



## **MINUTES**

### **ORDINARY COUNCIL MEETING**

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

**TUESDAY 19 MARCH 2024**

**COMMENCEMENT: 5:30PM  
CLOSURE: 8:36PM**

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## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the Ordinary Council Meeting of 19 March 2024 held in Council Chambers open at 5:32pm.

The Presiding Member welcomed those present and gave an Acknowledgement of Country on behalf of those present.

## 2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

### **Elected Members Present**

Mayor David McMullen	Presiding Member
Cr Rosemarie de Vries	North Ward
Cr Russell Jones	North Ward
Cr Nicola Johnston	Central Ward
Cr Penny O'Connor	Central Ward
Cr Rick Powell	South Ward
Cr Mark Burns	East Ward
Cr Garry Kosovich	East Ward

### **Staff Members Present**

Colin Cameron	Chief Executive Officer
James Hambly	Director Technical Services
Elizabeth Connolly	A/Director Development Services
Linnet Solomons	Director Business Improvement
Emma Woolaston	Director Corporate Services
Sofia Boranga	A/Manager Planning Services
Haylee Edwards	Manager Governance and Strategy
Bianca Jones	Manager Finance Services
Joel Guest	Manager Commercial Services and Property
Tomi Collins	A/Manager Communications and Engagement
Rhonda Bowman	Coordinator Governance
Anthea Astone	Governance Officer
Lorraine Edwards	Governance Officer

### **Apologies**

Cr Simon White	South Ward
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### **Leave of Absence**

Nil

### **Observers**

11 members of the public  
1 media

## 2.1 LEAVE OF ABSENCE REQUESTS

### COUNCIL DECISION

Moved Cr de Vries / Seconded Cr Kosovich

**Cr Russell Jones be granted a leave of absence for the period 20 May 2024 to 31 May 2024 inclusive.**

CARRIED 8/0

5:34pm

### COUNCIL DECISION

Moved Cr Kosovich / Seconded Cr O'Connor

**Cr Russell Jones be granted a leave of absence for the period 22 July 2024 to 2 August 2024 inclusive.**

CARRIED 8/0

5:34pm

### COUNCIL DECISION

Moved Cr Jones / Seconded Cr Johnston

**Cr Garry Kosovich be granted a leave of absence for the period 9 September 2024 to 4 October 2024 inclusive.**

CARRIED 8/0

5:35pm

### COUNCIL DECISION

Moved Cr Kosovich / Seconded Cr Burns

**Mayor David McMullen be granted leave of absence for the dates 16 April 2024, 23 April 2024 and 25 April 2024.**

CARRIED 8/0

5:36pm

## 3. DISCLOSURE OF INTEREST

Nil

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

Nil

## 5. PUBLIC QUESTION TIME

**Ken Mulvaney, Morgan Street, Shenton Park asked the following question:**

### Question 1

I am genuinely concerned about the impact of the proposed modifications to Evans Street will have on the adjacent streets. I require the council to take immediate mitigative action when any increase in traffic usage, noise levels or safety risk occurs on nearby streets. The council must guarantee they will take direct and urgent action to ascertain current data to inform on the adverse impact of the proposed Evans Street changes. Will the council confirm these undertakings?

**The Director Technical Services provided the following response:**

The City will undertake traffic monitoring before and after the project should it proceed to construction.

**Dagmar Barnes, Morgan Street, Shenton Park asked the following question:****Question 1**

I am very disappointed that the SAS project in Evans Street is proceeding after only minimal consultation with the residents in Shenton Park who will be adversely affected by the traffic diversion which will inevitably result. Question: What traffic calming measures will be implemented on Fortune and Morgan Streets to ensure safe traffic flow?

**The Director Technical Services provided the following response:**

The City provided several opportunities for community input during the feasibility and concept design stages of the project with 3 workshops held and 237 responses received.

As is standard practice for the City, first traffic monitoring will be undertaken to ascertain if there are any changes to traffic on surrounding streets like Fortune Street and Morgan Street. Traffic data from this monitoring along with other criteria such as crash data and road design elements will then be used to assess whether some form of intervention is warranted and if so to what extent.

**Jackie Greenshields, Salisbury Street, Subiaco asked the following questions:****Question 1**

Subiaco Municipal Gardens (established 1900)

The City is very proud of its heritage and this is evident by the growing number of Heritage Areas.

In the Preliminary Design Brief it states that a design principle “*Acknowledges the site’s past, present and future*” ... BUT none of the 124 Year old Municipal Garden’s history has been documented in the brief or been provided to Councillors or the Community.

Will the City update the “Draft Design Brief” before going to tender to:

- a) Reflect & include the 124-year-old cultural & social history of the Subiaco Municipal Gardens through a professional heritage consultant’s report, AND also ensure the Norfolk Pines are not the only significant trees registered for protection (as there are many other palms & trees grown in our own early nurseries) that are over 100 years old)?
- b) What is the process for the City to list the 124 year old Municipal Gardens as a ‘Heritage Area’ and can this be done before or in conjunction with the redevelopment?

**Question 2**

The current Council Chambers are built within Subiaco’s Municipal Gardens. The footprint of the new redevelopment should not encroach upon anymore open garden space than it currently does.

Such a redevelopment has the potential to REDUCE our community municipal gardens by allowing development to go within 6 metres of the footpath (in line with the library). Will the City remove the clause which gives architects the ability to build to the same alignment as the Subiaco Library, which would greatly reduce the size of this socially and culturally historic municipal garden?

**The Director Corporate Services provided the following responses:**

**Question 1**

The Design Brief is not intended to be a comprehensive listing of all factors relevant to the redevelopment of 241 Rokeby Road; rather, it provides design principles which each require further research and information to meet. It would be anticipated that the prospective architect would work with the City to ensure that they have a strong understanding of the site's history as well as the trees and gardens in the area, in meeting the following design principles:

- Acknowledges the site's past, present and future, and
- Promotes the natural environment and open space.

The City's Local Heritage Survey recognises several places in the area as having heritage significance including Rankin Gardens and the Norfolk Pines. In particular the broader Civic and Cultural Precinct, described as being bound by Rokeby Road, Hamersley Road, Hensman Road and Bagot Road, is described as a place of exceptional heritage significance. The survey does not provide statutory protection to places but does assist Council in making decisions in harmony with cultural heritage values.

In addition the City is currently reviewing the Subiaco Activity Centre Plan which is inclusive of the municipal gardens area. This will include consideration of places worthy of further heritage protections and will include consultation with the community.

In the Design Brief, the term 'significant tree' is used in accordance with the City's local planning scheme, whereby trees listed on the significant tree register are afforded additional protections. This does not mean that other trees on the site are not also worthy of retention. The Design Brief states that the retention of non-significant trees should be maximised and that the urban forest should be preserved and promoted.

As noted in the agenda report there will be multiple opportunities for further community input into the redevelopment of 241 Rokeby Road before the design is finalised.

**Question 2**

The Design Brief provides for a minimum setback of 6m; this does not mean that the design will necessarily have a setback of 6m, noting that the current building has a setback of around 25m. It also certainly doesn't mean that the building will take up all available space up to that point. The design principles state that the redevelopment will maximise gardens, streetscapes and open spaces for the benefit of the community and the architect will be guided by that in their design.

There will be multiple further opportunities for further community input into the redevelopment of 241 Rokeby Road before the design is finalised.

**Leonie Forrest, Morgan Street, Shenton Park asked the following questions:**Question 1

In the event the project is approved, what arrangements will be put in place to monitor the increased traffic flow to surrounding streets, in particular Morgan Street, noting any research regarding traffic flow was carried out during the COVID period?

Question 2

In the event the project is approved, what proposals are there to mitigate the increased traffic flow to surrounding streets (in particular Morgan Street) which invariably will occur due to the Evans Street traffic calming measures, for example decreased speed limits, more STOP signs, further traffic calming measures on Fortune Street and/or Morgan Street, noting the research regarding traffic flow was carried out during the COVID period?

**The Director Technical Services provided the following response:**Question 1

The City has been collecting traffic data in the area for twenty years which includes counts done in 2020 and 2022. The City ensures that data collected is done at suitable times to account for prevailing conditions and will undertake further traffic monitoring before and after the project should it proceed to construction. This will include parallel streets such as Morgan Street and Onslow Road.

Question 2

The City uses a range of options in accordance with its traffic management intervention protocol. This protocol assesses a series of criteria such as speed, volumes, crash data and road design in accordance with Australian Standards to determine whether some form of intervention is warranted and to what extent. This evidence-based approach would be used for surrounding streets if the project proceeds.

**6. PUBLIC STATEMENT TIME**

Peter Chow, Morgan Street, Shenton Park read a statement in relation to item C2.

Josephine MacFie, Morgan Street, Shenton Park read a statement in relation to item C2.

Jackie Greenshields, Salisbury Street, Subiaco read a statement in relation to item C4.

**7. PETITIONS AND APPROVED DEPUTATIONS**

**Mayor David McMullen** presented a petition containing 43 signatures that stated the following:

“We, the undersigned, are concerned residents who urge the City of Subiaco to protect Morgan Street and Waylen Road from any increased traffic, resulting from the proposed Safe Active Street Project for Evans Street. In advance of construction of the Safe Active Street Project for Evans Street, we require written confirmation that the City has the power to and will put in traffic calming measures to negate any increase in traffic in

Morgan Street and Waylen Road, that maybe [sic] caused by the Safe Active Street Project for Evans Street.”

## 8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 8.1 Ordinary Council Meeting – 20 February 2024

#### COUNCIL DECISION

Moved Cr de Vries / Seconded Cr Kosovich

**The Minutes of the City of Subiaco Ordinary Council Meeting held on Tuesday 20 February 2024 are confirmed as a true and correct record.**

CARRIED 8/0

6:00pm

## 9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

I have a couple of announcements this evening. The first is that I'm pleased to say that I opened an international sporting tournament on the weekend. I'm talking about the Trans Tasman Pétanque Tournament, hosted at the City of Subiaco Pétanque Club which is located adjacent to the Palms Community Centre. The tournament alternates between Australia and New Zealand annually and from what I gathered, most of Australia's team had actually travelled from interstate to participate in this competition so it was a pretty diverse group of competitors. The tournament was first held in Melbourne in 2003 where Australia was successful and since that time, I understand New Zealand have had a slight advantage which I take to mean they've beaten us more times than we've beaten them. According to the Secretary of the Pétanque Club this is the first time this prestigious tournament's ever been held in Western Australia and they are extremely proud that the City of Subiaco and their Club had been accorded this honour. I was pleased to join them for that.

The other announcement is to acknowledge the formal launch of ARTFORM. This is a nicely produced, high production value publication that the City of Subiaco has formally launched at an event last week. Titled 'ARTFORM Subiaco', it includes special features about newly commissioned public artworks visible in the heart of Subiaco and stories about creators who call the City home. As well as interviews with artists and business owners who enrich Subiaco. Myself and some colleagues from Council and a number of staff were pleased to join a launch event at the Orangery Gallery in Shenton Park last week where a number of stakeholders were invited and received a copy of the publication and previewed the galleries latest exhibition and received live entertainment from a Western Australian Symphony Orchestra harpist. So well done to the staff who've worked on that publication and who put on a very successful launch event. A number of us are still receiving emails from the guests complimenting the City of Subiaco. So well done to all involved.

## 10. REPORTS OF COMMITTEES AND OFFICERS

### COUNCIL DECISION

Moved Cr Jones / Seconded Cr Kosovich

**That items AR1, AR2, C1 and C6 contained in the Agenda of the Ordinary Council Meeting of 19 March 2024 be adopted en bloc.**

CARRIED 8/0  
6:04pm

### 10.1 COMMITTEE REPORTS

#### AR1 COMPLIANCE AUDIT RETURN 2023\*

#### REPORT FROM DIRECTOR CORPORATE SERVICES

**Author:** Manager Governance and Strategy, Haylee Edwards  
Coordinator Governance, Rhonda Bowman

**Date:** 6 March 2024

**File Reference:** A/7695

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

### OFFICER / COMMITTEE RECOMMENDATION / COUNCIL DECISION

Moved Cr Jones / Seconded Cr Kosovich

1. **The City of Subiaco Compliance Audit Return for the period 1 January 2023 to 31 December 2023 is adopted.**
2. **The Mayor and Chief Executive Officer are authorised to certify the 2023 Compliance Audit Return for submission to the Department of Local Government, Sport, and Cultural Industries by 31 March 2024.**

CARRIED EN BLOC 8/0  
6:04pm

#### Executive Summary

- The *Local Government (Audit) Regulations 1996* set out requirements for Local Governments in Western Australia to complete and submit a Council adopted Compliance Audit Return (CAR) by 31 March each year to the Department of Local Government, Sport, and Cultural Industries (the Department).
- Upon completion of the 2023 CAR by the City's administration, the City's appointed internal auditors have confirmed in a letter to the CEO that there are no non-compliances to report in this year's CAR.
- In accordance with regulation 14 of the *Local Government (Audit) Regulations 1996*, the Audit and Risk Committee must review the 2023 CAR and report the results to Council for adoption.

#### Background

In accordance with regulation 14 of the *Local Government (Audit) Regulations 1996*, the City is required to complete an annual audit of its compliance against key aspects of the *Local Government Act 1995* and associated regulations.

The 2023 CAR deals with the period 1 January 2023 to 31 December 2023 and is required to be submitted to the Department by 31 March 2024.

### **Comment**

The 2023 CAR questionnaire contains questions and requests evidence across the following compliance categories:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Optional Questions
- Tenders for Providing Goods and Services

In completing the 2023 CAR questionnaire, relevant branch managers were required to provide responses to the questions identified as part of their responsibilities and provide appropriate supporting documentation to verify the responses for consideration by the Executive Leadership Team. Draft responses were provided to the City's Internal Auditors for review and evidence was provided to support these responses.

In a letter to the CEO (**Attachment 1**), the Internal Auditors identified that the City has followed an appropriate process in preparing responses for the CAR, in line with the requirements set by the Act and regulation 13 of the *Local Government (Audit) Regulations 1996*.

The 2023 CAR is complete (**Attachment 2**) and is now required to be reviewed by the Audit and Risk Committee, reported to Council for adoption, and certified by the Mayor and CEO prior to it being submitted to the Department.

### **Options**

The Audit and Risk Committee has the option to either:

1. Recommend that the Council adopt the 2023 CAR; or
2. Not recommend adoption of the 2023 CAR and request further information regarding any aspects of the CAR.

It is noted that the CAR needs to be adopted by 31 March 2024 to meet statutory timeframes. The Audit and Risk Committee recommendations are scheduled to be presented to the Council Meeting on 19 March 2024. Delays may necessitate a Special Council Meeting in order to meet statutory timeframes.

### **Consultation**

Relevant branch managers were consulted for their responses to the questions relating to their scope of responsibility.

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

### **Strategic Implications**

The recommendation contributes to the following Council strategy:

#### **Strategic Community Plan - Focus Area 6**

*Council Leadership: A leading Council that is supported by an excellent organisation.*

**Statutory and Policy Considerations**

In accordance with regulation 14 of the *Local Government (Audit) Regulations 1996*, the Audit and Risk Committee must review the 2023 CAR and report the results to Council for adoption.

Regulation 15 of the *Local Government (Audit) Regulations 1996* requires the CAR to be submitted to the Department by 31 March 2024.

**Risk and Asset Implications**

Completion of the CAR enables local governments to enhance and develop their internal risk control processes to ensure they are meeting their statutory requirements under the *Local Government Act 1995* and associated regulations.

If the City does not submit its Council endorsed CAR to the Department by 31 March 2024, the City will be non-compliant with *Local Government (Audit) Regulations 1996* and exposed to regulatory and reputation risk.

**Financial**

There is a dedicated section of questions within the CAR which requires the City to attest that sound financial controls have been implemented and are monitored.

Effective financial controls are critical to the City practicing prudent financial management.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachments**

1. Letter from the City's Internal Auditors – City of Subiaco 2023 Compliance Audit Return Process Review
2. Compliance Audit Return 2023 - Responses

**AR2 INTERNAL AUDIT UPDATE****REPORT FROM DIRECTOR CORPORATE SERVICES**

**Author:** Manager Governance & Strategy, Haylee Edwards  
**Date:** 6 March 2024  
**File Reference:** A/7695  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**OFFICER / COMMITTEE RECOMMENDATION / COUNCIL DECISION**

Moved Cr Jones / Seconded Cr Kosovich

**The update on the Internal Audit is noted.**

CARRIED EN BLOC 8/0

6:04pm

**Background**

The City's internal audit function provides a systematic approach to assessing the effectiveness of the internal control environment in detecting, preventing, and mitigating risks to the City achieving its objectives.

At its meeting on the 25 July 2023, Council resolved to appoint Paxon Group (Paxon) to conduct the internal audit function for the City for a period of three years. Subsequently, a Strategic Internal Audit Plan 2023-2026 was adopted by Council at its Ordinary Council Meeting on 12 December 2023.

The six internal audits to be undertaken for FY23/24 were given priority consideration in the three-year Strategic Internal Audit Plan due to several factors, including:

- Areas of City operations which have not been audited for some time.
- Areas of City operations which should be subject to regular audit because of their high-risk nature.
- Spreading the timing of auditing different areas across the organisation to minimise impacts on the operational demands of each function.

**Comment***Internal Audits Completed*

The first of the six FY23/24 internal audits to be conducted and completed by Paxon was a review of the process undertaken by the City to complete the 2023 Compliance Audit Return (CAR). In accordance with regulation 14 of the *Local Government (Audit) Regulations 1996*, all Western Australian Local Governments are required to complete an annual audit of their compliance against key aspects of the *Local Government Act 1995* and associated regulations.

Although not a legislated requirement, good governance practice is for Local Governments to complete regular internal audits on the process undertaken to complete a CAR, to provide assurance the prepared CAR is accurate. A report to the Audit and Risk Committee on the outcome of the CAR Internal Audit has been provided as an item for discussion at the 12 March 2024 Audit and Risk Committee meeting.

*Internal Audits in Progress*

There are currently three internal audits being conducted by Paxon, as per the Strategic Internal Audit Plan 2023-2026.

The first of these is a review into management of key risks within the City's Environmental Health operations. This internal audit is currently in the fieldwork phase and focussed on assessing the effectiveness of the City's risk controls to implement a robust food safety inspection program.

The second internal audit in progress is a review into the City's management and oversight of closing out previous internal and external audit actions. This audit is currently in the reporting phase following analysis of the City's Audit Action Register and requests for evidence to confirm adequate completion of closed items.

The third internal audit in progress is focussed on the City's management of Incoming Infrastructure Grants. This internal audit will assess the design and operational effectiveness of processes relating to the alignment of infrastructure grants to achieving strategic objectives, grant approval processes, and operational grant management. The scoping meeting for this internal audit has been completed, with fieldwork to commence in March.

Reports on the outcomes of the Environmental Health, Audit Log and Incoming Infrastructure Grants internal audits will be presented to the May 2024 Audit and Risk Committee Meeting.

### **Options**

The following options are available to the Audit and Risk Committee:

1. Note the update on the Internal Audit program.
2. Do not note the update on the Internal Audit program.

### **Consultation**

Relevant directors and managers are invited to attend a scoping meeting before the terms of reference are finalised for a particular internal audit. The purpose of the scoping meeting is to consult with officers who are responsible for the area to be audited and identify critical processes to focus on when assessing and testing in-scope risk controls.

As part of a robust reporting process, management are requested to make comment on the findings and recommendations of each internal audit prior to an internal audit report being finalised. Providing opportunity for management to respond to the internal audit findings and recommendations enables practicable actions to be agreed upon to strengthen risk controls and achieve compliance with relevant legislative and policy requirements.

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

### **Strategic Implications**

The recommendation contributes to the following Council strategy:

#### **Strategic Community Plan – Focus area 6**

*Council Leadership - A leading Council that is supported by an excellent organisation.*

### **Statutory and Policy Considerations**

The Strategic Internal Audit Plan supports compliance with regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*. More generally, it

provides a means of assessing the effectiveness of the City's risk controls that provide for compliance with legislation and policy.

### **Risk and Asset Implications**

The delivery of an internal audit program enables the City to gain assurance that risk controls designed to detect, prevent, and mitigate against the effect of uncertainty on achieving strategic objectives are effective.

Alternatively, an internal audit may highlight the risk controls that are not operating as intended and require action to reduce the City's risk exposure.

### **Financial**

The costs of conducting the Internal Audits are accommodated for in the 2023/24 budget and the Strategic Financial Plan.

### **Social and Environmental Implications**

There are no social or environmental implication for this report.

### **Attachments**

There are no attachments to this report.

## 10.2 OFFICER REPORTS

### C1 DRAFT AMENDED LOCAL PLANNING POLICY 5.2 – BICYCLE PARKING AND END OF TRIP FACILITIES\*

#### REPORT FROM DIRECTOR DEVELOPMENT SERVICES

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

**Date:** 5 March 2024

**File Reference:** A/7653

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

#### OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Jones / Seconded Cr Kosovich

**In accordance with Schedule 2, Part 2, Clauses 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, draft amended Local Planning Policy 5.2 – Bicycle Parking and End of Trip Facilities (Attachment 1) is publicly advertised for a period not less than 21 days.**

CARRIED EN BLOC 8/0

6:04pm

#### Executive Summary

- The City continually reviews its local planning policy manual to ensure the local planning framework remains contemporary and relevant.
- Council initially adopted Local Planning Policy 5.2 – Bicycle Parking and End of Trip Facilities in June 2009 and last reviewed it in July 2020.
- The policy has been reviewed, and has been amended to:
  - Be consistent with the City’s local planning policy template;
  - Improve readability;
  - Provide criteria to guide discretionary assessment where requirements are not met;
  - Introduce minimum requirements for electric bicycle (e-bike) charging facilities, in support of sustainable outcomes and recognition of increased e-bike uptake, with e-bikes accounting for 12% of all bicycle sales in Australia in 2022.
- It is recommended that draft amended LPP 5.2 is publicly advertised for a period not less than 21 days in accordance with statutory requirements, and a further report be presented to Council to consider the outcomes of advertising.

#### Background

This report considers a review of Local Planning Policy 5.2 – Bicycle Parking and End of Trip Facilities (LPP 5.2).

LPP 5.2 provides additional controls to supplement the requirements for bicycle parking outlined in Local Planning Scheme No. 5 (LPS 5). These controls apply to commercial development and relate to:

- Bicycle parking and end of trip facility (EOTF) location and design;
- EOTF requirements including lockers and showers; and
- Discretionary criteria to guide the assessment of EOTF shortfalls.

It is noted that bicycle parking requirements for residential development are set out in the Residential Design Codes (R-Codes).

LPP 5.2 was initially adopted by Council at the 23 June 2009 Ordinary Council Meeting (OCM) (item D7) and was last reviewed at the 21 July 2020 OCM (Item C1).

### **Comment**

Officers have reviewed LPP 5.2 and identified the following opportunities for improvement:

- Include discretionary criteria to assess shortfalls in bicycle parking bays.
- Include a trigger point or specified minimum requirement for e-bike provision for long-term bicycle parking.
- Consider EOTF provision in the context of heritage-protected places.
- Provide scope to provide public bicycle parking in lieu of on-site.
- Improve readability and formatting.

Key proposed amendments to LPP 5.2 are summarised below. For specific wording refer to the policy in **Attachment 1**. A full schedule of amendments is contained in **Attachment 2**, with a tracked changes version of the policy provided in **Attachment 3**. The current version of LPP 5.2 is publicly accessible on the City's website.

### **General and administrative amendments**

General and administrative amendments are recommended throughout the policy. These include:

- Aligning LPP 5.2 with the City's updated LPP template;
- Use of plain language;
- Clause consolidation and restructuring to provide a logical sequence and improved readability; and
- Expanding and/or clarifying where necessary to ensure the policy is clearly understood.

### **Definitions**

New definitions are proposed to clarify the following terms:

- Change of use;
- Charging Facilities for e-bikes;
- Heritage Protected Places;
- Mixed Use Development; and
- Net Lettable Area.

The definitions do not change the intent of the policy.

### **Electric Bicycle Requirements**

E-bike chargers vary between manufacturers – making it difficult to require a specific type. LPP 5.2 requires a General Power Outlet (GPO) to be provided for e-bike chargers. The e-bike user would need to supply their own charger. As they are for longer term parking facilities, these are likely to be used by staff who may be able to leave their charger at work and use them as required.

The existing policy requires charging facilities for e-bikes and scooters (e-scooters) to be incorporated into long term bicycle parking for development that does not involve a change of use. However, it does not specify minimum requirements. E-bike uptake has increased significantly since the policy was last reviewed. We Ride Australia's 'The Australian Cycling and E-Scooter Economy in 2022' provides that e-bikes accounted for 12% of bicycle sales across Australia, compared to just 3% in 2020.

The draft amended policy:

- Removes the mention of e-scooter provision, as there is no head of power for this in LPS 5, making it hard to defend if challenged at the State Administrative Tribunal;
- Introduces a trigger point of more than five bicycle parking bays to require a minimum provision of e-bikes for long-term parking; and
- Scales the minimum provision for e-bikes by 10 per cent of the total car parking bays required.

These amendments are being proposed for the following reasons:

- E-bike uptake is continuing to rapidly increase. The amendments facilitate delivery of the supporting infrastructure to accommodate this uptake.
- It encourages the active transport method of cycling, in turn reducing car dependence.
- It promotes sustainable development in the City, which is consistent with LPS 5 and the City's Local Planning Strategy (Strategy).

A desktop review has not found other local governments in Western Australia that have minimum e-bike provisions.

#### Discretionary criteria

The existing policy provides high level discretionary criteria only for EOTF. It does not provide guidance on shortfalls in bicycle parking. A new clause and associated sub-clauses are proposed to:

- Expand and refine the discretionary criteria to make them clearer for assessment of development applications that have a shortfall in bicycle parking and/or EOTF.
- Allow discretion for heritage-protected places, where the inclusion of such facilities would adversely affect the subject and/or adjoining heritage protected places.
- Enable proponents to provide bicycle parking in the public realm in lieu of on-site, subject to a maintenance agreement to the satisfaction of the City.
- Require proponents seeking discretion to bicycle parking and/or EOTF provisions to submit a written statement outlining how the discretionary criteria have been met.

#### Options

The following options are available to Council:

1. Resolve to prepare draft amended LPP 5.2 as recommended. Council should proceed with this decision if it is satisfied with the draft policy as contained in **Attachment 1** for the purposes of advertising. Council will also have the opportunity to modify draft amended LPP 5.2 post-advertising; or
2. Resolve to prepare a modified version of draft amended LPP 5.2 prior to advertising; or
3. Resolve to not prepare draft amended LPP 5.2. This would mean the provisions of the current LPP 5.2 will continue to have effect and apply. This is not recommended as LPP 5.2 is due for review and the age of the policy results in less weight afforded to any applicable development application subject to a review by SAT.

#### Consultation and Referrals

Should Council resolve to proceed to publicly advertise draft amended LPP 5.2, it will be advertised for public comment for not less than 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS

Regulations) and Local Planning Policy 7.3 – Public Consultation for Planning Proposals.

A notice will be placed in the Post newspaper and information provided on the City's website. Following the conclusion of the public consultation period, a report will be presented to Council at the next available Ordinary Council Meeting to consider the outcomes of consultation and finalisation of the policy.

### **Strategic Implications**

#### **Strategic Community Plan**

Draft amended LPP 5.2 aligns with the objectives in the City's Strategic Community Plan:

*Focus Area One: Our sense of community*

- Objective 2: A diverse, inclusive community where all members enjoy health and wellbeing, a sense of belonging and feel safe.

*Focus Area Five: An effective and integrated transport system*

- Objective 2: a range of infrastructure to support a sustainable and accessible transport system.

*Focus Area Six: Council leadership*

- Objective 1: a leading council that is supported by an excellent organisation.

#### **Local Planning Strategy**

Draft amended LPP 5.2 aligns with the following objective and strategy under the 'Transport, Access, Parking and Infrastructure' focus area in the City's Strategy:

*Objective: provide a good network of public transport and cycling infrastructure and a high degree of walkability, supported by appropriate land use and density, to make it easy to get into and around the City.*

- Strategy: encourage a reduction in the community's dependence on private motor vehicle use and promote alternative travel modes.

### **Statutory and Policy Considerations**

The process proposed to be followed to amend LPP 5.2 is consistent with the requirements of Schedule 2, Part 2, Clauses 4 and 5 of the LPS Regulations.

### **Risk and Asset Implications**

LPPs need to be reviewed regularly to ensure they remain relevant and reflect current best practice planning principles. The age of an LPP can influence the weight afforded by the State Administrative Tribunal (SAT) when considering applications for review of planning decisions.

Should Council not advertise draft amended LPP 5.2, the existing policy will continue to have effect. Without the proposed improvements the existing policy will remain and the relevance of the policy will continue to decrease with time.

The location of bicycle parking in the public realm increases the infrastructure accessible to the public. Appropriate maintenance agreements will be put in place to ensure any risks to the City associated with these assets are mitigated.

### **Financial**

Advertising costs are accommodated within the existing budget.

**Social and Environmental Implications**

Draft amended LPP 5.2 facilitates bicycle parking and EOTF provision in the City. This has the positive social and environmental benefits of:

- Improving public health by facilitating exercise through cycling; and
- Encouraging the use of more sustainable transport modes compared to the private motor vehicle.

**Attachments**

1. Draft amended LPP 5.2 – for public advertising.
2. Schedule of amendments to LPP 5.2.
3. Draft amended LPP 5.2 – Tracked Changes Version.

## **C2 EVANS STREET TO KEIGHTLEY ROAD SAFE ACTIVE STREET PROJECT – APPROVAL TO PROCEED TO CONSTRUCTION\***

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

**Author:** Principal Engineer Design and Delivery, Kanwal Singh  
**Date:** 5 March 2024  
**File Reference:** A/7653  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

*Cr Burns left the meeting at 6:08pm and returned to the meeting at 6:10pm.*

### **COUNCIL DECISION**

- 1. The detailed design (Attachment 1) for the Evans Street to Keightley Road Safe Active Street project is endorsed and provided to Main Roads WA and the Department of Transport for approval, and pending approval the project proceeds to construction.**
- 2. Prior to construction the City carry out traffic monitoring on Evans Street and the neighbouring roads including Morgan Street, Waylen and Onslow Roads. This monitoring is to be conducted during typical periods (excluding school or public holidays) and to include details of types of vehicles, frequency and times of use.**
- 3. Between six and twelve months after construction of the Evans Street modifications the City to undertake comparative traffic monitoring and provide a report to Council on the use of Evans Street and the success or otherwise of the Safe Active Street plan. This report is to include whether traffic patterns in the area have changed, whether it has led to more traffic on the neighbouring streets, and recommend any remedial action that might be required if there is an adverse impact on the neighbouring streets.**

CARRIED 8/0  
6:21pm

### **OFFICER RECOMMENDATION**

Moved Cr de Vries / Seconded Cr Kosovich

The detailed design (Attachment 1) for the Evans Street to Keightley Road Safe Active Street project is endorsed and provided to Main Roads WA and the Department of Transport for approval, and pending approval the project proceeds to construction.

### **AMENDMENT**

Moved Cr Powell / Seconded Cr Johnston

The motion be amended to read as follows:

1. The detailed design (Attachment 1) for the Evans Street to Keightley Road Safe Active Street project is endorsed and provided to Main Roads WA and the Department of Transport for approval, and pending approval the project proceeds to construction.
2. Prior to construction the City carry out traffic monitoring on Evans Street and the neighbouring roads including Morgan Street, Waylen and Onslow Roads. This monitoring is to be conducted during typical periods (excluding school or public holidays) and to include details of types of vehicles, frequency and times of use.
3. Between six and twelve months after construction of the Evans Street modifications the City to undertake comparative traffic monitoring and provide a report to Council

on the use of Evans Street and the success or otherwise of the Safe Active Street plan. This report is to include whether traffic patterns in the area have changed, whether it has led to more traffic on the neighbouring streets, and recommend any remedial action that might be required if there is an adverse impact on the neighbouring streets.

CARRIED 8/0  
6:17pm

Cr Powell provided the following reasons:

1. *One of the concerns expressed by residents of streets adjacent to Evans Street is the whether the traffic calming on measures on Evans Street will divert vehicles and increase traffic flow on their streets.*
2. *The traffic studies will be used as a baseline to gauge the success or otherwise of the Safe Active Streets in Shenton Park, whether it has changed traffic patterns in nearby streets, and recommend to Council measures if the Evans Street SAS results in adverse impacts on the neighbouring streets.*
3. *Residents in adjacent streets have previously been given verbal assurances by Staff that any adverse impacts on adjacent streets from increased traffic flow will be addressed. Writing these verbal assurances into a Council decision will help allay residents concern about how problems, if any, from the Evans Street SAS will be addressed.*

**SUBSTANTIVE MOTION**

1. The detailed design (Attachment 1) for the Evans Street to Keightley Road Safe Active Street project is endorsed and provided to Main Roads WA and the Department of Transport for approval, and pending approval the project proceeds to construction.
2. Prior to construction the City carry out traffic monitoring on Evans Street and the neighbouring roads including Morgan Street, Waylen and Onslow Roads. This monitoring is to be conducted during typical periods (excluding school or public holidays) and to include details of types of vehicles, frequency and times of use.
3. Between six and twelve months after construction of the Evans Street modifications the City to undertake comparative traffic monitoring and provide a report to Council on the use of Evans Street and the success or otherwise of the Safe Active Street plan. This report is to include whether traffic patterns in the area have changed, whether it has led to more traffic on the neighbouring streets, and recommend any remedial action that might be required if there is an adverse impact on the neighbouring streets.

CARRIED 8/0  
6:21pm

**Additional Information**

The description for row 8 of the table contained within this report has been updated to correctly identify the intersection that has changed between design stages.

**Executive Summary**

- The Evans Street to Keightley Road Safe Active Street (SAS) was identified in the Department of Transport's (DoT's) Long Term Cycle Network and subsequently included as a project in the City's Bike Plan 2021-2025.
- The City received \$85,000 in WA Bicycle Network (WABN) grant funding from the DoT towards developing concept and detailed designs.

- Community consultation to develop the concept design was carried out in two stages between 29 December 2021 and 25 February 2022, and 19 July and 22 August 2022.
- On 27 September 2022 Council endorsed the concept design with the detailed design to be presented to Council prior to proceeding to construction.
- The City has undertaken an extensive design process which included independent peer reviews, consultation with DoT and Main Roads WA, and a road safety audit.
- The detailed design (**Attachment 1**) has been completed with some further safety improvements incorporated, and the project is recommended to proceed to construction.
- Should the project proceed to construction the City is eligible for up to \$425,000 in further WABN grant funding.

### **Background**

The Department of Transport's (DoT's) Safe Active Street program is designed to convert local streets in to shared space environments that are more accessible and attractive for all road users including cyclists and pedestrians. The program does this by providing traffic calming infrastructure, road treatments and wayfinding that reduces vehicle speeds to 30km/h.

The implementation of the Keightley Road / Evans Street safe active street was identified in the DoT's Long Term Cycle Network which was endorsed by Council in April 2020. The implementation of the safe active street was subsequently included in the City of Subiaco Bike Plan 2021-2025 (the Plan), which was endorsed at the February 2021 Ordinary Council Meeting.

In 2021 the DoT's WABN grant program provided funding to progress the project to feasibility and concept design, and to provide for community consultation. The funding agreement provided for 50% of the associated cost to a total of \$25,000.

In September 2021, the City appointed Stantec (formerly GTA Consultants) to undertake the feasibility study, to prepare two concept sketches for consultation, and to prepare the final concept design.

Initial consultation was carried out between 29 December 2021 and 25 February 2022 to seek feedback on possible design approaches and inform the draft concept design. The draft concept design which was then published for further consultation between 19 July and 22 August 2022 to inform the final concept design.

At the Ordinary Council Meeting held on 27 September 2022, Council resolved:

*The Evans Street, Excelsior Street and Keightley Road Safe Active Street project proceeds to detailed design with a raised plateau for the Evans Street and Fortune Street intersection. The detailed design to be presented to Council prior to proceeding with construction. Through the detailed design and construction every effort is made to protect and retain the parking amenity for residents.*

The City received WABN grant funding for 50% of the associated cost to a maximum of \$60,000 to undertake the detailed design. In accordance with the grant funding agreement and regulatory approval requirements the City undertook an extensive detailed design process as detailed in this report.

**Comment**

Following Council approval to proceed to detailed design, the City appointed three design consultants to conduct an independent review of the concept design in accordance with the DoT grant agreement. The consolidated findings and comments were subject to further evaluation by the City in collaboration with the DoT, and incorporated into the RFQ to undertake the detailed design.

The City appointed Glen Flood Group (GFG) in June 2023 to undertake the detailed design. The contract required the designer to submit drawings at the 15%, 50%, 85% and 100% design stages for review.

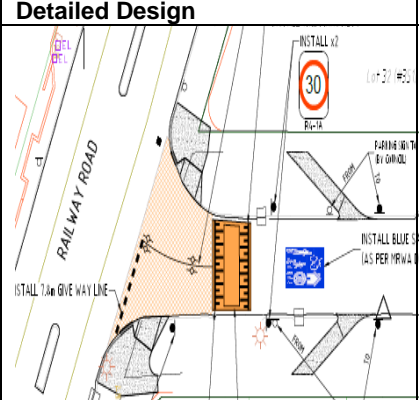
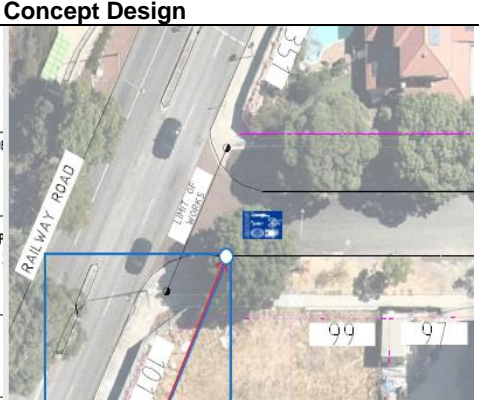
The first 15% design drawing incorporated various changes stemming from the independent review of the concept design and was reviewed by the City in collaboration with DoT officers. These changes to the design were accepted to enhance the safety of road users, in particular, vulnerable road users.

Main Roads WA was separately consulted at the 15% design stage regarding the design’s compliance with the Safe Active Streets Signs and Pavement Markings Policy and Application Guidelines - July 2023. Main Roads WA requested changes to the intersection design, specifically at the intersection of Evans Street and Excelsior Street, and the intersection of Excelsior Street with Keightley Road, to improve the safety of these intersections.

An independent Road Safety Audit of the design drawings was conducted at the 85% design stage, with no design change recommendations identified.


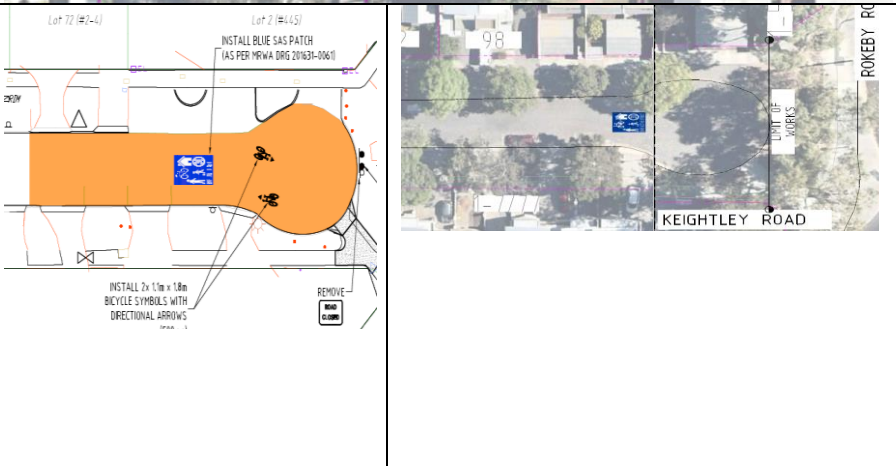
All kerb buildouts on Keightley Road between Waverley Street and Rokeby Road have been removed from the design due to safety concerns resulting from pinch points which would have been created by the buildouts. Three additional raised plateaus are included at intersections, to ensure consistency in traffic calming treatments along the entire route and in lieu of kerb buildouts.

The intent of the design changes is to achieve the desired outcome for a Safe Active Street route as per DoT guidelines and to maintain consistency in the treatments along the entire SAS route, encouraging reduced vehicle speeds and increased usage by pedestrians and cyclists. The table below summarises the changes from concept design to detailed design.

	Design Change	Detailed Design	Concept Design
1	A midblock raised plateau adjacent to Railway Road on Evans Street has been added to outline the beginning of the SAS route from the Railway Road end and ensure the design speed is achieved.		

<p>2 A midblock raised plateau has been added near 37 Evan St to slow down traffic given the lack of speed control measures on Evans Street from Railway Road to Excelsior Street.</p>		
<p>3 A give way line has been added on the southern side of Excelsior Street to improve the safety of the intersection, as identified in consultation with Main Roads WA.</p>		
<p>4 Red coloured asphalt has been added on Excelsior Street between Evans and Keightley Road to formalise the parking bays. A midblock treatment has been added adjacent to property number 64 to slow down traffic.</p>		



<p>9</p>	<p>Six kerbed buildouts as proposed in the concept has been removed to avoid any pinch points. Alternative traffic calming achieved through adding raised plateaus at intersections.</p>	
<p>10</p>	<p>The eastern end of the Keightley Rd cul de sac adjacent to Rokeby Rd has been treated with coloured asphalt to highlight the start/terminus of the route from Rokeby Road.</p>	

The changes are consistent with the design intent of the SAS project and the September 2022 Council resolution, and support the City in meeting DoT and Main Roads WA requirements in order to proceed to construction.

**Consultation**

As outlined in the report, extensive community consultation was carried out in two stages to finalise the concept design. The City has also consulted with the Department of Transport and Main Roads WA at key design stages as required per the grant agreement and standard regulatory road design approval process to develop the detailed design.

All participants of community consultation who provided contact details are being advised of the detailed design and when it is being considered by Council.

## **Options**

1. The detailed design (**Attachment 1**) for the Evans Street to Keightley Road Safe Active Street project is endorsed and provided to Main Roads WA and the Department of Transport for approval, and pending this approval the project proceeds to construction.
2. The detailed design (**Attachment 1**) for the Evans Street to Keightley Road Safe Active Street project is endorsed with amendments and provided to Main Roads WA and the Department of Transport for consideration and approval, and pending this approval the project proceeds to construction.
3. The Evans Street to Keightley Road Safe Active Street project does not proceed to construction and the City returns the WA Bicycle Network funding to the Department of Transport.

## **Strategic Implications**

The recommendation contributes to the following Council strategies:

Strategic Community Plan – Strategy 5.24. Invest in improved pedestrians and cycle networks

Transport, Access and Parking Strategy  
Section 5, Walking and Cycling Strategies

Bike Plan 2021-2025

Project 11 – Implement the Keightley Road / Evans Street safe active street.

## **Statutory and Policy Considerations**

The detailed design has been designed in accordance with the *Road Traffic Act 1974*.

## **Risk and Asset Implications**

The City's Grant Funding Agreement (GFA) with DoT requires multiple design as well as construction milestones to be met by the City for acquittal of allocated funding. The milestone for completion of detailed design, including completion of ACE report, requires acquittal by 30 April 2024.

Should the timeline to finalise the detailed design be extended further the City will need to seek a variation to the current agreement with the DoT. Variations beyond the end of the financial year carry the risk that the funding may not be extended. This would also apply to the subsequent funding in place for construction that currently is set for completion by the end of the 2024/25 financial year if the detailed design is approved.

Should the City not proceed to finalise detailed design and construction, the City would be required to return \$122,115 in funding to the DoT. The non-completion of the project may also diminish the likelihood of the City being selected to receive funding for pedestrian and cycling related projects in the future.

## **Financial**

The City is eligible for \$60,000 in WABN grant funding from DoT for developing the detailed design. This amount has been partially paid to the City in accordance with milestones with a final payment of \$22,115 outstanding to complete the detailed design.

The estimated cost for construction is \$850,000. The construction is intended to proceed in two stages which could commence in 2024-25, and DoT grant funding has been approved for both stages, pending Council approval of the item in the annual

budget. For the first stage \$100,000 will be made in four instalments if agreed construction milestones are achieved. A further \$325,000 of grant funding will be available following the completion of stage 1 milestones.

**Social and Environmental Implications**

Safer shared public streets have public health benefits for the community, as they support greater active transport use and physical activity.

**Attachments**

1. Evans Street to Keightley Road Safe Active Street detailed design

**C3 APPROVAL TO GAZETTE DRAFT WASTE LOCAL LAW 2023\*****REPORT FROM DIRECTOR TECHNICAL SERVICES**

**Author:** Manager Waste and Infrastructure Maintenance, Robert Wyllie  
**Date:** 5 March 2024  
**File Reference:** A/7653  
**Voting Requirements:** Absolute majority - 5 elected members required to vote in favour

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Burns / Seconded Cr Powell

**Pursuant to section 3.5(1) of the *Local Government Act 1995*, the City of Subiaco resolves to make Waste Local Law 2023 as provided in Attachment 1.**

CARRIED BY AN ABSOLUTE MAJORITY 8/0

6:22pm

**Executive Summary**

- At the Ordinary Council Meeting held on 27 June 2023, Council resolved to make an undertaking to the Joint Standing Committee on Delegated Legislation (JSCDL) in relation to *Waste Local Law 2022*.
- As part of this undertaking the City resolved to repeal Waste Local Law 2022 and make a new local law.
- Local public notice of the new amended Waste Local Law occurred from 30 June to 14 August 2023 and received no submissions.
- The amended Waste Local Law was provided to Department of Water and Environmental Regulation (DWER) for their consent prior to the gazettal process.
- The Director General of DWER provided consent for the City to make the Waste Local Law and this report recommends that Council resolve to make the Waste Local Law 2023 (Attachment 1).

**Background**

At its meeting held on 21 February 2023, Council adopted the *Waste Local Law 2022* for gazettal. Subsequent to receiving advice from the JSCDL regarding the local law, at the meeting held on 27 June 2023 Council resolved to make the following undertaking to the JSCDL:

1. *The Council of the City of Subiaco resolves to undertake to the Joint Standing Committee on Delegated Legislation that:*
  - a) *Within 6 months it will repeal the Waste Local Law 2022 and make a new Local Law complying with all requirements in section 3.12 of the Local Government Act 1995.*
  - b) *The Waste Local Law 2022 will not be enforced in a manner contrary to undertaking a).*
  - c) *Where the local law is made publicly available by the City, whether in hard copy or electronic form, will ensure that it is accompanied by a copy of the undertaking.*
2. *Subject to Council's resolution 1 above, Council acknowledges that the Mayor will provide a formal letter of undertaking to the Joint Standing Committee on Delegated Legislation in respect of the matters prescribed in resolution 1 above.*
3. *In accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that the Council proposes to make a Waste Local Law*

*2023 as shown at Attachment 2, a summary of the purpose and effect of the Local Law being:*

**Purpose**

*To assist the City of Subiaco in administering sustainable waste and recycling services to maintain consistent, cost effective and functional waste management practices to aid in the reduction of waste to landfill.*

**Effect**

*Waste will be managed within the City of Subiaco as effectively and sustainably as possible.*

Local public notice of the new amended Waste Local Law occurred from 30 June to 14 August 2023 and received no submissions.

The amended Waste Local Law was provided to DWER for their consent prior to the gazettal process. The Director General of DWER requested no changes and provided consent for the City to make the Waste Local Law on 16 January 2024.

**Comment**

Whilst the *Waste Local Law 2022* is in place, no aspect of it can be enforced as a result of the undertaking made to the JSCDL. The draft *Waste Local Law 2023* provides for the repeal of the *Waste Local Law 2022* and is based on the template provided through WALGA.

After Council resolves to make the local law, the City is required to publish the Local Law (as made / adopted by Council) in the Government Gazette and provide a copy to the relevant Ministers.

Once the Local Law has been published in the Gazette the City is required to give local public notice, then provide copies of the Local Law to the JSCDL, within 10 working days of the gazettal date.

**Options**

The following options are available to Council:

1. Resolve to make Waste Local Law 2023.
2. Not resolve to make Waste Local Law 2023.

Option 1 is consistent with the commitment made by Council at its meeting of the 27 June 2023 to repeal the Waste Local Law 2022 and make a new local law.

Council gave an undertaking not to enforce the current Waste Local Law. If the amended draft Waste Local Law is not endorsed, this will limit the City's ability to administer sustainable waste and recycling services to maintain consistent, cost effective and functional management practices.

**Consultation**

In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, the City gave local public notice from 30 June 2023 to 14 August 2023. The City received no submissions during this period.

Following the local public notice the City provided the amended Waste Local Law to DWER for their consent prior to the gazettal process.

### **Strategic Implications**

The Waste Local Law is consistent with the objectives of the City of Subiaco's adopted:

#### **Waste Plan (2020 – 2025)**

Policies and Procurement – Develop a Waste Local Law.

The recommendation contributes to the following Council strategy:

#### **Strategic Community Plan**

Objective 2.1.5 Maintain an efficient and sustainable waste and recycling service.

### **Statutory and Policy Considerations**

This initiative aligns with the Waste Avoidance and Resource Recovery (WARR) Strategy 2030 and the *Local Government Act 1995* – Sections 3.1 and 3.12.

### **Risk and Asset Implications**

The Waste Local Law is an important action within the City's adopted Waste Plan 2020 - 2025, which will assist the City in meeting its material recovery, landfill diversion targets and better manage the disposal of our waste.

If a Local Law is not enacted it will limit the City of Subiaco's ability to administer sustainable waste and recycling services to maintain consistent, cost effective and functional waste management practices.

### **Financial**

The financial implications of implementing the Waste Local Law can be accommodated within City's waste services recurrent annual budget which is sufficient to fund this activity.

### **Social and Environmental Implications**

The Local Law provides a consistent framework to ensure the City and its community are working together to minimise waste, protect our environment and create a more sustainable low waste economy for future generations.

### **Attachments**

1. Waste Local Law 2023

## **C4 ARCHITECT PROCUREMENT – REDEVELOPMENT OF 241 ROKEBY ROAD\***

### **REPORT FROM DIRECTOR CORPORATE SERVICES**

**Author:** Director Corporate Services, Emma Woolaston  
**Date:** 5 March 2024  
**File Reference:** A/7653  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

#### **COUNCIL DECISION**

- 1. The Chief Executive Officer initiates a Request for Tender process to recommend to Council a qualified and experienced architect to prepare:
 
  - a. a concept design for a new civic building to replace the Council Chambers and Administration Building, and**
  - b. a preliminary master plan for the new surrounds within the Civic Precinct;**
 based on the vision, design principles, opportunities, constraints and functional spaces outlined in Attachment 1.**
- 2. Elected Members have opportunities to provide input and feedback to the evaluating officers, in a manner and form determined by the CEO in consultation with the Mayor and advised to Elected Members, regarding:
 
  - a. the tender process and evaluation criteria, prior to the Request for Tender being advertised; and**
  - b. the suitability of tenderers, prior to officers putting a recommendation to Council for the award of contract to a selected tenderer.****
- 3. Council confirms its intent that upon selection of an architectural procurement method, priority will be given to the identification of suitable community touchpoints; and a community consultation process will be programmed following the appointment of an architect.**

CARRIED 5/2

CRS JOHNSTON AND POWELL VOTED AGAINST

7:45pm

#### **COUNCIL DECISION**

Moved Cr Powell / Cr Jones

**Pursuant to clause 7.7 of the City of Subiaco Meeting Procedures Local Law 2013, the Presiding Member adjourned the meeting at 6:25pm and reconvened the meeting at 6:40pm.**

CARRIED 7/1

CR BURNS VOTED AGAINST

6:25pm

#### **PROCEDURAL MOTION**

Moved Cr Burns / Seconded Cr Johnston

**Pursuant to clause 7.1(a) of the City of Subiaco Meeting Procedures Local Law 2013, the meeting proceed to the next business.**

LOST 3/5

MAYOR MCMULLEN AND CRS DE VRIES, JONES, O'CONNOR AND KOSOVICH  
 VOTED AGAINST

6:45pm

**OFFICER RECOMMENDATION**

Moved Cr de Vries / Seconded Cr Kosovich

The Chief Executive Officer initiates a Request for Tender process to recommend to Council a qualified and experienced architect to prepare:

- a. a concept design for a new civic building to replace the Council Chambers and Administration Building, and
- b. a preliminary master plan for the new surrounds within the Civic Precinct, based on the vision, design principles, opportunities, constraints and functional spaces outlined in Attachment 1.

*The Presiding Member, Mayor David McMullen, vacated the chair at 6:53pm and Deputy Mayor Cr Garry Kosovich assumed the chair.*

**COUNCIL DECISION**

Moved Cr Powell / Seconded Cr Burns

**Pursuant to clause 7.1(h) of the City of Subiaco Meeting Procedures Local Law 2013, the meeting be closed to the public to discuss legal advice obtained.**

CARRIED 5/3

MAYOR MCMULLEN AND CRS DE VRIES AND JONES VOTED AGAINST

7.01pm

**COUNCIL DECISION**

**Pursuant to clause 4.18 of the City of Subiaco Meeting Procedures Local Law 2013, the Presiding Member suspended the limitations on speaking contained within clauses 4.10 and 4.11.**

CARRIED

*Cr Burns left the meeting at 7:25pm.*

**COUNCIL DECISION**

**Pursuant to clause 4.18 of the City of Subiaco Meeting Procedures Local Law 2013, the Presiding Member resumed the limitations on speaking contained within clauses 4.10 and 4.11.**

CARRIED

*Cr O'Connor left the meeting at 7:28pm and returned to the meeting at 7:29pm.*

**COUNCIL DECISION**

**The meeting come out from behind closed doors.**

CARRIED

*Cr Johnston left the meeting at 7:30pm and returned to the meeting at 7:31pm.*

**AMENDMENT**

Moved Mayor McMullen / Seconded Cr O'Connor

The motion be amended to read as follows:

1. The Chief Executive Officer initiates a Request for Tender process to recommend to Council a qualified and experienced architect to prepare:
  - a. a concept design for a new civic building to replace the Council Chambers and Administration Building, and
  - b. a preliminary master plan for the new surrounds within the Civic Precinct;

- based on the vision, design principles, opportunities, constraints and functional spaces outlined in Attachment 1.
2. Elected Members have opportunities to provide input and feedback to the evaluating officers, in a manner and form determined by the CEO in consultation with the Mayor and advised to Elected Members, regarding:
    - a. the tender process and evaluation criteria, prior to the Request for Tender being advertised; and
    - b. the suitability of tenderers, prior to officers putting a recommendation to Council for the award of contract to a selected tenderer.
  3. Council confirms its intent that upon selection of an architectural procurement method, priority will be given to the identification of suitable community touchpoints; and a community consultation process will be programmed following the appointment of an architect.

CARRIED 7/0

7:32pm

Mayor McMullen provided the following reasons:

1. *As to point 2: A critical success factor is the ability of the architect to constructively interact with and facilitate discussions with Elected Members. As such, there is a rationale for the Elected Members to be able to provide input in this regard. The intent of this amendment is to allow such input, in a way that maintains an appropriate distinction between the respective roles and statutory functions of Elected Members and staff.*

2. *As to point 3: The value of community input into the design and development of public buildings presumably needs little explanation. This amendment is consistent with the Officer report, which already states:*

*'Discussions during strategic workshops have highlighted the importance of community input in providing for a successful redevelopment. It is anticipated that there will be a range of touchpoints with the community to ensure that there is ample opportunity to provide input on the building's future use. The approach to selecting an architect will be a key factor in determining the approach to community engagement'.*

*The Presiding Member, Deputy Mayor Cr Garry Kosovich, vacated the chair at 7:33pm and Mayor David McMullen resumed the chair.*

*Cr Kosovich left the meeting at 7:33pm and returned to the meeting at 7:35pm.*

#### SUBSTANTIVE MOTION

1. The Chief Executive Officer initiates a Request for Tender process to recommend to Council a qualified and experienced architect to prepare:
  - a. a concept design for a new civic building to replace the Council Chambers and Administration Building, and
  - b. a preliminary master plan for the new surrounds within the Civic Precinct; based on the vision, design principles, opportunities, constraints and functional spaces outlined in Attachment 1.
2. Elected Members have opportunities to provide input and feedback to the evaluating officers, in a manner and form determined by the CEO in consultation with the Mayor and advised to Elected Members, regarding:
  - a. the tender process and evaluation criteria, prior to the Request for Tender being advertised; and

- b. the suitability of tenderers, prior to officers putting a recommendation to Council for the award of contract to a selected tenderer.
3. Council confirms its intent that upon selection of an architectural procurement method, priority will be given to the identification of suitable community touchpoints; and a community consultation process will be programmed following the appointment of an architect.

CARRIED 5/2

CRS JOHNSTON AND POWELL VOTED AGAINST

7:45pm

### **Executive Summary**

- The Council Chambers and Administration Building at 241 Rokeby Road has been nearing the end of its useful life for some time and sustained a fire in September 2022.
- In December 2022, Council resolved to progress with the demolition and rebuild of the Council Chambers and Administration Building, subject to further exploration of the future of the site and a subsequent Council decision.
- Several Elected Member workshops have been held with significant progress made on the design brief for a new civic building.
- It is timely to determine the approach to selecting an architect to progress a concept design for the building and a preliminary master plan for its surrounds.
- Two approaches to selecting an architect have been considered:
  - A request for tenders approach will select a single architect with whom the City could iteratively progress a concept design.
  - An architectural tender approach will involve a competition amongst shortlisted architects to produce the most favoured concept design.
- On balance officers recommend the request for tenders approach due to the complexity and higher degree of risk inherent in an architectural tender approach.

### **Background**

The City of Subiaco Civic Precinct (**Figure 1**) reflects multiple layers of history, having previously housed (amongst other things) a post office, fire station, markets, a substation, a bowling club, a croquet club, a fernery, and bandstands.

Today it comprises the E H Parker Library, Subiaco Museum, Council Chambers and Administration Centre, Rankin Gardens and Fallen Soldier's Memorial Clock Tower and a number of significant trees. The Civic Precinct is in the mid-section of Rokeby Road, a key main street of Subiaco and a significant destination in its own right.

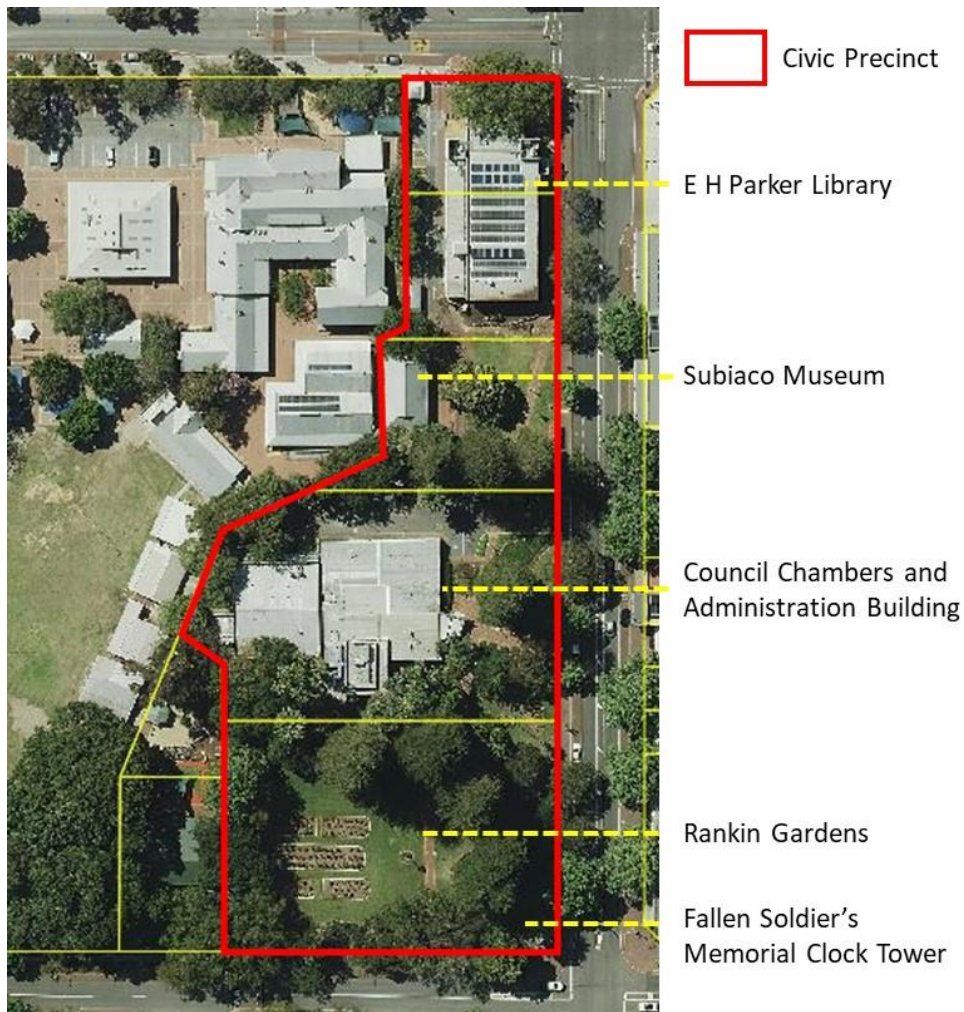


Figure 1: Civic Precinct

The Council Chambers and Administration Building at 241 Rokeby Road was constructed in the 1960s and extended in 1966 and 1979. In recent years it has been nearing the end of its useful life, as the building has experienced water damage, leading to flooding, damage to fixtures, damage to furniture, and mould. The Corporate Business Plan 2021-2025 identified a priority project to 'prepare a plan for the redevelopment of the administration centre and surrounding areas'. Following commencement of the project, a fire in the roof cavity in September 2022 provided additional impetus.

The opportunity to redevelop 241 Rokeby Road and its surrounds is a strategic decision in determining the future of an asset that will serve the community for the next 50-100 years. Over the past few years there have been several Council decisions made regarding the future redevelopment. At its meeting on 13 December 2022, Council resolved (item C7) to progress with the demolition and rebuild of 241 Rokeby Road Subiaco, subject to a subsequent Council decision being made to proceed with the demolition, and subject to having finalised a design brief, project management plan and contracts for the construction of a new building. Council resolved to hold Elected Member workshops to explore and consider fundamental aspects of the project.

Six Elected Member workshops have been held and significant progress has been made in relation to the future redevelopment. It is now timely to select an architect to assist the City in further progressing the project.

It is noted that following the fire, staff and Council facilities previously accommodated at the site are temporarily relocated to a rental property at 388 Hay Street. A part of the building at 241 Rokeby Road that was not damaged by the September 2022 fire is currently being utilised as a pop-up library while the external refurbishment of the Evelyn H Parker Library takes place. When the refurbishment is complete, library staff will relocate back to the main Library and the building will no longer be in use.

### **Comment**

#### **Preliminary Design Brief**

A design brief is a key document used to inform prospective architects of project objectives, so that they have a clear foundation from which to progress a concept design.

Themes that have emerged in strategic workshops with Elected Members include the desire to:

- Acknowledge the site's past and future.
- Be harmonious within its setting.
- Preserve and enhance the urban forest.
- Be flexible and adaptable to multiple uses.
- Achieve environmental and financial sustainability.
- Provide good amenity across both indoor and outdoor spaces.
- Embody design excellence.

Having regard to Elected Member discussion during strategic workshops, a preliminary design brief has been composed (**Attachment 1**) for the site, inclusive of:

- A Council Chambers.
- Office accommodation for the majority of the City's indoor based staff.
- Flexible spaces for civic and community use.

It is noted that the preliminary design brief is subject to further iteration, detailing and approval by Council prior to finalisation, in accordance with the Council resolution on 13 December 2022 (item C7).

#### *Council Chambers*

It is proposed to include a Council Chambers and associated spaces such as a public reception area, restrooms, kitchen, and storage.

#### *Office Accommodation*

It is proposed to provide office space for staff previously located at 241 Rokeby Road as well as inside staff currently based at 19 Bishop Street. Staff at Bishop Street form part of the Technical Services directorate, and include rangers, environmental health officers, waste officers, project engineers, as well as officers providing administrative and project support across the City's assets, parks, environment, sports and recreation services. These staff were previously located at the operations centre at 2 Upham Street and at 241 Rokeby Road and were relocated into one of the City's investment properties at 19 Bishop Street when the centre at 2 Upham Street reached the end of its useful life.

The Bishop Street area is becoming increasingly residential in nature and is targeted for an additional 800 dwellings supported by a mix of land uses as part of the City's planning framework. Moving staff into a single central administration building would provide the opportunity to sell or lease 19 Bishop Street while aiding in the transition of

the area to a vibrant residential centre in accordance with the City's Local Planning Strategy.

Benefits of co-locating staff at 19 Bishop Street with other staff at 241 Rokeby Road include:

- A central location for community and customers that is readily accessible by public transport.
- More ready collaboration between staff from different branches.
- An attractive workplace for staff with better amenity and access to nearby services.
- A potentially lower environmental footprint and lower building up-keep costs compared to spreading staff across two sites.

It is proposed that staff accommodation be open plan, provide sufficient meeting spaces, staff amenities and storage, and provide good access to natural light.

It is noted that, following the demolition of 2 Upham Street, the City's outside staff were based between a makeshift depot at Mount Claremont and 19 Bishop Street. Outside staff currently use 19 Bishop Street for staff facilities and Mount Claremont to store heavy vehicles, bulky goods and nursery items. The City is working on securing a more permanent, fit for purpose depot facility for outside staff at Mount Claremont, acknowledging that 19 Bishop Street is not a suitable location for depot needs.

#### *Flexible Civic and Community Spaces*

It is proposed to include meeting and function spaces which can be used for civic and community purposes. Council requires civic spaces for a range of different activities and the utilisation of these spaces can be maximised by opening access to the community. For example, the public gallery of the Council Chambers could be extendable into an overflow area that is extendable for larger audiences and civic functions such as citizenship ceremonies. This area could be bookable by the community when not otherwise in use. Amenities such as a Council kitchen could be placed and designed to support community use for both indoor and outdoor events; meeting rooms could be opened to access by community groups; and storage could be provided for regular community users.

This approach would help to further activate the Civic Precinct and support a sense of community inclusion. Given that the City's population is forecast to grow from around 18,000 people to day to around 30,000 by 2050, it is prudent to ensure that any new spaces created are flexible and adaptable to evolving community needs.

The building is estimated to include between 2,000 and 3,000 square metres of floor space plus undercroft car parking, based on the proposed inclusions in the preliminary design brief and depending on the final design. This could be accommodated within the site in a number of configurations, for example a 1-2 storey single structure; a campus style layout comprising a number of interlinked smaller buildings; or a 3-4 storey mid-rise structure with a more compact footprint than the current building, as depicted in illustrative massing diagrams in Figure 2. For comparison the Library is a 2 storey building and the Museum is single storey.



*Figure 2: Illustrative massing diagrams*

It is important that the building is harmonious in relation to the other buildings, gardens and open spaces within the Civic Precinct, and that access points and connections across the Precinct are thoughtfully considered.

There is a wide range of possible designs and it is timely to focus on selecting an architect in order to progress a concept design for the building and a masterplan for its surrounds.

### Architect Procurement

During strategic workshops with Elected Members, two main methods of procuring an architect were discussed.

#### *Request for Tenders*

This approach involves issuing a request for tender (RFT) document to the public outlining the project details, evaluation criteria and submission requirements. The RFT invites interested suppliers to submit their bids by a specified deadline. A staff evaluation panel then assesses submissions based on price and performance against the evaluation criteria and recommends a supplier to Council its decision.

The evaluation criteria would typically include demonstrated experience in completing similar projects, skills and experience of key personnel, a demonstrated understanding of the required tasks, the ability to appropriately resource the project, and evaluation of the supplier's environmental credentials.

Architects would not usually submit concept designs as part of an RFT process due to the resource intensive nature of producing concept designs. Rather, the architect would be selected based on qualitative criteria and then once selected, work with the City to finalise the design brief and iteratively produce a concept design. The architect would also advise on community engagement to inform the design.

#### *Architectural Tender*

An architectural tender process provides the opportunity to seek concept designs from different architects. Following an initial expressions of interest process, a small number of architects are shortlisted based on qualitative criteria, in a similar manner to the selection approach under an RFT process.

Each shortlisted architect is then provided an honorarium to develop a concept design which can be assessed by an expert evaluation panel. The honorarium is not intended

to be a fee for service and it is likely that respondents will undertake significantly more work than covered by the honorarium.

Respondents may present their initial concepts and ideas to the panel for preliminary feedback and must present a final concept design to the evaluation panel by a pre-determined due date. The evaluation panel typically includes qualified external experts capable of assessing concept designs, including on their technical merits. The evaluation panel assesses the responses having regard to pre-determined evaluation criteria and selects the successful respondent (sometimes referred to as the ‘winner’).

The panel may then recommend the successful respondent to the Council who may decide to proceed with the respondent and their design ‘as is’, or to further iterate the concept design prior to moving to detailed design.

Generally architectural tenders require more work upfront, for example to finalise a well-refined design brief in order to avoid ambiguity, to select an expert panel and to determine the details of the process. They are likely to attract more interest from quality architects where the brief involves sufficient scope and complexity to support an architecturally interesting design. The City of Fremantle deployed an architectural tender in progressing the development of the Walyalup Civic Centre.

Should Council decide to run an architectural tender, draft tender conditions are contained in **Attachment 2**. The tender conditions address entrant eligibility, timing, deliverables, the evaluation criteria, intellectual property, honoraria, liability, governing law and jurisdiction. These details and the yellow highlighted placeholder sections are to be finalised before the tender is released. The conditions have been reviewed by the City’s lawyers.

### *Assessment*

An analysis of the benefits and risks of each approach is provided below.

Procurement Approach	Benefits	Risks
Request for Tenders	<ul style="list-style-type: none"> <li>- Supports the ability to iterate the design in collaboration with the selected architect</li> <li>- Better able to ensure that the concept design is tailored to the City’s needs</li> <li>- Better able to adapt the design to cater for fluctuating building costs</li> <li>- Less complexity</li> </ul>	<ul style="list-style-type: none"> <li>- May consume more time and focus to iterate the design</li> <li>- Only able to consider concept designs from one selected architect</li> </ul>
Architectural Tender	<ul style="list-style-type: none"> <li>- Able to see multiple concept designs before selecting an architect</li> <li>- May generate more design ideas and attract more architects</li> <li>- Can promote innovation and design excellence</li> <li>- Can promote public interest</li> <li>- Tender process may result in a final or near-final concept design</li> </ul>	<ul style="list-style-type: none"> <li>- May consume more time and focus to finalise and facilitate the tender process</li> <li>- Reputational risk and delays if none of the concept designs are deemed suitable</li> <li>- Potential to generate more divided and emotive opinions</li> <li>- Sentiment may be generated for a design which is not technically suitable or affordable</li> <li>- Less exposure to the design team during concept design compared to an iterative approach</li> </ul>

The Australian Institute of Architects maintains an [Architectural Competitions Policy](#) outlining their position in relation to architectural tenders, including further analysis of their advantages, disadvantages, and good practises in their conduct.

While it is acknowledged that architectural tenders may offer benefits, on balance, given the inherent risks and complexity, officers recommend that the Request for Tenders approach is adopted in this instance. It is likely that the quality of respondents is able to be assessed with a high degree of confidence based on prior credentials, skills, experiences and references. A critical success factor will be the ability of the architect to work collaboratively with Elected Members and officers towards an agreed concept design.

### Design Review Panel

The City has a Design Review Panel (DRP) comprising members with significant experience in Architecture, Landscape Architecture, Urban Design, Servicing Engineering, Public Art and other fields. Development at this scale is ordinarily referred to the Panel for review.

The DRP can be used to provide additional feedback from diverse technical experts to assist in the development of the design. This feedback could be incorporated into either approach to selecting an architect through appropriate DRP review point(s).

### Options

It is open to Council to:

1. Commence a request for tender process to engage a qualified and experienced architect to prepare a concept design for the new civic building and a preliminary master plan for its surrounds, based on **Attachment 1** as-is or with amendments; or
2. Run an architectural tender to select multiple architectural firms to produce a preliminary concept design for the new civic building and a preliminary master plan for its surrounds, based on **Attachment 1** as-is or with amendments; or
3. Not undertake procurement of an architect and undertake additional strategic workshops to determine the way forward for 241 Rokeby Road and its surrounds.

### Consultation

Discussions during strategic workshops have highlighted the importance of community input in providing for a successful redevelopment. It is anticipated that there will be a range of touchpoints with the community to ensure that there is ample opportunity to provide input on the building's future use. The approach to selecting an architect will be a key factor in determining the approach to community engagement. Either process lends itself to community engagement at various stages.

### Strategic Implications

The redevelopment of 241 Rokeby Road represents an intergenerational opportunity to plan for the future, set the benchmark for design excellence and sustainability, and make the most of the Civic Precinct and its garden setting.

The recommendation supports the following Council strategy:

*Corporate Business Plan – 6.1.1 Prepare a plan for the redevelopment of the administration centre and surrounding areas.*

### **Statutory and Policy Considerations**

The Civic Precinct comprises 5 lots, one of which is owned by the City in freehold (Lot 423) and the rest of which are Crown land vested in the City pursuant to a management order for a particular community-related purpose (for example public gardens, municipal buildings).

The City is not able to use Crown land under management for a purpose other than the purpose for which the land was vested unless the alternative purpose is “ancillary” or “incidental” to the primary purpose.

Based on the design brief elements at **Attachment 1**, the proposed new civic building is aligned to its permitted primary purposes. Further review and Ministerial consent may be necessary should Council be minded to include an additional use such as indoor / outdoor dining.

### **Risk and Asset Implications**

Progressing the selection of an architect is a key step in progressing the build of what will be a critical new intergenerational asset.

See the Comment section for a further assessment of the risks associated with the two major approaches to selecting an architect.

### **Financial Implications**

The redevelopment of 241 Rokeby Road and surrounds represents an intergenerational investment and initial analysis has been conducted of potential costs and funding options. Cost scenarios indicate that the City has the financial capacity to undertake the project without putting upward pressure on rates or diminishing the City’s strong financial position.

It is likely that the project would be funded through a combination of:

- Cash backed reserves.
- Internal and/or external loans.

Repayment of loans would be assisted by revenue from sources such as rates income from new developments, and returns from the City’s investment portfolio, as well as prudent ongoing management of operational expenses.

There will be the opportunity to work with the appointed architect to finalise costings once the concept design is progressed. The concept design phase is expected to cost in the order of \$250,000 based on proceeding with either method of procurement. Currently \$150,000 is provisioned to progress the project within the City’s 2023-24 Budget, which is sufficient to cover current financial year costs.

Analysis has been conducted to explore the option for the City to continue to lease office accommodation for its administrative staff. The net present value of rent and outgoings over 50 years (roughly the lifespan of a new civic building) would likely be on the order of the cost of redeveloping 241 Rokeby Road. An important consideration would be the implication for the City’s current management order over portions of the Civic Precinct. If the site remains underutilised, the Minister for Lands may cancel the management order and create a new management order to another body to use for another purpose.

**Social and Environmental Implications**

The redevelopment of 241 Rokeby Road provides the opportunity to set the benchmark in terms of environmental sustainability, while protecting and enhancing the urban forest, and further activating the Civic Precinct for the benefit of the community.

**Attachments**

1. Preliminary Design Brief
2. Architectural Tender Conditions

**C5 MID YEAR BUDGET REVIEW 2023-24\*****REPORT FROM DIRECTOR CORPORATE SERVICES**

**Author:** Manager Finance Services, Bianca Jones  
**Date:** 5 March 2024  
**File Reference:** A/7653  
**Voting Requirements:** Absolute majority - 5 elected members required to vote in favour

*The Presiding Member adjourned the meeting at 7:46pm and reconvened the meeting at 7:52pm.*

*Cr Burns returned to the meeting at 7:52pm.*

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Burns / Seconded Cr Kosovich

**The amendments to the 2023-2024 Budget as detailed in Attachment 2 are adopted.**

CARRIED BY AN ABSOLUTE MAJORITY 8/0

7:53pm

**Executive Summary**

- The budget review process provides a means to recommend adjustments to Council's annual budget to take into account evolving financial circumstances and operational needs.
- Officers have reviewed the City's financial position and recommended a range of adjustments to produce an amended Budget for 2023-2024.
- The recommended amended Budget for 2023-2024 is balanced and provides higher reserve balances than projected in the original 2023-24 Budget.
- The recommended adjustments propose to repay the internal loan for the first year of the City's digital transformation project in full, bringing forward all future repayments to the amount of \$2,200,000.
- All additional operating and capital expenses have been offset with cost savings and revenue gains.

**Background**

Each local government is to conduct a review of its annual budget once annually between 1 January and the last day of February, in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1995*. The review is to be submitted to the Council on or before 31 March, to enable it to consider whether or not to adopt the review or any parts of the review.

The review of the annual budget is to consider the local government's financial performance between 1 July and 31 December, the local government's financial position, and the projected outcomes for the financial year.

Officers conducted the review of the City's annual budget during the period between 1 January and 29 February 2024 and this report recommends various adjustments accordingly.

### Comment

The budget review is a key process in assisting with the prudent and transparent management of the City's finances, and provides a means of ensuring that funds are best deployed to best meet evolving financial requirements.

Major recommended adjustments are outlined below with a summary of adjustments provided at **Attachment 1**, and full detail provided at **Attachment 2**. The recommended adjusted 2023-24 budget continues to provide a balanced budget.

### Opening Position and Carry Forwards

The starting point for the process is to identify adjustments to opening balances for the start of the financial year compared to what was forecast in the budget, any adjustments to project budgets that have been carried forward, and any net surplus available from the prior financial year.

Opening balance reserves were \$2,669,651 higher than projected, with adjustments to each reserve primarily reflecting carried forward works that were not yet completed as at 30 June 2023.

Carried forward budgets have been adjusted to account for changes to the timing of payments to complete works. Where works won't be completed in the 2023/24 financial year or the projects are on hold the funds have been transferred to reserve.

A carry forward adjustment of \$9,874,000 has also been made to the City's current assets. This relates to assets which were held for sale at 30 June 2023, originally budgeted to be sold in 2022-23. The assets will remain on the balance sheet as current assets until sold, as required by accounting standards. The proceeds of sale will subsequently be transferred to reserves in accordance with the City's budget.

Outside of carried-forward amounts, a net surplus of \$2,225,491 is available based on revenue gains and cost savings achieved in 2022-23. It is recommended that this is primarily directed towards paying back the internal loan of \$2,200,000 taken out in the 2023-2024 Budget to fund the digital transformation of the City's systems and processes. As highlighted in the budget document, it is prudent to prioritise surplus funds towards repaying this loan to bring forward repayments where appropriate. There is sufficient surplus to pay this loan off in entirety meaning that no future repayments will be needed for the first year of the digital transformation project.

### Revenue

A budget of \$2,187,275 has been applied for settlement of the City's insurance claim in relation to the fire at 241 Rokeby Road. It is recommended that the funds received are transferred to the Buildings and Facilities reserve.

Additional interest of \$555,000 has been recognised on the City's cash investment holdings due to improved interest rates. This has partially offset a potential current-year shortfall of \$211,961, as part of the Financial Assistance Grant allocation for 2023-24 was received in advance in 2022-23. It is recommended that the remaining funds are transferred to the respective reserves where they have been generated.

### Operating Expenses

Officers have identified areas of savings to offset areas where additional expenses are required compared to what was budgeted.

Employee cost savings of \$460,000 have been identified primarily due to vacant roles that were filled part way through the year. In addition, bringing forward the entire repayment of the loan of \$2,200,000 for the digital transformation program means that no annual repayment of the loan will be required, yielding a further saving of \$310,000. Major additional expenses identified in the review include:

- \$208,000 to undertake grounds maintenance across City parks and open spaces, as some maintenance works were not able to be completed in 2022-23 due to labour shortages and contractor availability.
- \$157,600 in relation to a matter before the State Administrative Tribunal.
- \$150,000 towards the fit-out of a City owned property as a lease incentive as approved at the March 2023 Council Meeting.
- \$95,000 higher than budgeted insurance premiums due to unanticipated market movements in relation to insurance pricing.
- \$73,300 to digitise property files and minute books currently held in hard copy only.

### Capital Expenses

Budget adjustments of \$380,210 have been made to reflect the Council decisions from the 26 September 2023 relating to the transition to electric vehicles, and the supply and install of electric chargers. As per the officer's report from that time, it is anticipated that the higher upfront cost of electric vehicles will be more than offset by lower operating expenses over the time that the vehicles are held.

A budget adjustment of \$405,480 has also been included to complete the external renovation of the E H Parker Library. This includes \$282,864 to accommodate the difference between the budgeted figure of \$1,500,000 and the awarded tender price of \$1,782,865 as approved at the July 2023 Council Meeting, and \$122,615 to cover minor variations.

A budget adjustment of \$105,000 has been included for the completion of a new, fully grant funded project in relation to footpath improvements on Heytesbury Road.

### Other Reallocations

Selected other reallocations have been put forward to ensure that funds are aligned to the correct accounts. For example, some digital transformation funds have been reallocated from contractors to employee costs due to the approach to sourcing resources. These reallocations have produced no net change to project budgets.

### Options

Council's options include:

1. To adopt the recommended adjustments to the 2023-24 Budget;
2. To adopt the recommended adjustments to the 2023-24 Budget subject to amendments or;
3. Not adopt the amendments to the 2023-24 Budget.

It is noted that some of the adjustments are to address costs which are not within the City's control and so not adopting them may leave the City at risk of overrunning individual budgets. The recommended adjustments provide a balanced budget and higher reserve balances than projected in the original 2023-24 Budget.

### Consultation

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

**Strategic Implications**

The budget review process recognises the City's commitment to responsible stewardship and sustainability by funding a wide range of activities throughout the community whilst seeking to keep the rates burden on current and future ratepayers at a reasonable level, in accordance with the City's Strategic Community Plan, Corporate Business Plan and the Strategic Financial Plan.

**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 budget review amends the City's annual budget, an absolute majority is similarly required.

Regulation 33A of the *Local Government (Financial Management) Regulations 1995* and Council policy 3.6 Budget Reallocations require a review of the annual budget to be conducted at least once annually between 1 January and the last day of February.

**Risk and Asset Implications**

The budget review process is a key control in providing for the prudent management of the City's finances as conditions, opportunities and constraints evolve over the course of the financial year.

**Financial**

As outlined in the body of the report, the budget review process has provided the opportunity to repay the internal loan of \$2,200,000 for the first year of the digital transformation project in entirety, while investing surplus revenues into reserves for the benefit of future community services and works. All additional operational and capital expenses have been offset by a combination of cost savings and revenue gains.

**Social and Environmental Implications**

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

**Attachments**

1. Revised Rate Setting Statement
2. 2023-24 Mid Year Budget Review Summary

## C6 FINANCIAL STATEMENTS AND REPORTS FOR THE MONTH ENDING 29 FEBRUARY 2024\*

### REPORT FROM DIRECTOR CORPORATE SERVICES

**Author:** Manager Finance Services, Bianca Jones  
**Date:** 15 March 2024  
**File Reference:** A/7653  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

### OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Jones / Seconded Cr Kosovich

The following reports for the month ending 29 February 2024 are endorsed:

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

CARRIED EN BLOC 8/0

6.04pm

### Executive Summary

The attached reports provide an overview of the City's financial performance for the month ending 29 February 2024, and have been prepared in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards (to the extent that they are not inconsistent with the Act). The reports fairly represent, in all material respects, the results of the operations for the month being reported.

### Background

These reports represent a snapshot as at 29 February 2024.

### Comment

#### *Statement of Financial Activity*

As at the end 29 February 2024, the City's net operating surplus was \$5.912m higher than budget, primarily due to:

- \$0.671m in fees and charges being realised earlier than anticipated due to the timing of lease invoicing and carparking fees;
- \$2.187m greater than anticipated reimbursements and donations due to settlement of the City's insurance claim relating to the fire at 241 Rokeby Road;
- \$0.710m in interest revenue due to a) more favourable interest rates than budgeted and b) bank balances being higher than anticipated whilst projects are completed;
- \$0.468m in wages savings due to unfilled positions, partially offset by temporary contract labour costs;
- \$2.606m less than anticipated materials and services expenditure due to timing of operational projects;
- \$0.073m in anticipated utility charges not yet being incurred;
- \$0.281m less than anticipated other expenses, due to Fines Enforcement Registry fees not yet being incurred, and selected rates and charges instalments on

investment properties not yet being due. These rates payments are recouped from tenants in accordance with their lease agreements.

This was partially offset by:

- \$0.125 lower than anticipated interim rates due to timing of new properties becoming rateable;
- \$0.359m lower than anticipated grants, subsidies and contributions as a portion of the 2023-24 allocation of the Financial Assistance Grant was received in advance during the 2022/23 financial year;
- \$0.077m lower than anticipated gains on disposal of assets as plant items have not yet been traded;
- \$0.520m lower than anticipated depreciation expense on fixed assets, noting that this is a non-cash item and doesn't impact net current asset balances;
- \$0.087m higher than budgeted insurance premiums incurred.

Net current assets as at July 1 were \$12.009m higher than anticipated primarily as planned asset sales for 2022-23 have not yet occurred. The assets in question will remain on the balance sheet as net current assets until sold, as required by accounting standards. The proceeds of sale will be transferred to reserves in accordance with City's budget.

#### *Statement of Financial Position*

The City's current assets of \$97,962,769 are mainly comprised of cash and cash equivalents of \$81,135,380, rates debtors of \$5,195,790, assets classified as held for sale of \$9,784,000, and sundry debtors of \$1,662,284 (including Modified Penalties).

Less restricted assets (Reserves), the City has net current assets of \$26,361,926 as shown below:

Current Assets	97,962,769
Less: Current Liabilities	7,611,078
Less: Total adjustments to net current assets	
Cash Backed Reserves	64,821,395
Current Portion of Borrowings	115,385
Current Portion of Borrowings (self supporting)	9,979
Current Portion of Lease Liabilities	706,266
Resulting In:	
<b>Net Current Assets</b>	<b>26,361,926</b>

#### *Cash and investments*

The City currently holds financial investments of \$77,821,395.

This includes cash backed reserves of \$64,821,395. Reserves are held to support the City's ability to allocate funds to future projects as identified through the City's strategic asset management and long term financial plans. Reserve movements are reconciled and adjusted each year and where major movements are planned, adjustments are also made to reserves in that period.

The City's investment policy operates with a view to maximising income and capital growth in relation to liquid assets. For short term liquid investment assets, the policy requires that no more than 30% is to be invested with any one institution at the time of investment. The policy also sets the requirement that investments in short term bank deposits and bank bills are made with institutions with a minimum A-2 rating.

### *Statement of Major Debtor Categories*

The attached report provides a summary of outstanding debts payable to the City of Subiaco. The balance of debts outstanding (including rates and sundry debtors) at 29 February 2024 was \$6,858,074.

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

### *Payments Summary*

A list of accounts paid under delegated authority between 1 February and 29 February 2024 is provided in the reports attached.

During the reporting period the City made the following payments:

Payroll payments to Employees	1,142,351.49
Cheque & EFT payments to Creditors	2,239,149.45
Credit Card Payments	27,776.65
<b>TOTAL PAYMENTS</b>	<b>3,409,277.59</b>

### **Options**

This report supports the City in meeting its statutory requirement to present a statement of financial activity at an ordinary meeting of council within 2 months after the end of the relevant month, and to record the statement in the minutes, in accordance with regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

Council could choose not to endorse the financial reports, noting that this statutory requirement would still be met.

### **Consultation**

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

### **Strategic Implications**

The Financial Statements and Reports contribute to the following strategy outlined in the City's Strategic Community Plan:

- **Strategy 6.1.5**  
*Create organisational and community culture that is underpinned by financially sustainable practice.*

### **Statutory and Policy Considerations**

The reports are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, including:

- (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)*

The reports are also prepared in accordance with the *Trustees Act 1962 (Part III)* and the City's Investment Policy.

**Risk and Asset Implications**

Preparation and reporting of monthly financial statements is a key control in ensuring that the City prudently manages its financial position with due regard to anticipating and mitigating financial risks.

**Financial**

The attachments show that the City's financial position is performing well compared to budget expectations for 2023-24.

**Social and Environmental Implications**

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

**Attachments**

1. Statement of Financial Activity – February 2024
2. Statement of Financial Position – February 2024
3. Summary of Cash and Investments – February 2024
4. Summary of Major Debtor Categories – February 2024
5. Payments Summary – February 2024
6. Credit Card Payment Summary – February 2024

**C7 MAJOR LAND TRANSACTION – MULTIPLE LOTS\*****REPORT FROM DIRECTOR CORPORATE SERVICES**

**Author:** Manager Commercial Services and Property, Joel Guest  
**Date:** 8 March 2024  
**File Reference:** A/7653  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr de Vries / Seconded Cr Kosovich

- 1. The City of Subiaco does not proceed with the major land transaction proposed in the business plan at Attachment 1, having regard to the public submissions received and Council’s decision to add the mature lemon scented gum at 203 Bagot Road to the City’s Significant Tree Register.**
- 2. The Subiaco Community Centre is demolished and a pocket park is created at 203 Bagot Road, Subiaco WA for the benefit of the community.**
- 3. The properties at 6 Rupert Street and 8 Rupert Street, Subiaco WA are each disposed of via public auction, with reserve prices reflecting their respective market valuations obtained not more than 3 months prior to their respective auction dates.**
- 4. The Chief Executive Officer is authorised to execute any documents, deeds or agreements necessary to give effect to this resolution.**

CARRIED 5/3

CRS JONES, O’CONNOR AND POWELL VOTED AGAINST

8:25pm

**Additional Information**

This report was originally considered at the Ordinary Council Meeting on 20 February 2024 (Item C3). A procedural motion was carried to proceed to the next item of business and Elected Members requested a strategic workshop to further explore aspects of the report. A workshop was held on 5 March 2024 and the report is now being re-presented for a Council decision.

**Executive Summary**

- At the Ordinary Council Meeting on 3 May 2023, Council resolved to give public notice of a business plan to dispose of four lots located at 203 Bagot Road (two lots), 6 Rupert Street and 8 Rupert Street Subiaco, WA.
- 203 Bagot Road and 6 Rupert Street together comprise the Subiaco Community Centre, which is at the end of its useful life. 8 Rupert Street is an adjacent heritage listed property which has been, until recently, leased to a social tenant.
- Community submissions regarding the business plan highlighted a preference to retain the properties to provide community amenity, given growing pressures on open space and the need to support community cohesion.
- At the Ordinary Council Meeting on 29 August 2023, Council resolved to add the mature lemon scented gum at 203 Bagot Road to the City’s Significant Tree Register.
- Having regard to community submissions and the retention of the Significant Tree, staff recommend that instead of proceeding with the business plan:
  - the Subiaco Community Centre (two lots) located at 203 Bagot Road is demolished and turned into a pocket park for community benefit; and
  - The properties at 6 and 8 Rupert Street are sold by auction.

**Background**

The Subiaco Community Centre was originally built in 1967 and occupies 3 lots across 203 Bagot Road (2 lots) and 6 Rupert Street (1 lot). Vehicular access to the property is via Salisbury Street.

The building has been nearing the end of its useful life for some time and has become increasingly expensive to maintain, requiring substantial capital expenditure or complete replacement to provide for its ongoing sustainability. In recent times it has been utilised by a small number of user groups who have since been transferred to other City community centres.

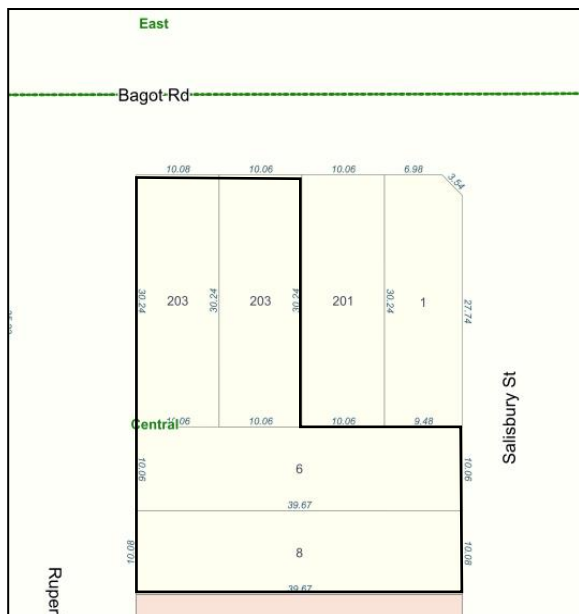
The City operates two other community centres within walking distance – the Tom Dadour Community Centre and the Palms Community Centre – as well as the Shenton Park Community Centre. Collectively these centres have substantial capacity to support growth in community usage. Further investment will be required in coming years to maintain their amenity.

The City also owns a heritage listed residential property at 8 Rupert Street which is located directly adjacent to 6 Rupert Street. This property has for many years been leased to Foundation Housing Ltd, a not-for-profit entity providing residential accommodation for persons with special needs. Foundation Housing vacated the property on 1 June 2023 given that the property was not as ideally suited to its needs as other properties.

At the Ordinary Council Meeting on 30 May 2023 (item C6), Council resolved to give public notice of a business plan to dispose of these properties (collectively, the ‘Property’), to support upgrades and repairs to the City’s other ageing community facilities.

A diagram of the Property is provided below in both map view and satellite view.

**Image 1: Property – map view**



**Image 2: Property – satellite view**



The City received 8 submissions (**Attachment 2**) in relation to the business plan which highlight a desire to retain the properties for community benefit. Some submissions also request that the heritage character of the properties be retained and express concern for the loss of open space, recreational facilities and trees.

At the Ordinary Council Meeting on 29 August 2023 (item C7), Council resolved to add the *Corymbia Citriodora* (Lemon Scented Gum) tree located at 203 Bagot Road to the City's Significant Tree Register, given its longevity and its visual, heritage and aesthetic value. The tree is currently in good health and excellent condition and its retention will assist in maintaining tree canopy cover.

### **Comment**

#### **203 Bagot Road**

Officers have considered community submissions and Council's decision to register the Significant Tree at 203 Bagot Road in assessing the merits of proceeding with the proposed business plan.



The Significant Tree has a substantial canopy and root system which would need to be protected from any adverse impacts of development and any design for the site would need to be carefully considered. Retention of the tree suggests that the space may be best utilised as a contribution to the City's open space, with demolition of the property on the site providing the best opportunity for the tree to flourish. The space would make a valuable contribution to the City's public realm, and in particular creation of a pocket park would align to community submissions which expressed a desire to retain the site for community benefit. While the design of the park is subject to further consideration, it is anticipated that it may be adapted to meeting a range of community needs.

Creating a pocket park supports the City's strategy to develop parks, streetscapes, open spaces and public places to maximum benefit for current and future community members (Strategic Community Plan 2017-2027, Strategy 2.2.1). Community support for this strategy was recently reaffirmed through the City's Markyt Community Scorecard 2023. According to the survey, respondents said that the City's playgrounds, parks and reserves are a top priority which they would most like the City to focus on.

A pocket park would also further protect and enhance the City's urban forest, with flow on benefits for biodiversity and mitigation of the heat island effect. The site is less than 100m from the Crossways intersection, and a pocket park in this location would further build on the City's character and amenity by complementing the public open places currently adjacent to Rokeby Road, such as Seddon Street, Forrest Walk, Postal Walk, Rankin Gardens and the Palms.

It would be intended that further workshops be held with Elected Members and that the community be consulted in considering the design of the pocket park. A Council decision would also be required to appoint contractors to undertake the works.

### 6 and 8 Rupert Street

It is proposed to sell 6 and 8 Rupert Street as separate properties. This approach is most likely to attract buyers who wish to retain the residential nature of the properties. In particular, selling 8 Rupert Street separately is more likely to result in it being purchased by a buyer who will cherish it as a family home or possibly an office space, preserving its heritage character.

Community submissions regarding the business plan suggested that a social tenant be sought for 8 Rupert Street. Given the attention required to maintain and enhance a heritage listed property, other properties that are more fit-for-purpose may provide better utility for such tenants. A residential buyer is likely best placed to enhance the heritage values of the property.

Although not recommended, it is possible to seek a residential tenant for 8 Rupert Street, noting the City has no other residential investment properties. Further, the City is pursuing a strategy to diversify its investments to provide a portfolio composition more aligned to that of a diversified sovereign wealth fund, in accordance with a business plan adopted at the Ordinary Council Meeting in February 2023.

If Council resolves to proceed with the sale of 6 and 8 Rupert Street, s.3.58 of the *Local Government Act 1995* allows for disposal via public auction, public tender or private treaty. In this case public auction is recommended, as the market for residential properties remains buoyant with few such listing available. There is likely to be a liquid pool of buyers for each property. Prior to any sale, a licensed valuer would be engaged to determine the market value of each property to allow the reserve prices to be established.

Sale by private treaty or public tender is not recommended as these processes involve statutory aspects which may be unfamiliar to residential buyers. For example, a private treaty process would require the City to provide public notice of the name of the proposed purchaser and the proposed purchase price and invite submissions, prior to Council deciding to proceed with the sale, in accordance with the requirements of s.3.58(3) of the *Local Government Act 1995*. This may deter prospective residential buyers who are not usually subject to public notice of their details.

### Options

There are a range of possibilities in regards to the properties at 203 Bagot Road, 6 Rupert Street and 8 Rupert Street. For each property, it is open to Council to:

1. Retain the property;
2. Dispose of the property; or
3. Develop the property.

Whilst there are multiple ways that potential future options for these sites may be grouped, the three options which make the most sense having regard to the operational and environmental constraints are as follows, with analysis of these options provided in the table over page.

Option 1:

1. Do not proceed with the business plan as proposed.
2. Refurbish or rebuild the Subiaco Community Centre (203 Bagot Road and 6 Rupert Street) and make it available for community hire.
3. Run an expression of interest (EOI) campaign in an attempt to procure a new social tenant for the residential dwelling (8 Rupert Street).

Option 2:

1. Do not proceed with the business plan as advertised.
2. Demolish the Subiaco Community Centre.
3. Retain 203 Bagot Road (2 lots) and, until Council resolves otherwise, turn it into a pocket park for the benefit of the community.
4. Dispose of 8 Rupert Street (1 lot) via public auction.
5. Dispose of 6 Rupert Street (1 lot) via public auction.
6. The proceeds of sale to be used to fund capital upgrades to the City's other ageing community buildings.

Option 3:

1. Proceed with the business plan as advertised.
2. Dispose of all lots (4 lots) either separately or in aggregate as one contiguous development site.
3. The proceeds of sale to be used to fund capital upgrades to the City's other ageing community buildings.

Option 2 is recommended as providing the best balance of social, environmental and financial outcomes for the City. The following table helps to further compare the options on this basis:

	<b>Social considerations</b>	<b>Environmental considerations</b>	<b>Financial considerations</b>
<b>Option 1</b>	Brings the Subiaco Community Centre back online and retains 8 Rupert Street for a social tenant.	It may be challenging to achieve a good design outcome for the redeveloped Subiaco Community Centre given the need to protect the canopy and root system of the Significant Tree at 203 Bagot Road.	The redevelopment of the Subiaco Community Centre is likely to cost at least \$3m and the City will remain responsible for its ongoing maintenance costs.  Any prospective social tenant for 8 Rupert Street is likely to require a substantial subsidy from the City in order to make its occupation viable.

<b>Option 2</b>	Helps to enhance community amenity and benefit by creating a pocket park in the town centre.	The pocket park will complement the Significant Tree at 203 Bagot St and expand the existing public realm between Rupert Street and Bagot Road.  If sold separately, 8 Rupert Street is more likely to sell to a buyer who will cherish it as a family home or possibly an office space, and ultimately preserve the heritage character of the existing cottage.	Helps to fund the replacement and renewal of the City's other ageing community assets.  If 203 Bagot Road is converted into a pocket park, it may help to enhance the value of 6 Rupert Street and 8 Rupert St.
<b>Option 3</b>	Likely to result in the development of additional residential dwellings with proximity to the town centre.	If all 4 lots are sold to the same developer, there is the potential for the developer to maximise the potential of the site (by treating the Property as one contiguous development site) having regard to site constraints and the Significant Tree at 203 Bagot Road.	Helps to fund the replacement and renewal of the City's other ageing community assets.  The listing of the Significant Tree has reduced the development potential of 203 Bagot Road.

### **Consultation**

Following the Ordinary Council Meeting on 30 May 2023, the City gave statewide public notice of its proposal to dispose of the Property consisting of 203 Bagot Road, 6 Rupert Street and 8 Rupert Street. Notice was published:

1. On the City of Subiaco's website (public notices section);
2. In The West Australian newspaper on 5 June 2023;
3. On the public notice board at the City's Administration Centre (Level 2, 388 Hay Street, Subiaco WA and at Subiaco Library); and
4. In the City's e-newsletter.

A copy of the business plan containing an overall assessment of the major land transaction was also made available for public inspection.

The City received 8 submissions during the public notice period. A copy of the submissions (with any personal information redacted) is attached to this report (**Attachment 2**).

Should Council resolve to create a pocket park at 203 Bagot Road, further community consultation is intended in order to inform its design.

### **Strategic Implications**

The following strategies may be relevant to Council's decision:

- Strategic Community Plan – Strategy 1.2.1  
*Facilitate a range of opportunities to foster community health and wellbeing that are accessible and inclusive for everyone.*
- Strategic Community Plan – Strategy 2.1.1  
*Preserve, enhance and maintain the urban forest.*
- Strategic Community Plan – Strategy 2.2.1  
*Ensure that parks, streetscapes, open spaces and public places are developed and utilised to maximum benefit for current and future community members.*
- Strategic Community Plan – Strategy 6.1.1  
*The Mayor and councillors provide strong, consistent and decisive leadership.*

- Strategic Community Plan – Strategy 6.1.2  
*Actively engage with the community to inform decision making.*
- Strategic Community Plan – Strategy 6.1.4  
*Ensure best practice asset management principles are adopted.*
- Strategic Community Plan – Strategy 6.1.5  
*Create organisational and community culture that is underpinned by financially sustainable practice.*

### **Statutory and Policy Considerations**

If Council determine not to proceed with the s3.59 business plan, there are no further statutory requirements in relation to the business plan proposal.

If Council wishes to proceed with the s.3.59 business plan, it may need to consider that the retention of the Significant Tree at 203 Bagot Road could significantly alter the effects of proceeding with the business plan. As such, the business plan may possibly need amending and readvertising in accordance with s.3.59(3) and s.3.59(5) of the *Local Government Act 1995*.

If Council determines to retain 203 Bagot Road and dispose of 6 Rupert Street and 8 Rupert Street, the property sales will be governed by section 3.58 of the *Local Government Act 1995*.

### **Risk and Asset Implications**

There is some risk that selling the properties at 6 and 8 Rupert Street by auction does not achieve their respective reserve prices, however, the current market conditions are likely to yield strong interest.

### **Financial Implications**

The City's portfolio of community assets is ageing and substantial investment will be required in the coming years to maintain and renew them to serve evolving community needs. The City is in a strong financial position, and in order to maintain this position it is prudent to ensure that investment decisions are prioritised in order to provide the best outcomes for the community without placing upward pressure on rates.

The proceeds of sale of the two properties at 6 and 8 Rupert Street may be used to fund the construction of the pocket park and/or other purposes, such as funding the renewal of other ageing community assets, as determined by Council in adopting its annual budget.

### **Social and Environmental Implications**

A pocket park at 203 Bagot Road would provide additional public open space close to the main thoroughfare of Subiaco, with associated amenity benefits for nearby residents, workers and visitors. Subject to further exploration, the park could be designed to meet a variety of community needs.

A pocket park would also further enhance the local environment through the provision of additional vegetation, supporting local biodiversity and helping to mitigate the urban heat island effect.

### **Attachments**

1. Business plan
2. Public submissions

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

### 11.1 APPOINTMENT TO WALGA CENTRAL METRO ZONE COMMITTEE

Submitted by: Cr Rosemarie de Vries  
Date: 27 February 2024  
Voting requirements: Simple - more than half elected members present required to vote in favour

#### COUNCIL DECISION

Moved Cr de Vries / Seconded Cr Jones

**Cr Rosemarie de Vries and Cr Russell Jones are appointed as 'Deputies' to the Western Australian Local Government Association – Central Metropolitan Zone Committee for the period Tuesday, 19 March 2024 to local government ordinary election day 2025.**

CARRIED 8/0

8:26pm

#### Cr de Vries provided the following reasons:

1. *There are currently no deputies appointed to the Central Metro Zone Committee.*
2. *In light of a possible lack of quorum at a Central Metro Zone Committee meeting if any Elected Member cannot attend, it is important for someone to be available to step in as Deputy. A lack of quorum causes inconvenience and means that important and sometimes urgent matters cannot be discussed.*
3. *City of Subiaco is entitled to representation by two delegates and two deputies, of which the two deputies have not been filled.*

#### The Director Corporate Services provided the following comment:

Appointing deputies to the Committee will assist in ensuring that quorum can be achieved and that the City's views are represented, in case either of the City's delegates cannot attend.

**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**

**COUNCIL DECISION**

Moved Cr Jones / Seconded Cr Kosovich

**That the meeting be closed to the public, pursuant to section 5.23(2)(a) and (c) of the *Local Government Act 1995* while items 13.1 and 13.2 are considered.**

CARRIED 8/0

8:28pm

Reasons:

- *Section 5.23(2)(a) provides that a meeting may be closed to deal with a matter affecting an employee or employees.*
- *Section 5.23(2)(c) provides that a meeting may be closed to deal with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

**13.1 LEASING MATTER – CONFIDENTIAL\***

**COUNCIL DECISION**

- 1. The area of Lords Recreation Centre highlighted on the plan attached to this report is leased to Azure Entertainment Pty Ltd consistent with the terms contained in this report and otherwise on terms acceptable to the City.**
- 2. The Chief Executive Officer is authorised to execute any documents, deeds and agreements necessary to give effect to this resolution.**

CARRIED

**13.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW – APPOINTMENT OF PANEL – CONFIDENTIAL**

*The Chief Executive Officer declared a financial interest in this item.*

**COUNCIL DECISION**

- 1. A panel of Elected Members is appointed to guide the Chief Executive Officer's (CEO's) 2023-2024 performance review, consisting of the following Elected Members: Mayor McMullen, Cr Kosovich, Cr Johnston and Cr Burns.**
- 2. Subject to (1) above, the Panel work with Steve Cartledge Consulting to prepare a report for Council at the July Ordinary Council Meeting, to consider the CEO performance review for 2023-2024 and recommended key performance indicators for 2024-2025.**

CARRIED

**COUNCIL DECISION**

**The meeting come out from behind closed doors.**

CARRIED

**14. CLOSURE OF MEETING**

The Presiding Member declared the Ordinary Council Meeting of 19 March 2024 closed at 8:36pm.