of one side loader rubbish collection compactor truck, to Truck Centre WA Pty Ltd, for the lump sum price of \$410,400 (excluding GST).**

CARRIED 11/0  
8.21pm

**Background**

Vehicles due for replacement in the city's waste fleet had been postponed pending the outcome of the waste services review. At its Ordinary Council Meeting held on 25 October 2016 Council resolved in part to:-

- 1 *Not accept the two tender submissions received for the provision of waste collection services as they were non-compliant.*

As a result the city will continue to provide in house waste collection and recycling services. Two rear loading rubbish collection vehicles were ordered last financial year and a third was ordered earlier this year as part of the fleet management replacement program. As part of the November 2017 budget review an allocation is included for the replacement of the city's side loading waste truck. This is the last outstanding waste vehicle due for replacement.

The purpose of this report is to recommend to Council that tender A/4722 for the supply and delivery of one side loader rubbish collection compactor truck be awarded to Truck Centre WA Pty Ltd for the lump sum price of \$410,400 (excluding GST).

**Comment**

A request for tender was advertised in *The West Australian* and Tenderlink on 24 February 2018 in accordance with the requirements of the *Local Government Act 1995*.

At the close of the tender period on 21 March 2018, three submissions were received from the following companies:-

1. Daimler Trucks Perth;
2. Truck Centre WA Pty Ltd;
3. AV Truck Services.

#### *Assessment Criteria*

The tender document specified that tenders submitted would be assessed against general compliance criteria, specific qualitative criteria and value for money.

The submissions from the three tenderers were assessed against the following qualitative criteria:-

<b>Selection Criteria</b>	<b>Weightings</b>
Relevant experience in providing similar goods	60%
Demonstrated understanding of the required tasks	35%
Environmental assessment	5%

The tender evaluation panel, consisting of city officers assessed the submissions against the qualitative criteria, as detailed above. All tenderers were considered to have the capacity to provide side loading waste trucks in accordance with the specification. A quantitative assessment was subsequently carried out on the tender prices submitted (confidential attachment: tender qualitative and quantitative assessments).

Following the combined assessment of the qualitative and quantitative criteria and based on best value for money, Truck Centre WA Pty Ltd ranked the highest and is considered to be the most suitable for the city's requirements.

#### **Consultation**

There was no consultation undertaken as part of this request for tender.

#### **Strategic Implications**

Key Focus Area 6.1.6 of the Strategic Community Plan provides that the city "Be proactive and innovative in its approach to environmental sustainability and climate change, especially resource conservation, recycling and green energy." This tender supports that objective by providing a low emission (EURO VI rated) truck to meet the city's current and future waste service needs.

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

The Local Government Act 1995 Clause 3.57 and the Local Government (Functions and General) Regulations 1996, Part 4, Clauses 11 to 24 applies to tender requirements. The tender process has been undertaken in accordance with the city's Purchasing Policy.

#### **Risk and Asset Implications**

There is a financial risk of increased plant operating costs should this tender not be awarded.

The tender relates to the replacement of one city waste truck assets in accordance with the Strategic Financial Plan.

**Financial**

An allocation of \$470,000 is included in the 2017/18 budget for the purchase of one new side loading waste truck.

Should the contract not be awarded as recommended in this report the city will incur higher operating (maintenance) costs for the continued operation of a waste truck that is scheduled to be replaced.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachments**

1. Tender qualitative and quantitative assessments (Confidential)

Cr McMullen left the chamber at 8.22pm and returned at 8.25pm.

Cr Stroud left the chamber at 8.28pm and returned at 8.30pm.

## **C5 TECHNICAL SERVICES FIVE YEAR CAPITAL WORKS PROGRAM\***

### **REPORT FROM DIRECTOR TECHNICAL SERVICES**

**Author:** Acting Manager Transport and Infrastructure Development - Gray Stead  
**Date:** 29 March 2018  
**File:** A/594  
**Voting requirements:** Simple - more than half elected members present required to vote in favour

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

Moved Cr Gedero/seconded Cr Davis

**That Council adopts the Technical Services Five Year Capital Works Program as attached to this report, which forms the basis for future annual Capital Works Programs, with year 2018/19 of each program being included in the draft budget.**

CARRIED 11/0  
8.31pm

#### **Background**

The purpose of this report is to submit a rolling Technical Services Five Year Capital Works Program to Council for the period of 2018/19 to 2022/23.

#### **Comment**

Development of the Five Year Capital Works Program provides for the projected capital outlay and identifies the funding source which includes renewal and upgrade of existing assets and construction of new assets.

The city uses a combination of reserve funding and capital grants to undertake its capital works program in accordance with the parameters contained within the city's Strategic Financial Plan.

Whilst a significant amount of work has gone into the creation of this capital works program, it's important to note that the projects listed (apart from those listed for 2018/19, which form the basis of the draft budget) are subject to change. This program should therefore be considered a "rolling" 5 Year Capital Works Program and be reviewed throughout each year to ensure priorities remain the same. If priorities change, the plan will be modified and if appropriate reported to Council.

The report provides a tabulated list of individual projects by asset class along with a brief description.

**Significant Projects**

It should be noted that the following projects are not included in this capital works program and will be considered separately in the 18/19 budget development and they are:-

**Tom Dadour Community Centre**

Following an assessment of the city's Community facilities it is apparent both the Tom Dadour Community Centre (TDCC) and the Subiaco Community Centre are underutilised, particularly following the outsourcing of the HACC services. In addition both of these centres are somewhat limited in their functionality and are reaching the end of their useful life. There will be a future report presented on this project.

**Engineering and Environment Administration Office**

The City has agreed to the relocation of its existing Operations Centre located at 2 Upham Street, Jolimont. The business case was endorsed by the City in December 2017. This project includes:-

- Relocation of all Technical Services Administration functions to a new single storey office building to be constructed at 13 Bishop Street, Jolimont.
- Relocation of all semi-industrial Depot operations to a Leased Site at John XXIII Avenue in Mount Claremont.
- Potential disposal of the Upham Street Operations Centre Site

**Rokeby Road South Streetscape**

Subject to a separate report.

**Note**

Capital works for the city's building portfolio is restricted to 2018/19, due to a comprehensive condition assessment currently in progress, which is expected to be completed by May 2018.

This building condition assessment will allow the city to evaluate the physical condition of the building portfolio, list any existing deficiencies and determine the remaining useful life of each building which will support long-term capital planning.

On its completion, projects for the next 10 years will be identified and the 5 Year Capital Works Program will be updated accordingly.

In the first year (2018/19) of the program the city has funding and municipal funds set aside to resurface Hay Street from Thomas Street to Coghlan Road. The grant funding was carried forward in order to coincide with the possible implementation of the Hay / Roberts two way project. If the city does not carry out the works we will lose the funding and the road will deteriorate significantly. Carrying out the resurfacing in 2018/19 will fit in with any future two way project.

**Consultation**

Public consultation was not required to the development of this recommendation, however will be undertaken as part of the project planning and implementation for individual projects.

**Strategic Implications**

These projects in this report support the aim of the Strategic Community Plan, specifically:-

Focus area Five	Strategy 5.1.1 Manage and plan our road networks to reduce congestion, while incorporating the increasing population and major developments.
Focus Area Five	Strategy 5.2.4 Improve and enhance the city's pedestrian and cycle network.
Focus Area Two	Objective Two, Strategy 2.2.1: Redevelop Lake Jualbup and surrounding parkland.
Focus Area Two	Strategy 2.1.1 Preserve and maintain valued street trees
Focus Area Two,	Strategy 2.1.3 Manage the city's parks and greenery in a way that is waterwise
Focus area Two,	Strategy 2.2.1 Ensure that parks, open spaces and public places are developed and utilised to maximum benefit for current and future community members.

### **Statutory and Policy Considerations**

The program has been prepared in accordance with the various Council policies.

### **Risk and Asset Implications**

The risk of not developing and maintaining a long term rolling 5 Year Capital Works Program would result in poor financial and asset management.

Should the assets not be maintained, renewed or upgraded to an acceptable industry standard, the risk of failure to that asset and possible resultant injury and trauma to the community could result.

### **Financial**

The proposed expenditure is consistent with the Strategic Financial Plan. Identifying projects in this timeframe allows the city to seek significant funding grants from government, reducing the potential financial burden on the city.

Subject to Main Roads WA approval of Blackspot and Metropolitan Regional Road Group projects (MRRG), the State Government funds two thirds of the cost of both programmes. The city is required to fund the remaining one third of the cost.

The Direct Local Road Grants will continue to generate an income of approximately \$35,000 per year, whilst the Federal Roads 2 Recovery Program will continue with a likely income of \$105,000 per year for local roads.

Table 1 below summarises the proposed financial implications for the following 5 years.

Table 1 – Financial Summary

<b>Financial Summary of Technical Services Five Year Capital Works Program</b>					
	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Total Capital Works	2,844,492	3,994,735	3,581,951	3,910,067	4,395,322
Proposed Grant Funding	(822,870)	(1,172,933)	(573,333)	(623,333)	(1,040,000)
Transfer from Reserves	2,021,622	2,821,802	3,008,618	3,286,734	3,355,322

As the capital works projects are fully funded from grants or reserve fund transfers, there are no municipal fund savings if a project is deleted from the program.

**Social and Environmental Implications**

The social implications of this report relate to the renewal and upgrade of all assets within the Technical Services area of responsibility, which benefits the community with improved amenities and safety and a potential reduction to the city's public liability exposure.

There are numerous positive environmental implications of this report, related to progressively increasing stormwater infiltration, improving stormwater quality and increased tree planting.

**Attachment**

1. 5 Year Capital Works Program listing the individual capital projects per asset class with estimated construction costs in line with the city's Strategic Financial Plan.



**C6 BUDGET REVIEW - MARCH 2018****REPORT FROM DIRECTOR CORPORATE SERVICES**

**Author:** Manager Financial Services, (Bianca Jones)  
**Date:** 4 April 2018  
**File Reference:** A/1049  
**Voting Requirements:** Absolute Majority - 7 elected members required to vote in favour

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Mummery/seconded Cr Richardson

**That Council adopts the amendments to the 2017/2018 annual budget, as detailed in the attached schedule.**

CARRIED BY AN ABSOLUTE MAJORITY VOTE 11/0

8.33pm

**Background**

The purpose of this report is to recommend to Council a number of re-allocations to its adopted Budget for the 2017/2018 financial year. There are also instances that arise during the year that require adjustments to the adopted Budget. The budget adjustments as detailed have a nil effect on the budgeted surplus/deficit position, that is, the budget remains as a balanced budget.

**Comment**

Managers reviewed the expenditure and revenue under their control and assessed their progression towards the annual budget. Where necessary and possible they are required to take remedial action to contain expenditure within budget or achieve budgeted revenue. Where remedial action is not possible they are required to seek adjustment through this budget review process. Managers are required to identify offsetting reductions in expenditure or increases in revenue to compensate for over expenditures within their own area of control before seeking re-allocations within their directorate, or seeking agreement from other directorates. In addition where Council has made decision that have budget implications, funds have been provided to enable implementation of those decision.

Budget review items are detailed in Attachment Two of this report, however some of the larger items are explained below:-

- As part of the budget review process, where changes have been made, corresponding adjustments to overhead allocation are required. These are accounting entries only and do not affect the operating surplus/deficit.
- Carried forward budgets were adjusted as part of the November 2017 budget review to account for delays in completing works and the resulting payments in the 2017/18 financial year. However there were some capital works in progress at various toilet facilities that were not adjusted at that time. A budget of \$80,000 has been included as part of this review with funding from reserve. In addition to this there has been further budget reallocation of \$85,000 from the Abrahams Reserve toilets to other toilet facilities within the city as this asset is no longer owned by the city.
- Budget of \$49,500 applied for insurance dividend payment received for good claims history in relation to the city's 2016/17 insurance premiums.

- Budget reduction of \$73,000 applied to interim rates due to delays in completion of large scale development projects.
- Budget reallocation of \$70,000 from salaries budgets to agency relief budgets as labour hire has been used in some areas to cover short term vacancies.
- Budget reduction of \$230,000 to parking infringements offset by an increase in parking revenue across various car stations, largely in relation to the area near Princess Margaret Hospital resulting from the delay in relocation of the hospital service.
- Budget reduction of \$185,000 to Lords Recreational Facility revenue due to a reduction in membership numbers and attendance. This has been offset by corresponding reductions in Lords expenditure budgets.
- There has been an increase of \$123,000 to the Lake Jualbup Park Improvement budget to undertake Stage 3 of the proposed works. This has been offset by budget reductions applied to various road and footpath projects.
- A budget of \$64,000 has been applied to Cardigan Terrace to install speed cushions and complete road resurfacing and linemarking near the Jolimont Primary School crossing. There have been corresponding budget reductions to other road improvement jobs to undertake these works.
- A budget reduction of \$123,000 has been applied to the Denis Street road improvement job as the project is no longer going ahead. Corresponding adjustments have been applied to the grant and reserve funding budgets.
- A budget has been applied to undertake irrigation works at Rosalie Park. This has been reallocated from the Lake Jualbup project whilst awaiting the Section 18 approval. Item will be included in the city's Strategic Financial Plan.

<b>SUMMARY OF MARCH BUDGET REVIEW ADJUSTMENTS</b>	
Reduction to Operating Revenue budgets	(185,000)
Adjustment to Operating Expenditure budgets to offset revenue reduction	185,000
Capital Expenditure adjustments	42,070
Reduction in grant revenue for capital works not proceeding	(82,480)
Transfer from Reserves associated with capital projects	40,410
<b>TOTAL</b>	<b>0</b>

### **Consultation**

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

### **Strategic Implications**

The review further advances 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 rates burden on the ratepayer at a reasonable level.

**Statutory and Policy Considerations**

Section 6.2 of the Local Government Act 1995 requires each local government to prepare and adopt its annual budget by absolute majority. Since the review is amending the City's annual budget, an absolute majority is similarly required.

Council's policy 10.4 requires reviews of the annual budget in November and March each year.

**Risk and Asset Implications**

It is a statutory requirement for local governments to review its budgets following adoption of the annual financial statements to allow adjustments to carried forward funds. Council is required to maintain a balanced budget and the adjustments as detailed in the attachment brings the budget back into balance.

The impact on the city's assets is detailed in the attachment as adjustments to capital works.

**Financial**

The detailed financial implications of this report are contained within the attached schedule. This budget review has shown that the City is progressing towards its budgeted objectives for the 2017/2018 year, addressing council decisions and unfunded projects.

**Social and Environmental Implications**

There are no social or environmental implications for this report, other than the initiatives addressed within the review.

**Attachment/s**

1. Revised Rate Setting Statement (1 page)
2. March 2018 Budget Review Summary (2 pages)

## C7 FINANCIAL STATEMENTS AND REPORTS FOR THE MONTH ENDING 31 MARCH 2018

### REPORT FROM DIRECTOR CORPORATE SERVICES

**Author:** Manager Financial Services, Bianca Jones  
**Date:** 6 April 2018  
**File ref:** A/122-08  
**Voting requirements:** Simple - more than half elected members present required to vote in favour

#### OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Mansfield/seconded Cr Mummery

**That the financial reports for the period ending 31 March 2018, incorporating the following items, be endorsed:**

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

CARRIED 11/0  
8.39pm

#### Background

The monthly financial reports provide an overview of the City's financial performance. These reports represent the financial position at 31 March 2018.

#### Comment

##### *Financial activity statement report*

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

##### *Balance sheet*

The City has current assets of \$72,247,088. The major components of which are; cash and investments of \$69,896,301, rates debtors of \$1,057,170, and sundry debtors of \$1,878,198 (including Modified Penalties). There are current liabilities totalling \$5,248,122 and cash backed reserves of \$52,784,345. The City's net current assets equal \$66,998,965 less restricted assets (Reserves) of \$52,784,345 resulting in a net current position of \$14,214,620.

##### *Cash flow statement*

Net cash provided by operating activities is \$13,584,542 for the period to date. The net cash used in financing activities is (\$347,032). Overall the cash flow statement shows that the City is well placed to meet its budgeted obligations.

*Cash backed reserves summary*

The closing balance of cash backed reserves is \$52,784,345. The reserve summary shows all movements to and from reserve to achieve the expected closing balance. The report provides information on the City's ability to allocate funds for future projects by providing a closing balance comparison to budget. Reserve movements are reconciled and adjusted in December and June each year and where major movements are planned adjustments are also made to reserves in that period.

*Aged trial balance (debtors)*

The report provides a listing of outstanding debts payable to the City of Subiaco. The balance of debts outstanding at 31 March is \$1,878,198.

All debts that have been paid after the end of month have been highlighted on the attached report. Payments of \$11,552 were received after 31 March, reducing the balance of debts outstanding to \$1,866,646 at the time of preparing the debtors report.

The West Australian Football Commission will require a credit adjustment for all Emergency Services Levies paid in the 2018 financial year due to the management of Subiaco Oval being passed to the Western Australian Government. All amounts paid in the 2018 financial year will need to be returned to the WAFC after the Department of Fire & Emergency Services has refunded all amounts to the City.

The invoice to DM Civil represents their contribution towards rectification of asphalt work on Hay Street. Follow up was made in early January and DM Civil agreed to pay the outstanding invoice, however payment has not yet been received at the time of preparing this report. Further follow up is in progress.

The outstanding balance by Timber Holdings Pty Ltd is for rates and rent. Timber Holdings Pty Ltd has entered into a payment arrangement in relation to their rates. A further payment arrangement is yet to be agreed in relation to the outstanding rent.

Cooper & Oxley have entered voluntary administration. Amounts owing by Cooper & Oxley will be paid to the City as part of the administration process.

The outstanding balance for Chelmsford House Pty Ltd & Jaimi Pty Ltd, is for annual rates which have been raised via invoice in full and should be cleared by 30 June 2018.

*Rates reconciliation summary*

Total rates, FESA and waste service charges levied for the year are \$31,915,775. The payments received to date total \$30,739,576 which includes pensioner rebates claimed from State Treasury of \$890,521. A reconciliation of the rates and waste service charges is included in the attachments. These payments and reductions resulted in a balance outstanding for rates and waste service charges of \$1,176,199 (including Deferred Pensioner Rates).

*Summary of cash and investments*

The City currently holds financial investments of \$68,091,345.

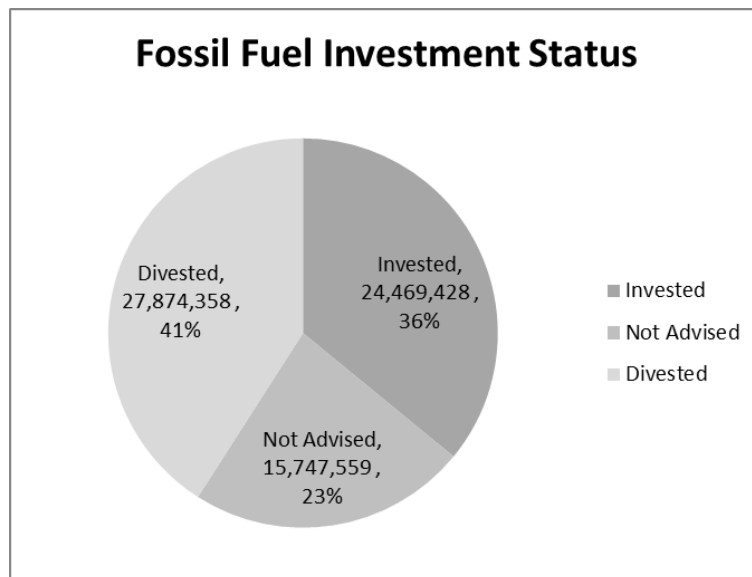
The city's investment policy operates with a view to maximising income and capital growth in relation to liquid assets. For short term liquid investment assets the policy requires that no more than 30% is to be invested with any one institution. The table below shows the current percentage of investments held with each institution.

Institution	Total Investment (Municipal)	Total Investment (Reserves)	Total Investment	%	Fossil Fuels
ANZ	-	6,627,600	6,627,600	<b>10%</b>	Invested
Bankwest	9,307,000	6,440,559	15,747,559	<b>23%</b>	Not Advised
Bendigo	-	9,411,158	9,411,158	<b>14%</b>	Divested
CBA	3,000,000	22,628	3,022,628	<b>4%</b>	Invested
NAB	1,000,000	13,819,199	14,819,199	<b>22%</b>	Invested
Suncorp	2,000,000	16,463,200	18,463,200	<b>27%</b>	Divested
	<b>15,307,000</b>	<b>52,784,345</b>	<b>68,091,345</b>	<b>100%</b>	

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. The table below shows the current value of investments held at each credit rating permitted by the policy.

Standard & Poors Short-Term Issue Credit Ratings						Total	%
A-1	18,463,200	A-1+	40,216,987	A-1-	-	58,680,187	86%
A-2	9,411,158	A-2+	-	A-2-	-	9,411,158	14%
						68,091,345	100%

The table below shows the current investment in fossil fuel divested institutions.



Fossil Fuel	Total	%
Invested	24,469,428	<b>36%</b>
Not Advised	15,747,559	<b>23%</b>
Divested	27,874,358	<b>41%</b>
	<b>68,091,345</b>	<b>100%</b>

A summary of the cash and investments holdings is included in the attachments

#### *Payment to creditors*

Payment from the City's accounts for the period totalled \$5,145,644. Cheques were drawn and electronic fund transfers processed to the value of \$4,235,295 from the municipal fund \$2,300 from the trust fund for payment of creditors. Employee payments, made via electronic funds transfer totalled \$908,050 for the period. Payment details for the month are contained in the payments cash book and credit card payments summary attached.

### *Credit card payment summary*

Payment for purchases made by the City using the City's corporate credit cards totalled \$5,781. A reconciliation of the credit card transactions is included in the attachments.

### **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 2017/2018 is essentially in line with its budget.

### **Social and Environmental Implications**

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

### **Attachments**

1. Financial activity statement report (2 pages)
2. Balance Sheet (2 pages)
3. Cash Flow Statement (2 pages)
4. Cash backed reserves summary (1 page)
5. Aged trial balance (debtors) (2 pages)
6. Rates reconciliation and summary (1 page)
7. Summary of cash and investments (2 pages)
8. Payments cash book and schedule of accounts March 2018 (63 pages)
9. Credit Card payment summary March 2018 (1 page)

## C8 RECRUITMENT OF CHIEF EXECUTIVE OFFICER (TERMS OF CONTRACT)

### REPORT FROM DIRECTOR CORPORATE SERVICES

**Author:** Director Corporate Services, Scott Hawkins  
**Date:** 7 April 2018  
**File Reference:** A/4812  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

#### OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Gedero/seconded Cr Nash

**That Council approve for the position of Chief Executive Officer:-**

1. **A remuneration package offering: salary, plus superannuation, motor vehicle or allowance, and other benefits as set by the Salaries and Allowances Tribunal (SAT), within the range of SAT level 2 banding;**
2. **A Contract term of 5 Years.**

CARRIED 10/1  
 CR MATHESON VOTED AGAINST  
 8.43pm

#### Background

On Tuesday 27 March 2018 Council resolved a panel consisting of Mayor, Deputy Mayor, Councillor Nash, and Councillor McAllister be selected to form the recruitment panel with the appointed human resource consultant.

The city is currently seeking quotes from human resource consultants, preparing the model contract, position description and selection criteria for review and advertising of the position.

The purpose of this report is to set the remuneration package including benefits and term of contract offered for the position of Chief Executive Officer (CEO) to enable advertising of the position under regulation 18A (2).

#### Comment

In accordance with section 5.39(7) of the *Local Government Act 1995* (the Act), a local government is to take into account the recommendations contained in the report of the Salaries and Allowances Tribunal as to the remuneration to be paid to a CEO. The City is a band two council and the remuneration range was set at \$204,455 - \$316,586 effective July 2017. The SAT determination for 2018 is anticipated to be published within the next few weeks.

The requirement for advertising of the position of CEO under *Local Government (Administration) Regulation 18A (1)* is for the position to be advertised in a newspaper circulating generally throughout the State. Regulation 18A (2) prescribes the minimum requirements to be included in an advertisement for the position of CEO as follows:-

- (a) The details of **the remuneration and benefits offered**;
- (b) Details of the place where applications for the position are to be submitted;
- (c) The date and time for the closing of applications for the position;
- (d) The **duration of the proposed contract**;
- (e) Contact details for a person who can provide further information about the position; and
- (f) Any other information that the local government considers is relevant.



Regulation 18F requires that the remuneration and other benefits paid to a CEO upon appointment are not to differ from the remuneration and benefits advertised for the position.

The ***Salaries and Allowances Tribunal Determination*** for Local Government Chief Executive Officers states the typical components of a Total Remuneration Package include:-

- a. Base salary;
- b. Annual leave loading;
- c. Associated FBT accrued (total annual amount of fringe benefits tax paid by the Local Government for all fringe benefits provided to a CEO);
- d. Association membership fees;
- e. Attraction/retention allowance;
- f. Personal benefit value of the provision of a motor vehicle for private use (if applicable)
- g. Cash bonus and performance incentives;
- h. Cash in lieu of a motor vehicle;
- i. Fitness club fees;
- j. Grooming/clothing allowance;
- k. Health insurance;
- l. School fees and/or child's uniform;
- m. Superannuation (all mandatory and non-mandatory employer superannuation contributions);
- n. Travel or any other benefit taken in lieu of salary;
- o. Travel for spouse or any other member of family;
- p. Unrestricted entertainment allowance;
- q. Utilities allowance (any water, power or other utility subsidy provided to the CEO); and
- r. Any other form of payment, in cash or not, in consideration of a reward or benefit of the CEOs duties.

The exclusions from the Total Remuneration Package are:-

- a. Regional/isolation allowance
- b. Housing allowance
- c. Employer obligations such as professional development (restricted to the CEO), reimbursement for genuine work expenses or the cost of recruitment and relocation expenses; and
- d. Those items that are considered to be a tool of trade by the Local Government (i.e. the equipment needed to undertake the duties of a CEO) and which are not a direct or indirect reward or benefit for the performance of duties as a CEO.

It is recommended that the position be advertised with a Total Remuneration Package *set in accordance with SAT level 2 banding, allowing the successful applicant to negotiate suitable benefits and for a term of 5 years.*

### **Consultation**

No public consultation is required in relation to 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**

In undertaking the recruitment process for appointing a Chief Executive Officer, Council needs to comply with the requirements of the *Local Government Act 1995*; *Local Government (Administration) Regulations 1996*; *Equal Opportunity Act 1984*; *Industrial Relations Act 1979*; *Occupational Safety and Health Act 1984* and other relevant anti-discrimination legislation.

The following sections from the *Local Government Act 1995* are relevant to appointing a new CEO:-

- s5.36 Local government employees
- s5.39 Contracts for CEO and senior employees
- s5.40 Principles affecting employment by local governments
- Part 4 Local Government Employees - *Local Government (Administration) Regulations 1996*.

**Risk and Asset Implications**

It is important to maintain stability in the City's operations and ensure a smooth transition to a new CEO. In the current employment market instability and a poor transition will result in turnover of staff and loss of corporate knowledge resulting in a reduction in the City's performance.

**Financial**

The salary of the CEO is provided within the draft 2018/19 budget. Costs incurred with the recruitment of a new CEO are not currently provided for within the City's budget but funding will be reallocated.

**Social and Environmental Implications**

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

**Attachment/s**

There are no attachments to this report.

**C9 MATTERS FOR INFORMATION\*****REPORT FROM CHIEF EXECUTIVE OFFICER**

**Author:** Executive Assistant, Kerry Plantinga  
**Date:** 4 April 2018  
**File Reference:** A/4801  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Richardson/seconded Cr Mansfield

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

CARRIED ENBLOC 11/0

6.27pm

**Background**

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

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

**Comment**

The following reports are presented to Council at the Ordinary Council meeting of April 2018:-

1. March 2018 Monthly Planning Report
2. Building and Health Monthly Statistics – March 2018
3. Facebook Stats – 8 March 2018 to 8 April 2018
4. Seal Register – March 2018

**Consultation**

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

**Strategic Implications**

There are no strategic implications for this report.

**Statutory and Policy Considerations**

There are no statutory or policy implications for this report.

**Risk and Asset Implications**

There are no risk and asset implications for this report.

**Financial**

There are no financial implications for this report.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachments**

1. March 2018 Monthly Planning Report
2. Building and Health Monthly Statistics – March 2018
3. Facebook Stats – 8 March 2018 to 8 April 2018
4. Seal Register – March 2018

**11. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C11.1 ELECTED MEMBERS MOTION – SPORTING CLUBS USING ROSALIE PARK**

This item was debated earlier in the meeting. See page 33

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

Nil

**13. MEETING CLOSED TO THE PUBLIC**

N/A

**14. CLOSURE OF MEETING**

The presiding member declared the Ordinary Council Meeting of 17 April 2018 closed at 8.44pm.