



MINUTES

ORDINARY COUNCIL MEETING

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

TUESDAY 25 JULY 2023

**COMMENCEMENT: 5:31PM
CLOSURE: 8:35PM**

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the Ordinary Council Meeting of 25 July 2023 held in Council Chambers open at 5.31pm. The Presiding Member welcomed Councillors, Staff, the Media and Members of the Community.

On behalf of the City of Subiaco, the Presiding Member acknowledged the Whadjuk Noongar people as the traditional custodians of the area and recognised their cultural connection to the land and waterways of Subiaco, and their continuing contribution to our City. The City pays respect to their Elders, past, present and emerging, and extends that respect to all Aboriginal and Torres Strait Islander people.

The Presiding Member informed the public that the meeting was being live-streamed and recorded.

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Elected Members Present

Mayor David McMullen	Presiding Member
Cr Rosemarie de Vries	North Ward
Cr Stephanie Stroud	North Ward
Cr Angela Hamersley	Central Ward
Cr Lynette Jennings	Central Ward
Cr Rick Powell (via Zoom)	South Ward
Cr Simon White	South Ward
Cr Mark Burns	East Ward
Cr Garry Kosovich	East Ward

*In accordance with Section 14C(2)(b) of the Local Government (Administration) Regulations 1996, **Cr Rick Powell** was authorised to attend the meeting by electronic means by the Mayor. In accordance with Section 14CA(5), **the Member** declared that they could maintain confidentiality during the meeting, including the closed part of the meeting.*

Staff Members Present

Colin Cameron	Chief Executive Officer
Emma Woolaston	Director Corporate Services
Alexander Petrovski	Director Development Services
James Hambly	Director Technical Services
Linnnet Solomons	Director Business Improvement
Anthony Denholm	Manager Planning Services
Joel Guest	Manager Commercial Services and Property
Robert Wyllie	Manager Waste and Infrastructure Maintenance
Rhonda Bowman	A/Manager Governance
Emily Crosby	Strategic Planning Officer
Anthea Astone	Governance Officer
Lorraine Edwards	Governance Officer

Apologies

Nil

Leave of Absence

Nil

Observers

2 members of the public

0 media

3. DISCLOSURE OF INTEREST

Cr Garry Kosovich declared an **IMPARTIALITY** interest in item 13.1 pursuant to Clause 22(2) of the Code of Conduct for Council Members, Committee Members and Candidates. The nature of the interest is:

“I have, prior to being elected onto the City of Subiaco Council, raised objections to different iterations of plans for 263-277 Hay Street and 17-19 Olive Street, Subiaco.”

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. PUBLIC STATEMENT TIME

Derek Bickley, Dynamic Planning read a statement on behalf of the applicant in relation to Item C1.

7. PETITIONS AND APPROVED DEPUTATIONS

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**8.1 Ordinary Council Meeting – 27 June 2023****COUNCIL DECISION**

Moved Cr de Vries / Seconded Cr Jennings

That the Minutes of the City of Subiaco Ordinary Council Meeting held on Tuesday 27 June 2023 be confirmed as a true and correct record.

CARRIED 9/0

5.37pm

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

This month, Councillors, I thought that our Community Development team deserved a mention. I've been to three events this month and each one was a great success for the team and therefore the City as well. Earlier this month, in the first week of July, the City celebrated NAIDOC week. As part of that we had a gathering that started in the Subiaco Library that began with a morning tea which the City had catered by a majority Indigenous-owned catering company, complete with a traditional dance by three dancers and a Welcome to Country. We then made our way outside to the now empty Council and Administration building and had a flag raising assisted by members of the Subi Kids Crew group and also, what I would say was the highlight of the morning, a smoking ceremony.

Last week the City had its first Positive Aging Expo. It was a great initiative by the Community Development team, the idea behind which was to showcase community groups, services, and activities that are available out there for people over fifty-five in our community. There were around fifteen exhibitors who brought with them a range of products, services, and knowledge tailored for older members of our community. There were things ranging from activities and new hobbies right through to support services. It was a direct response to community feedback and confusion over government support services available to older people and we had about fifteen stall-holders there in total the likes of AdvoCare, the Salvation Army, one of the local tennis clubs, the Subiaco Men's Shed; it was quite a great variety of exhibitors on display. The verbal feedback from attendees and visitors was that it was all very positive so well done to all those involved in that event.

The final event I want to mention is the Shaun Tan Awards last night. It's a perennial favourite and it's in its twenty-first year but the thing that was particularly impressive this year was that we had 1,400 entries from places as far away as Kununarra, Norseman, Dunsborough, and Esperance. The MC was a member of the Subiaco Voice of Youth so we're very much getting the kids involved in all of these types of things and we even had a Subi Kids Crew member there to announce the Subi Kids Crew Award.

So three great events this month and, as always, there is professional quality video and photography on the City's social media which I encourage everyone to check out.

10. REPORTS OF COMMITTEES AND OFFICERS

COUNCIL DECISION

Moved Cr White / Seconded Cr Burns

That items AR1, AR2, C1 and C6 contained in the Agenda of the Ordinary Council Meeting of 25 July 2023 be adopted en bloc.

CARRIED 9/0

5.41pm

10.1 COMMITTEE REPORTS

AR1 APPOINTMENT OF INTERNAL AUDITOR

REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Coordinator Governance, Rhonda Bowman

Date: 4 July 2023

File Reference: A/7252

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

OFFICER / COMMITTEE RECOMMENDATION / COUNCIL DECISION

Moved Cr White / Seconded Cr Burns

Tender A/7874 – Provision of Internal Auditing Services be awarded to Paxon Group for \$168,000 (excluding GST) over three years.

CARRIED EN BLOC 9/0

5.41pm

Executive Summary

- The contract with the City's prior Internal Auditor was terminated following the May 2023 Council meeting.
- A Request for Quotation for the Provision of Internal Auditing Services was issued on 16 June 2023 to seek a new, suitably qualified and experienced Internal Auditor to undertake all aspects of its Internal Audit Program 2023-2026.
- City officers have assessed the four submissions received against qualitative and quantitative criteria in accordance with the Request for Quotation documents.
- It is recommended that the quotation received from Paxon Group be accepted and that Paxon Group be appointed as the City's Internal Auditor.

Background

At its meeting of the 23 March 2021, Council resolved to appoint an Internal Auditor for a period of three years to undertake the Internal Audit Program as set out in the Internal Audit Strategic Plan 2020-2023. Following completion of 8 of the 9 scheduled audits for Year 1, the Internal Auditor advised that they could not fulfil the contract scope under the tendered pricing. The Internal Auditor put forward alternative approaches and it was determined that these were not satisfactory compared to what had been committed to in the contract. At its meeting of the 30 May 2023, Council resolved to terminate this contract.

Subsequently a Request for Quotation (RFQ) was advertised via the WALGA eQuotes platform to seek quotes for a new Internal Auditor. The scope of the RFQ included the preparation and execution of an Internal Audit Plan for the period 2023-2026. The Internal Audit Plan is to include an internal audit of four to five auditable areas per year, with each internal audit to include:

- Meetings with staff representatives of the relevant internal audit area
- A review of relevant operational risks including legislative compliance risks
- An assessment of the adequacy of internal controls
- Sampling to test effectiveness of those controls
- An audit report inclusive of significant findings and suggested improvements.

The Internal Audit Plan is to be devised in collaboration with the City based on a prioritisation of internal audit areas. Payroll has been identified as the first audit area given that it is due to be transitioned to TechnologyOne as part of the digital transformation project in 2023-2024. An internal audit of the function will enable a timely identification of control and process improvements that can be undertaken in conjunction with the project. The Internal Audit Plan scope also includes an audit of the annual Compliance Audit Returns.

Comment

Submissions were received from Moore Australia, Stantons International Audit and Consulting, Australian Audit and Paxon Group. An evaluation panel consisting of City officers was established to evaluate responses against best value for money criteria, including price and the qualitative criteria set out in the table below.

Description of Criteria	Weighting
Approach and Audit Plan Provide a detailed audit plan including scope, audit methodology and approach, dates and duration of visits, form of reporting.	40%
Local Government Experience Substantial experience delivering local government internal audit services in Western Australia. Tenderers to demonstrate industry-recognised qualifications and recent experience with contracts of similar size and scope. Submissions to include the Respondents relevant experience.	25%
Organisation, Candidates / Key Personnel: Relevant Skills and Experience Provide details of experience and ability of key personnel and their commitment to the contract, in particular qualifications, knowledge of the Local Government Act 1995, Regulations and other relevant legislation, and personnel profile of each person involved in the audits.	30%
Evaluation of environmental performance as detailed in the completed environmental questionnaire – organisation or product environmental performance. Demonstration that there is a commitment to environmental performance. This is a requirement of all tenders issued by the City.	5%

Paxon Group ranked highest, providing evidence of extensive experience in working for local governments and understanding of issues affecting the sector. They have conducted internal audits for over 30 West Australian local governments and the proposed team of five key personnel have delivered internal audit programs for a number of local governments and agencies, including similar sized metropolitan councils.

Paxon Group also provided a well-articulated outline of their audit methodology which provided confidence that their approach would meet the City's needs. Their submission also reflected a proactive approach to meeting the standards set by the Office of the Auditor General, ensuring that any control weaknesses are identified that could result in significant findings through the external audit process.

It is the intention of Administration to conduct regular meetings with the appointed Internal Auditor to ensure continued communication occurs to keep expectations clear and the internal audit program on track.

Options

The following options are available to Council:

1. Recommend the award of Tender A/7874 – Provision of Internal Auditing Services to Paxon Group for the sum of \$168,000 over three years.
2. Recommend the award of Tender A/7874 to an alternative supplier.
3. Return to the market for alternative offers, noting that this may result in further time delays in recommencing the Internal Audit Program.

Consultation

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

Strategic Implications

The delivery of an Internal Audit Program supports the Strategic Community Plan Focus Area 6 – Council Leadership: A leading council that is supported by an excellent organisation.

Statutory and Policy Considerations

The quotations process was undertaken in accordance with the City's Purchasing Policy and the Appointment of Auditors Policy, which limits the contract period of an appointed internal auditor to two three-year contracts after which new tenders are to be called.

The Internal Audit Program supports compliance with the *Local Government (Financial Management) Regulations 1996*, which dictate the standards of financial management for local governments, and the *Local Government (Audit) Regulations 1996*, which legislates the requirements of the audits of local governments.

Risk and Asset Implications

The Internal Audit Program provides a systematic approach to reviewing and improving internal controls to assist in minimising risk, fraud and error.

Financial

The City has available funding for this contract including an allocation in the 2023/24 budget and with ongoing allocations within the Strategic Financial Plan for the remaining two years of the contract.

Social and Environmental Implications

An Environmental Questionnaire was issued with the tender documentation which formed part of the qualitative criteria in the evaluation process.

Attachments

There are no attachments for this report.

AR2 OFFICE OF THE AUDITOR GENERAL PERFORMANCE AUDIT – INFORMATION SYSTEMS*

REPORT FROM DIRECTOR BUSINESS IMPROVEMENT

Author: Manager Information Services, Paul Moll
Date: 4 July 2023
File Reference: A/7252
Voting Requirements: Simple - more than half elected members present required to vote in favour

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Moved Cr White / Seconded Cr Burns

1. **The Auditor General's Report 19 "Information Systems Audit – Local Government 2021-22" released in March 2023 be received.**
2. **The actions taken by the City addressing the significant matters raised in the Auditor General's Report 19 "Information Systems Audit – Local Government 2021-22" released in March 2023 be noted.**

CARRIED EN BLOC 9/0

5.41pm

OFFICER RECOMMENDATION

1. The Auditor General's Report 19 "Information Systems Audit – Local Government 2021-22" released in March 2023 be received.
2. The actions taken by the City addressing the significant matters raised in the Auditor General's Report 19 "Information Systems Audit – Local Government 2021-22" released in March 2023 be received.

Executive Summary

Local governments hold information, including confidential data about people and the community that should be protected from both internal and external threats. Effective information and cyber security should be deployed to ensure threats are managed and data confidentiality and integrity are maintained.

The City has recently been notified that they were included within the Auditor General Report 19: [Information Systems Audit – Local Government 2021-22](#) released in March 2023. Under Section 7.12A of the *Local Government Act 1995*, the City is required to submit a report to the Minister for Local Government and publish that report on the City's website.

This report is the information that has been provided to the Minister Local Government (the Minister) and is currently publicly available on the City's website. Within this report are a summary of the results of the latest general computer controls audit and maturity assessments conducted by the Office of the Auditor General (OAG). It is provided for the purpose of keeping the Committee and Council informed of performance audits conducted within the sector.

Background

The Auditor General is undertaking an audit program within the local government sector to enhance accountability and transparency. The intent of these audits is not to compare, but to provide examples of best practice as well as opportunities. The OAG have conducted three previous audits of the technology controls in place within local governments, with the audit findings being released in June 2020, May 2021 and June 2022.

On 29 March 2023 the OAG tabled a report in Parliament on the *Information Systems Audit – Local Government 2021-22*. The City has received notification from the Department of Local Government, Sport and Cultural Industries (DLGSCI) that the City was one of the audited entities. Under 7.12A of the *Local Government Act 1995* the City was required to provide a report to the Minister within 3 months of the *Information Systems Audit – Local Government 2021-22* report being tabled to Parliament (by 29 June 2023).

Comment

Threats such as business email compromise (BEC) and ransomware have been significantly on the increase over the past 3 years. Local Governments store significant amounts of information about their communities and the services offered. The attractiveness of this data is of value to cyber criminals leading to significant increases in cyber-attacks on government entities across Australia. According to the ACSC *Annual Cyber Threat Report (2021-2022)* 34% of Cyber Security incidents in Australia in 2020-21 were on Government agencies with 10% of those on State and Local Governments.

Recent cyber security incidents both in Australia and globally highlight the ever-present risk of cyber-attacks and the need for entities to manage and secure their information system environments.

Report 19: *Information Systems Audit – Local Government 2021-22* summarises the findings and recommendations of the OAG's fourth audit on general computer controls at 52 local government entities. For 12 of these entities, the OAG performed capability maturity assessments, the most comprehensive systems audit the OAG undertake.

The OAG have updated their capability maturity model, increasing the control categories from six to 10.



Source: OAG

Figure 1: GCC categories for 2021-22

In summary this audit found:

“The majority of entities failed to meet the benchmark in the five information and cyber categories: human resource security and network security being the weakest, followed by access management, endpoint security and information security framework.”

The 45 entities assessed on controls demonstrated weaknesses that *“represent a considerable risk to the confidentiality, integrity and availability of entities’ information systems and need prompt resolution.”*

In addition, the report stated, *“none of the 12 entities that had capability maturity assessments met our expectations across the 6 control categories.”*

Gaps identified by the OAG in regards to the security gap analysis undertaken include:

- Inadequate information and cyber security policies.
- Multi factor authentication (MFA) not used
- Administrator privileges not managed well
- Vulnerability management is not effective
- Network segregation not effectively implemented
- Lack of controls to detect or prevent unauthorised devices
- No controls to ensure the integrity of emails
- Lack of data loss prevention controls

The OAG has made a number of recommendations for local government entities to address the cyber and information security gaps found:

1. Senior Executives should ensure that appropriate policies and procedures for the security of information systems are implemented.
2. Management should ensure that good security policies and practices are implemented and monitored.
3. Entities should have appropriate business continuity, disaster recovery and incident response plans that are periodically tested.
4. Local government entities should ensure assets and risks are identified, assessed and treated.
5. Policies and procedures that guide key areas of IT operations should be implemented.
6. Approved change control processes should be consistently applied.
7. Physical and environmental controls to protect IT infrastructure should be implemented.

The City received one significant finding related to Information Systems in the 2021-22 financial year. This finding was that “IT change management controls could be improved.” A summary of the finding is that all changes made to production environments should be supported by documentation that outlines the change and date of effect.”

In response the City reviewed their change management procedures. This led to the following changes:

- The formal 3-stage approval process for major upgrades is recorded more effectively.

- Conduct periodic reviews of the vendor access logs to ensure vendor activity is aligned with expected. Evidence of these regular reviews is retained.

As per Section 7.12A of the *Local Government Act 1995*, the City has provided this Audit and Risk Committee report to the Minister Local Government. The City will ensure this report is publicly available on the City of Subiaco website through the agendas and minutes of the July 2023 Audit & Risk Committee as well as the agendas and minutes of the July 2023 Ordinary Council Meeting.

As this is a public report on information and cyber security, only summary information relating to audit findings will be outlined.

Consultation

Public consultation was not required in the development of this report. There has been consultation with a number of industry specialists in the cyber and information security field.

Strategic Implications

There are no strategic implications for this report.

Statutory and Policy Considerations

7.12A Duties of local government with respect to audits

(4) A local government must —

(a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and

(b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government. Local Government Act 1995 Part 7 Audit Division 4 General s. 7.13 page 308 Version 07-ab0-00 As at 03 Nov 2022 Published on www.legislation.wa.gov.au

(5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website. [Section 7.12A inserted: No. 49 of 2004 s. 8; amended: No. 5 of 2017 s. 19.]

The WA State Government is currently working on privacy legislation that will apply to local government. The City will be required to meet certain legislative requirements under this legislation.

Risk and Asset Implications

Risk of non-compliance with industry and government recommendations regarding information and cyber security can be high. Services provided can be significantly disrupted and data loss can occur. Local Governments have been targeted and have experienced significant financial loss. Although not currently required under legislation the City would report loss or misuse of privacy data as well as any successful cyber-attack. This could lead to significant reputational damage.

Financial

All levels of Government are required to significantly improve their cyber awareness, processes and systems. To meet OAG's expectation and best practice, the City will need to continue investing in IT, but also increase resources to implement projects.

The draft 2023-24 Annual Budget, includes funding to work with industry partners to review and implement some of the recommendations from this and previous OAG reports. There will be additional future capital and ongoing funding required. Implementation of actions can also be possible where available during infrastructure asset renewal and contract renewal.

Social and Environmental Implications

There are no social or environmental implications for this report.

Attachments

1. Letter from Department of Local Government, Sport and Cultural Industries.
2. Letter addressing significant items to Minister Local Government.

10.2 OFFICER REPORTS

C1 NO. 9 (LOT 1) LUTH AVENUE, DAGLISH AND CHARLES STOKES RESERVE (LOT 7158) – FIVE (5), THREE STOREY GROUPED DWELLINGS*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

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

Date: 11 July 2023

File Reference: A/7273

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



OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr White / Seconded Cr Burns

In accordance with the provisions of Local Planning Scheme No. 5 and the Metropolitan Region Scheme, the application submitted by Dynamic Planning and Developments dated received 4 July 2022 for five (5), three storey Grouped Dwellings at No. 9 (Lot: 1 D/P: 47291) Luth Avenue, Daglish and Charles Stokes Reserve (Lot 7158, Res: 25908) as shown on plans dated received 31 May 2023 (Plans 1-13, of 13), be APPROVED subject to the following conditions:

- 1. The development is to be carried out in accordance with the plans, drawings and documentation dated 31 May 2023 (Plans 1-13, of 13) included with the application for development approval. The development shall be**

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

2. All stormwater generated on site is to be retained on site. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
3. Prior to the issue of a building permit, a Construction Management Plan shall be prepared to the City of Subiaco's satisfaction. This plan is to address:
 - a) construction noise;
 - b) hours of construction;
 - c) traffic management;
 - d) parking management;
 - e) access management;
 - f) management of loading and unloading of vehicles;
 - g) heavy vehicle access;
 - h) dust;
 - i) protection of verge trees;
 - j) the need for a dilapidation report of adjoining properties; and
 - k) any other relevant matters.

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

4. All external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street and/or secondary street or otherwise located to not be visually obtrusive to the satisfaction of the City of Subiaco.
5. Prior to occupation of the development within Survey Strata Lot No. 3, the balcony to Guest / Bed 4 (first floor) located on the south-east and south-west elevation shall be screened in accordance with the Residential Design Codes by either:
 - a) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
 - b) fixed vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
 - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
 - d) an alternative method of screening approved by the City of Subiaco.

The required screening shall be thereafter maintained to the satisfaction of the City of Subiaco.

6. Prior to the issue of a building permit, the applicant shall submit a schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Subiaco. The schedule may be subject to review and comment by the City's Design Review Panel.
7. Prior to occupation, landscaping shall be completed in accordance with the approved plans dated 31 May 2023, or any approved modifications thereto to the satisfaction of the City of Subiaco. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Subiaco.
8. Prior to occupation, outdoor lighting within the common property shall be installed, to the satisfaction of the City of Subiaco.

9. Prior to occupation of the development any new or modified crossover and/or tree removal associated with the hereby approved development must receive separate approval from the City of Subiaco.
10. Vehicle crossovers shall be designed to have a minimum clearance of 2 metres from existing and proposed street trees, to the satisfaction of the City of Subiaco.
11. A Tree Preservation Zone (TPZ) is to be established and maintained around the existing street trees in the Luth Avenue verge adjacent to the subject site for the entirety of the construction works. The TPZ is to extend out from the base of the tree a minimum of two (2) metres.
12. No tree removal, branches or tree roots from the City's trees are to be cut without authorisation of the City.
13. Prior to occupation, an easement in accordance with Section 144 of the *Land Administration Act 1997*, is to be placed on the certificate of title of Reserve 25908 (Lot 7158) specifying vehicular access rights for the benefit of Green Title Lot No. 2 over a portion of Reserve 25908. Alternatively, a legal agreement specifying access rights for the benefit of Green Title Lot No. 2 may be prepared by the City's lawyers and at the cost of the applicant, to the satisfaction of the City.

Advice Notes:

- i. *This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.*
- ii. *In relation to condition four (4), the exterior fixture associated with any air-conditioning unit or hot water system is considered an appropriate location where it is positioned:*
 - *outside of balcony/verandah areas (if applicable), and below the height of a standard dividing fence within a side or rear setback area; or*
 - *within a screened rooftop plant area or nook.*
- iii. *A building permit is required for the proposed works. Please contact the City's Building Services on 9237 9222 for further information.*
- iv. *In relation to condition nine (9), the new crossover servicing the communal street will need to extend to the property boundary of 7 Luth Avenue to be accommodated.*
- v. *In regard to street / verge trees:*
 - *In regard to the new proposed verge tree, the City will plant a tree within the verge area if a potential location is identified adjacent to 9 Luth Avenue. The choice of tree species will be chosen from the City's street tree master plan and then tree will be planted once development has been completed.*
 - *The developer/contractor and property owner shall protect the City's street trees from any damage that may be caused by the scope of works.*
 - *In relation to the tree preservation zone (TPZ), where excavation to a depth greater than 100mm is proposed the clearance should be greater than three (3) metres from the base of an existing street tree. Where required protection may be to the drip line of the tree canopy whichever is greater.*

Please contact the City's Environment and Operations Services on 9237 9222 for further information.
- vi. *In regard to waste matters:*

- ***The City will require a minimum of 12 weeks' notice prior to occupation, to procure the bins required for this development. Please contact the City's Waste Services for further information.***

vii. In regard to condition twelve (12), Water Corporation have provided the following advice:

- ***The proponent to provide engineering drawings that confirm the location of the DN 1065 water main, as verified by potholing, to the satisfaction of the Water Corporation. Prior to commencement of development, the proponent shall ensure the protection of the water main in accordance with Water Corporation asset protection standards; and***
- ***The engineering drawings shall comprise a plan and cross sections indicating the depth and position of the DN 1065 water main with reference to the proposed driveway, soak well and building frontage. The Water Corporation will then determine suitable clearance from the DN1065 water main and asset protection measures. Please contact Water Corporation on 13 13 85 for further information.***

CARRIED EN BLOC 9/0

5.41pm

Executive Summary

The application seeks development approval for five, three-storey Grouped Dwellings at 9 Luth Avenue, Daglish. The application received six objections during the public consultation period. In accordance with the *Register of Delegations and Authorisations from the CEO to Officers 2023/2024* the application must be presented to Council for determination, due to the receipt of more than five objections on valid planning grounds.

The proposed development is generally consistent with the planning framework, including:

- *Local Planning Scheme No. 5 (LPS 5);*
- *State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes); and*
- *Local Planning Policy 1.1: Residential Development - Single Houses and Grouped Dwellings (LPP 1.1).*

The R-Codes include two pathways to determine development applications – being a design principle assessment and deemed-to-comply criteria. If particular design elements meet the deemed-to-comply criteria, then it is considered to meet the relevant design principle, and the City cannot refuse an application in these instances.

For this application, eight design elements require a design principle assessment under the R-Codes:

- 5.1.3 Lot Boundary Setbacks
- 5.1.4 Open Space Provision
- 5.2.4 Street Walls and Fences
- 5.3.1 Outdoor Living Areas
- 5.3.2 Landscaping
- 5.3.3 Parking
- 5.3.7 Site works
- 5.4.1 Visual privacy (internal)

The R-Codes will be updated to include Part C (Medium Density Code) on 1 September 2023. The revised version will include development provisions for properties coded R30 to R60. Planning legislation requires decision makers to consider draft planning

documents and due regard has been given to the Medium Density Code for the design elements assessed through the design principle pathway.

The proposal was presented to the City's Design Review Panel (DRP) on three occasions. At the last meeting, held on 17 May 2023, the DRP acknowledged the application had significantly improved, and is capable of support from a design perspective.

The proposal satisfies the relevant discretionary criteria and it is recommended that conditional approval be granted to the application.

Background

The application seeks development approval for five, three storey Grouped Dwellings at 9 Luth Avenue, Daglish (refer to **Attachment 1** for the development plans).

Each lot contains a three-storey dwelling with a two-car garage, primary living area, four bedrooms, outdoor living areas, and balconies. A summary of the site details is provided below.

Landowner/s:	TW Development Pty Ltd (Lot 1); Water Corporation (Lot 7158)
Applicant:	Dynamic Planning and Developments Pty Ltd
Application Date:	4/07/2022
DA Reference:	DA 7.2022.50.1
Lot size:	1,212 m ² (Lot 1); 8,409.12m ² (Lot 7158)
Reserve:	Lot 7158 – Public Open Space
LPS Zoning:	Lot 1 – Residential R60
LPS Precinct:	Daglish Precinct Sub-Precinct 4
Land Use:	Grouped Dwellings
Land Use Permissibility:	P
Existing Development:	Vacant
Heritage Listing:	Not listed

The application was submitted on 4 July 2022 (see original plans at **Attachment 2**). Since lodgement, the plans have been amended three times to address the City's concerns; concerns raised during public consultation; and to address advice from the City's DRP.

Site Context and Development History

- The subject site (currently vacant) is located within the street block bound by Nicholl Street to the south-west, Charles Stoke Reserve to the north-west, Luth Avenue to the north-east and Cunningham Terrace to the south-east.
- The existing vehicle access driveway is over a public open space reserve (Charles Stokes Reserve) managed by the Water Corporation. The processing of the application was delayed in part due to the applicant requiring consent from Water Corporation, and the confirmation of an easement being arranged, ensuring Green Title Lot 2 (GTL2) has vehicle access. The Water Corporation has signed the application form as landowner.
- There is no statutory heritage protection associated with the site. Demolition of the former house was exempt from the need to obtain development approval in accordance with Clause 61(1)(a), Table item 1 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

- There are no previous development approvals in the City's records for the subject site.

Timeline of Proposal

The design of the Grouped Dwellings has been modified on several occasions (refer **Attachment 2**). A summary of the key changes between plans is contained within **Table 1** below.

Table 1: Key Changes between Amended Plans	
Date of Plans	Key Changes
1 February 2023	Provision of landscaping plan. Reduction in overall height by 200mm. Pedestrian access gates connecting to Charles Stokes Reserve included for all lots (except Green Title Lot 1). Provision of solar panels and electric vehicle charging within all garages.
24 April 2023	Green Title Lot 1 – Removal of crossover from Luth Avenue, and relocation of garage to be accessed from common property driveway. Reconfiguration of internal layout and inclusion of a courtyard. Bin location specified. Additional materiality specified. Increased landscaping as visible from Luth Avenue.
31 May 2023	Survey Strata Lot 3 – Increased setback of corridor from 2.71m to 3m (Levels 2 and 3). Green Title Lot 1 – Inclusion of openings and materiality to staircase wall, as visible from the common property driveway. Detail of lighting along common property driveway.

Consultation and Referrals

Public Submissions

Notice of the application was sent to surrounding landowners and occupiers in accordance with Clause 64 of the LPS Regulations and Local Planning Policy 7.3 – *Public Consultation for Planning Proposals* (LPP 7.3). A summary of the submissions is contained within **Attachment 3**.

Original Public Advertising Period

Public consultation occurred between 19 July 2022 and 2 August 2022 and seven submissions were received. Six submissions objected to the proposal, raising the following primary concerns:

- Building height (three storeys);
- Lot boundary setbacks to adjoining residential properties;
- Adjoining properties' access to sunlight and natural ventilation;
- Lack of visitor parking;
- Overlooking on adjoining land; and
- Excessive garages and crossovers to the street.

Some of the issues raised in submissions relate to elements of the proposal which are deemed-to-comply and a design principle assessment is not required.

A summary of issues raised was provided to the applicant through a Request for Further Information (RFI). In response to both the City's concerns and the concerns raised during public consultation, the applicant submitted amended plans (dated 24 April 2023 – **Attachment 2**).

Informal Advertising to Previous Submitters

Following the receipt of further amended plans (dated 31 May 2023 – **Attachment 1**), the plans were informally advertised in accordance with LPP 7.3 for seven business days to previous submitters, between 6 June 2023 and 14 June 2023. One updated objection was received. No amendments to the design were made which resulted in additional design elements requiring consideration against the design principle pathway in this iteration of plans.

Internal Referrals

The proposal was referred to relevant internal departments. The City's Environment and Operations Services department originally raised concerns relating to the proposed crossovers and their proximity to street trees. In addition, the City's Waste Services department required further information in regard to the location of waste bins.

The plans were amended to remove one of the crossovers and the site plan now demonstrates a minimum 2 metre clearance from the base of any street tree. Information on the location of waste bins has been included within the plans. The amended plans appropriately address concerns raised, as summarised in **Attachment 4**.

Design Review Panel (DRP)

In considering the application, DRP assessed the proposal with the ten design principles of *State Planning Policy 7.0 – Design of the Built Environment* to determine the quality of design, which is summarised in **Table 2** below. **Attachment 5** contains an extract of the full minutes.

Table 2: Summary of Previous DRP Scores			
	Supported		
	Pending Further Attention		
	Not supported		
	Insufficient information to evaluate		
	DRP Meeting 1: 21 September 2022	DRP Meeting 2: 15 February 2023	DRP Meeting 3: 17 May 2023
Context and character			
Landscape quality			
Built form and scale			
Functionality and build quality			
Sustainability			
Amenity			
Legibility			
Safety			
Community			
Aesthetics			

Initial plans were not supported by DRP with further context analysis requested in September 2022 to inform design changes. This focussed on ensuring the proposal was appropriate in its setting. The key issues raised related to the garages on Luth Avenue dominating the streetscape, the functionality of dwellings regarding internal layout, and a lack of diverse materiality.

At the February 2023 meeting, DRP acknowledged gradual design improvements and required further improvements to materiality, landscaping, internal layout and connection with the street.

At the May 2023 meeting, DRP noted:

- street interaction improved due to garage change to Green Title Lot 1 (GTL1)
- internal dwelling layout changes improved functionality
- landscaping considered to be suitable given surrounding public open spaces
- recommendation to consider blank wall treatment to GTL1 as visible from public realm.

Based on DRP feedback from the May 2023 DRP meeting, the plans were amended to include openings on the GTL1 blank wall, increase boundary setbacks for Survey Strata Lot 3 (SSL3) and provide lighting for common property.

The amended plans were considered by the DRP Chair in lieu of a further meeting given the design changes were minor. The Chair confirmed the plans dated 31 May 2023 are supported from a design perspective, noting that the design adequately addresses all ten design principles.

Comment

The proposal has been assessed against the provisions of LPS5, the R-Codes and LPP1.1. Where the Deemed-to-Comply criteria of the R-Codes are not met, a design principle assessment is undertaken.

The Medium Density Code becomes operational on the 1 September 2023. The application is to be formally assessed against the current version of the R-Codes, and due regard has been given to the Medium Density Code for design elements assessed through the design principle pathway.

The proposal complies with the relevant requirements of LPS5, relevant Deemed-to-Comply criteria of the R-Codes and provisions of LPP1.1, except for the matters outlined below. Refer to **Attachment 6** for consideration of the development application against the Residential zone objectives as identified under clause 16 of LPS5.

Design Principles Assessment

A detailed assessment against the design principles is provided at **Attachment 6**, with a summary below.

5.1.3 Lot Boundary Setback

The design principle assessment for Lot Boundary Setback relates only to the development abutting the public open space (Charles Stokes Reserve) – see **Table 3** below.

Table 3: Lot Boundary Setback assessment			
Lot	Deemed-to-Comply Criteria	Proposed	Assessment
Green Title Lot 1 (GTL1)	All lot boundary setbacks comply	-	Deemed-to-Comply
Green Title Lot 2 (GTL2)	<u>North-West</u> First Floor Terrace: 1.6m Second Floor Balcony: 1.4m Second Floor Bed 2: 5.4m	1.06m 1.07m 1.56m	Design Principle Design Principle Design Principle
Survey Strata Lot 1 (SSL1)	<u>North-West</u> Ground Floor Verandah: 1m First Floor Terrace: 1.6m Second Floor WIR-Bed 1: 1.4m	0.69m 0.69m 3.67m	Design Principle Design Principle Deemed-to-Comply
Survey Strata Lot 2	All lot boundary setbacks	-	Deemed-to-Comply

(SSL2)	comply		
Survey Strata Lot 3 (SSL3)	All lot boundary setbacks comply	-	Deemed-to-Comply

The proposed setbacks are appropriate within their context, and are not considered to unduly impact the streetscape, or adjoining properties, due to the building bulk impact falling onto a public open space. The proposal improves the passive surveillance over Charles Stokes Reserve than existed previously where the site included a Single House. Furthermore, the proposed dwellings' access to winter sun and natural ventilation is sufficient. This element is capable of support.

5.1.4 Open Space Provision

Table 4: Open Space Provision assessment			
Lot	Deemed-to-Comply Criteria	Proposed	Assessment
Green Title Lot 1 (GTL1)	40% or 74m ²	43.6% or 102m ²	Deemed-to-Comply
Green Title Lot 2 (GTL2)	40% or 77.2m ²	34.6% or 66.9m ²	Design Principle
Survey Strata Lot 1 (SSL1)	40% or 73.2m ²	43.2% or 92.9m ²	Deemed-to-Comply
Survey Strata Lot 2 (SSL2)	40% or 93.04m ²	47% or 110.2m ²	Deemed-to-Comply
Survey Strata Lot 3 (SSL3)	40% or 114m ²	50% or 143.5m ²	Deemed-to-Comply

The proposed open space provision relating to GTL2 is appropriate given the dwellings' close proximity to two public open space reserves (Charles Stokes Reserve and Cliff Sadlier Memorial Park), meaning residents will have sufficient access to outdoor areas and open space generally.

The proposal does not impact the dwellings' ability to access natural sunlight; the setting of the dwelling is considered to be attractive; and the bulk presented on site abuts a public open space, which results in a high level of passive surveillance. This element is capable of support.

5.2.4 Street Walls and Fences

Table 5: Street Wall and Fence assessment (C4.1)		
Deemed-to-Comply Criteria	Proposed	Assessment
Front fences shall comply with the following: Visually permeable above a height of 900mm from natural ground level, measured from the primary street side of the front fence, to allow passive surveillance and visual interaction between the dwelling and the street.	Solid up to 1.1m	Design Principle

The proposal relates to a portion of wall which is 1.5m in length, or approximately 6% of the street boundary. The remainder of the street fence is visually permeable. The proposed fencing promotes passive surveillance and is not considered to adversely impact the existing streetscape. This element is supported.

5.3.1 Outdoor Living Areas (OLA)

The design principle assessment for OLA relates only to GTL1 and GTL2 – see **Table 6** below.

Table 6: GTL1 & GTL2 – Outdoor Living Areas assessment C1.1				
Deemed-to-Comply Criteria	GTL1	GTL2	GTL1	GTL2
	Proposed		Assessment	
<i>In accordance with Table 1 – 16m²</i>	21.4m ²	16m ²	Deemed-to-Comply	
<i>Located behind the street setback area</i>	Behind the street setback		Deemed-to-Comply	
<i>Directly accessible from primary living space</i>	Accessed from Primary Living Area		Deemed-to-Comply	
<i>With minimum length and width dimension of 4m</i>	Min: 4m	Min 2.3m	Deemed-to-Comply	Design Principle
<i>At least 2/3rds (10.6m²) without permanent roof cover</i>	Wholly covered		Design Principle	

Regarding C1.1(iv), the main OLA for GTL2 proposes a minimum width of 2.3m. Notwithstanding, the dwelling proposes a ground floor verandah which achieves the minimum deemed-to-comply dimensions. The verandah is not considered within **Table 6**, due to it not being directly accessible from the primary living area. Due to a technicality, GTL2 is not deemed-to-comply with C1.1(iv). When the OLA's for GTL2 are assessed in aggregate, the proposal is considered to be capable of support.

Regarding C1.1(v), the main OLA's for GTL1 and GTL2 are oriented north, so as to achieve direct winter sun and natural ventilation. This element is capable of support.

5.3.2 Landscaping

The design principle assessment for soft landscaping relates only to GTL2 – see **Table 7** below.

Table 7: Soft Landscaping assessment (C2.2(ii))			
Lot	Deemed-to-Comply Criteria	Proposed	Assessment
Green Title Lot 1 (GTL1)	50% or 8.15m ²	66.8% or 10.9m ²	Deemed-to-Comply
Green Title Lot 2 (GTL2)	50% or 11.7m ²	35.89% 8.4m ²	Design Principle

GTL2 is constrained, insofar as vehicle access must be provided from Luth Avenue (no access to common property), and includes an unusual street boundary layout. The area relevant to C2.2(ii) is only a 2m wide strip of land parallel to the street boundary. The front setback area needs to provide functional vehicle access and pedestrian access, thus limiting the amount of area that can be soft landscaping. There are further opportunities for soft landscaping behind the street setback, contributing to a desirable streetscape outcome.

The deemed-to-comply criteria within the Medium Density Code is 30% of the front setback, meaning this proposal would be considered satisfactory.

5.3.3 Parking (Visitor)

Table 8: Visitor Parking assessment (C3.2)			
No. of Dwellings	Deemed-to-Comply Criteria	Proposed	Assessment
5 proposed	2 visitor bays	Nil	Design Principle

It should be noted that following the finalisation of the subdivision, the land tenure will be two Single Houses and three Grouped Dwellings, meaning the deemed-to-comply for visitor parking will be nil in accordance with the R-Codes. The Medium Density Code considers one visitor bay for more than four Grouped Dwellings, and nil for less than four.

The proposal is capable of support due to its close proximity to high frequency public transport (train and bus), and the availability of two hour on street car parking.

5.3.7 Site Works

Table 9: Site Works assessment			
Deemed-to-Comply Criteria		Proposed	Assessment
C7.1 Retaining walls, fill and excavation between the street boundary and the street setback, not more than 0.5m above or below the natural ground level, except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or the natural light to a dwelling.		N/A – The front setback is the portion of the lot within 2m of the street boundary line. No site works proposed within the front setback.	N/A
C7.2 Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4 :		Up to 0.7m excavation proposed along the SE boundary (0.2m variation).	Design Principle
Table 4 – Setback of Site Works and Retaining			
Height of site works/retaining	Required minimum setback		
0.5m or less	0m		
1m	1m		

The subject site's natural ground level slopes from the south-east to the north-west, meaning the proposal is a result of levelling the site to ensure consistent finished floor levels. The development will not have a noticeable site level difference from the street. The variation is considered to be capable of support.

5.4.1 Visual Privacy

The design principle assessment for visual privacy relates only to the internal overlooking between the proposed lots – see **Table 10** below. There are no cone of visions which encroach into adjoining properties.

Table 10: Internal Visual Privacy assessment		
Deemed-to-Comply Criteria	Proposed	Assessment
<i>C1.1 Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback like are: Setback, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the table below:</i>	Internal overlooking in between proposed lots – generally the outlook is either oblique, falls onto blank walls or is oriented toward the Charles Stokes Reserve. Refer to Attachment 6 for detailed assessment.	Design Principle

or; <i>Are provided with permanent screening to restrict views within the cone of vision from any major opening or an unenclosed outdoor active habitable space.</i>		
<i>C1.2 Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.</i>	SSL3 proposes permanent screening to the first floor balcony facing the common property to prevent overlooking to the south-west. A condition is recommended to ensure compliance.	Deemed-to-Comply

All the cone of visions are oblique and do not directly overlook any outdoor living areas or major openings between the dwellings. The habitable areas aim to optimise outlook onto Charles Stokes Reserve. A compliant cone of vision may reduce the extent of passive surveillance. The proposal is capable of support.

Other matters

The application proposes a replacement vehicle crossover to be located over a portion of Charles Stokes Reserve, which provides vehicle access to GTL2. The arrangement is a historical issue, which has come to the City's attention through the assessment of the development application. The previous Single House had an informal arrangement with no legal access rights over the Reserve. A condition of approval is recommended to ensure there are legal access rights to the benefit of GTL2.

Options

It is up to Council to determine this development application in one of three different ways:

- Approve the application unconditionally; or
- Approve the application with conditions as per the Officer Recommendation or as otherwise amended by Council; or
- Refuse the application, giving reasons for its decision.

City officers do not recommend Option a), as conditions are needed to moderate the development and resolve issues raised in the planning assessment.

Officers recommend conditional approval as set out in design principle assessment in **Attachment 6** and summarised in this report. If Council generally agrees with the design principle assessment, it is recommended that Council grants development approval in accordance with the officer recommendation (Option b).

A different opinion may be formed on the merits of the proposal as assessed with the relevant design principles. Planning conditions can be imposed to address concerns. Should it be deemed that the imposition of additional planning conditions is insufficient or otherwise inappropriate in addressing concerns, the application may be refused based on one or more of the following elements:

- 5.1.3 Lot Boundary Setbacks
- 5.1.4 Open Space Provision
- 5.2.4 Street Walls and Fences
- 5.3.1 Outdoor Living Areas
- 5.3.2 Landscaping

- 5.3.3 Parking
- 5.3.7 Site works
- 5.4.1 Visual privacy (internal)

Deferral of this application, or not determining this application in accordance with the Options stated above, will result in no decision being made. The applicant may exercise their right to lodge an application for review (appeal) to the State Administrative Tribunal (Tribunal) against a 'deemed refusal' due to the application exceeding the prescribed statutory processing timeframe.

Strategic Implications

The City of Subiaco Strategic Community Plan 2017-2027 aims to promote an appropriate and vibrant built environment and the application has been considered with the applicable planning framework.

The proposal is considered to be consistent with the objectives of the *Local Planning Strategy 2020* insofar as improving housing diversity and choice.

Statutory and Policy Considerations

The application for development approval is considered in accordance with the *Planning and Development Act 2005*, the City of Subiaco LPS5 and relevant planning policies as detailed in the report.

Due regard has been given to the deferred Medium Density Code which comes into effect on 1 September 2023 as required by planning legislation.

Risk and Asset Implications

There are no risk and asset Implications for this report.

Financial

There are no direct financial implications for this report.

Should the applicant exercise their right to seek a review of the application at the Tribunal, there will may be financial implications depending on the nature of the review.

Social and Environmental Implications

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

Attachments

1. Development Plans dated 31 May 2023
2. Original Plans dated 4 July 2022, and Amended Plans dated 1 February 2023 and 24 April 2023
3. Summarised Schedule of Submissions
4. Schedule of Referral Comments
5. Design Review Panel Advice
6. Discretionary Assessment
7. Site Photos

C2 DRAFT LOCAL PLANNING POLICY 1.3 – SUSTAINABLE DEVELOPMENT – PREPARATION FOR PUBLIC ADVERTISING*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Author: Manager Planning Services, Anthony Denholm
Strategic Planning Officer, Emily Crosby
Date: 21 July 2023
File Reference: A/ 7273
Voting Requirements: Simple - more than half elected members present required to vote in favour

COUNCIL DECISION

In accordance with Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, draft Local Planning Policy 1.3 – Sustainable Development (Attachment 1) is publicly advertised for a period not less than 21 days, subject to the following amendment to Attachment 1:

“Policy 1.0 Objectives

(b) To provide a framework of sustainability measures to be integrated into residential development to achieve sustainable built form, in perpetuity.”

CARRIED 9/0

5.55pm

OFFICER RECOMMENDATION

Moved Cr Stroud / Seconded Cr Hamersley

In accordance with Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, draft Local Planning Policy 1.3 – Sustainable Development (Attachment 1) is publicly advertised for a period not less than 21 days.

AMENDMENT

Moved Cr Jennings / Seconded Cr Burns

The motion be amended to read as follows:

In accordance with Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, draft Local Planning Policy 1.3 – Sustainable Development (Attachment 1) is publicly advertised for a period not less than 21 days, subject to the following amendment to Attachment 1:

“Policy 1.0 Objectives

(b) To provide a framework of sustainability measures to be integrated into residential development to achieve sustainable built form, in perpetuity.”

CARRIED 8/1

CR POWELL VOTED AGAINST

5.51pm

Cr Jennings provided the following reasons:

The policy intent is that the sustainability measures be maintained in perpetuity (for the life of the development) and this amendment makes this intent or objective patent.

SUBSTANTIVE MOTION

In accordance with Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, draft Local Planning Policy 1.3 – Sustainable

Development (Attachment 1) is publicly advertised for a period not less than 21 days, subject to the following amendment to Attachment 1:

“Policy 1.0 Objectives

(b) To provide a framework of sustainability measures to be integrated into residential development to achieve sustainable built form, in perpetuity.”

CARRIED 9/0

5.55pm

Additional Information

Following the 18 July 2023 Agenda Briefing, the report and relevant attachments have been updated as follows.

Changes to draft policy as follows:

- Inclusion of a clause (3.6) allowing for proponents to self-nominate sustainability measure(s) with relevant criteria to consider such requests;
- Removal of item number 13 (relating to neighbour consultation) as this matter is covered in another local planning policy;
- Minor wording amendments to Table 1 to correct minor typographical errors and to clarify the need for the City to approve sustainability measures.

The report to Council has been updated accordingly to describe the changes.

Executive Summary

- Draft Local Planning Policy 1.3 – Sustainable Development (LPP 1.3) has been prepared.
- The Policy aims to achieve environmental and sustainable built form outcomes for new single houses, grouped dwellings and significant additions and/or alterations.
- Draft LPP 1.3 facilitates sustainability by requiring all applicable development to include sustainability measure(s) in the design.
- The officer recommendation is to advertise draft LPP 1.3 for a period of not less than 21 days.

Background

Local planning policies (LPPs) contribute to the local planning framework by providing guidance to achieve the best possible development outcomes. Draft Local Planning Policy 1.3 – Sustainable Development (LPP 1.3) has been prepared to maintain the City’s contemporary planning framework.

This report considers new draft LPP 1.3. The policy requires all new single houses and grouped dwellings, and significant addition and/or alterations, to be sustainably designed for the betterment of current and future generations.

Comment

A sustainable development LPP will assist in delivering the City’s sustainable built form strategic objectives, as identified in the Strategic Community Plan, Local Planning Strategy and Local Planning Scheme No. 5 (LPS 5). The Policy also directly assists in delivering actions in the City’s Environment Plan.

Draft LPP 1.3 works using a points-based system with 15 sustainability measures for proponents to choose from. The points have been allocated based on the sustainability impact of each option. Draft LPP 1.3 does not mandate any one specific sustainability

measure. Rather, it mandates the inclusion of sustainable measure(s) into the design. Generally, including four sustainability measures meets the requirements of the policy. The required points can be achieved with less sustainability measures, depending on the measure(s) chosen. This gives proponents the flexibility to choose which sustainability measures are most appropriate to their site context and budget.

Proposed Application and Operation

Draft LPP 1.3 applies to new single houses, grouped dwellings and significant alterations and/or additions to existing single houses and grouped dwellings (defined in the policy as those adding an additional floor area exceeding of 50 per cent of the existing building footprint), for which the R-Codes – Volume 1 applies.

The policy does not apply to the R-Codes – Volume 2 Apartments (R-Codes Volume 2), acknowledging there are already sustainability measures contained within R-Codes Volume 2. It should also be noted that the City receives a relatively low number of development applications for apartments compared to applications relating to single houses and grouped dwellings.

The Policy provides a choice of 15 sustainability measures to include in their development as follows:

- Solar photovoltaic (PV) system
- Solar battery storage
- Solar or heat pump hot water systems
- Lighter roof colours
- Double or triple glazed windows
- Rain water tank
- Grey water re-use system
- Permeable driveway
- Waterwise landscaping
- Tree retention
- New native tree
- Electric vehicle charger
- NatHERS rating of one star in excess of the Building Codes of Australia requirements
- Passive House design certification.

Each sustainable measure is allocated points, ranging from 25 to 100. Further detail on the sustainability measures, including their points allocation is provided in **Attachment 1**.

New single houses and grouped dwellings must reach 100 points (which translates to between one and four sustainability measures). Significant additions and/or alterations must reach a reduced amount of 75 points.

The chosen sustainability measures are to be indicated on the Policy's Sustainability Checklist (Form 1 of the Policy) (**Attachment 1**). The Form 1 must be included with the lodgement of the development application (DA) for all applicable development.

Threshold for Additions and/or Alterations

Draft LPP 1.3 defines the threshold of significant additions and/or alterations size as those with a floor area exceeding 50 per cent of the existing building footprint of the dwelling on-site. This approach ensures that additions and/or alterations that are of a significant scale compared to the existing dwelling are also sustainably designed. It is

not considered appropriate to apply draft LPP 1.3 to smaller scale additions and/or alterations as:

- the cost of applying the sustainability measure(s) would be disproportionate to the cost of the development;
- the occupation and use of smaller additions and/or alterations will not generate the same natural resource demands compared to those defined as significant;
- the City does not want to disincentivise additions and/or alterations.

Clause 3.6 – Additional Sustainability Measures

Clause 3.6 of draft LPP 1.3 enables proponents to self-nominate an alternative sustainability measure(s), contained as 'item 15' of Table 1 (**Attachment 1**). The sustainability theme attributed to this option is 'Additional Sustainability Measures', which provides scope to account for rapidly changing sustainable technologies. This provides further flexibility beyond the 15 options proponents have to choose from.

The clause also provides the criteria as to what circumstances the City would approve the sustainability measure(s) against. These include:

- Sufficient information on the sustainability measure(s) submitted to the City
- The tangible sustainability benefit proposed to be provided
- How the proposed sustainability measure(s):
 - meet the objective of the policy; and
 - are proposed to be implemented; and
 - can be maintained in perpetuity.

All requests under clause 3.6 must be submitted to, and approved by, the City of Subiaco. Such proposals will be reviewed by the City's sustainability/climate change specialist. Under clause 3.6(b), the points value attributed to successful request, will be granted at the remaining point value required (whole or in-part) to meet clause 3.1 (single houses and grouped dwellings reaching 100 points) or clause 3.4 (significant additions and/or alterations to reach 75 points) of the policy.

Full wording of clause 3.6 is contained in draft LPP 1.3. (**Attachment 1**).

Policy Benefits

Draft LPP 1.3 provides many benefits, some of which are outlined below:

- *Sustainable built form* –
Sustainable built form has many benefits including reduced greenhouse gas emissions, reduced utility bills and an increased natural comfort level for occupants. These are discussed further under the Financial and Social and Environmental sections below.
- *Integrated policy and statutory framework* –
Draft LPP 1.3 provides a mechanism to implement the sustainability objectives and aims as identified in the City's strategic and statutory framework. The objectives of draft LPP 1.3 will be implemented via conditions on development approvals, through the standard statutory DA process.

A vertically integrated strategic, policy and statutory framework ensures the City is delivering its intended vision for the jurisdiction. Alignment is discussed in the Strategic Implications, Statutory and Policy and Social and Environmental sections below.

- *Innovative approach to promoting sustainable development* - Although different approaches to achieving similar sustainability outcomes exist, the proposed approach presented in draft LPP 1.3 has not been undertaken by any other local government in Western Australia (WA).

Draft LPP 1.3 provides an opportunity for the City to be a pioneer in the sustainable development space in WA. If successful, it may inspire other local governments to adopt a similar approach. This could lead to a more widespread positive sustainable development outcomes across WA.

Options

The following options are available to Council:

1. Resolve to advertise draft LPP 1.3 as recommended;
2. Resolve to advertise draft LPP 1.3 as modified by Council;
3. Resolve to not advertise draft LPP 1.3. This will mean that Council does not wish to proceed with a sustainable development LPP.

Should Council proceed with option 1 or 2 above, the policy will be advertised as soon as practicable. Further details are in the Consultation section below.

Consultation

The following steps have been undertaken to prepare draft LPP 1.3:

- Desktop review, and discussions with other Perth Metropolitan, and inter-state Local Governments, that have LPPs pertaining to sustainable development.
- Research into each of the 15 sustainability measures covered in the policy, including indicative costings.
- Liaising with sustainability organisations including the Electrical Vehicle Council of Australia, Detail Green and the Green Building Council of Australia.
- Legal advice sought for the relationship of the policy with both State Planning Policy 7.3 – Residential Design Codes - Volume 1 (R-Codes) and the National Construction Code (NCC).
- Internal review and input from the following branches at the City:
 - Statutory Planning
 - Climate Change
 - Building Services
 - Parks and Environment Services
 - Engineering Services

Should Council resolve to proceed to publicly advertise draft LPP 1.3, the policy 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). A notice will be placed in a local 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 (OCM) to consider the outcomes of consultation and finalising LPP 1.3.

Strategic Implications

Strategic Community Plan

Draft LPP 1.3 aligns with the following objectives and actions in the Strategic Community Plan (SCP):

Focus Area Two – Parks, Open Spaces and Places

Objective One: A sustainable environment that is well-maintained, green and leafy.

2.1.1 Preserve, enhance and maintain the urban forest.

2.1.6 Be proactive and innovative in its approach to environmental, sustainability and climate change.

Focus Area Six – Council Leadership

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

6.1.3 Be innovative, responsive and maintain and strong customer focus.

Further details on how draft LPP 1.3 meets the objectives of the SCP is provided in **Attachment 2**.

Local Planning Strategy

Draft LPP 1.3 aligns with the following objectives and strategies in the Local Planning Strategy (LPS):

Element Three – Environment and Sustainability

Objective One: Create a sustainable and resilient City that values and protects its natural resources, encourages the latest technologies and embraces new concepts and ideas.

1. Maintain and enhance natural resources.
2. Make more efficient use of existing infrastructure and resources such as public transport, land and financial resources.
 - (1) Make the following amendments to the local planning framework:
 - a. Investigate ways to encourage achievement of minimum environmental design standards, including in relation to tree retention.
 - b. Investigate ways that encourage the retention of existing significant trees and provide opportunities to vary scheme standards where trees are preserved.
 - c. Incorporate appropriate standards to facilitate water sensitive urban design within the City as part of LPS 5.

Element Six – Urban Design, Character and Heritage

Objective One: Protect and enhance the unique character and built heritage of Subiaco and ensure that new buildings are well designed and of a high standard as well as respectful of and sympathetic to existing heritage and character.

1. Foster 'sense of place' unique to Subiaco and an attractive urban environment.
 - (7) Develop planning controls through LPS5 and/or local planning policies to guide the development of high quality and sustainable buildings which promote best practice urban design.

Further details on how draft LPP 1.3 meets the objectives of the LPS is provided in **Attachment 2**.

Statutory and Policy Considerations

Draft LPP 1.3 is consistent with Schedule 2, Part 2, Clause 4 (procedure for making local planning policies) of the LPS Regulations. In accordance with the requirements of Clause 4, the draft LPP is to be advertised for a period not less than 21 days.

Local Planning Scheme No. 5

Draft LPP 1.3 aligns with the following aims of LPS 5:

- (c) foster and control the use and development of land in an effective, efficient and environmentally sustainable manner according to precinct planning principles, whilst striking the balance between accommodating increasing population and maintaining local character.
- (e) Facilitate and encourage effective public involvement in planning issues of significance to the character, amenity, evolution, vibrancy and environmental attributes to the City.
- (f) Coordinate and ensure that development is of a high quality and is completed in an efficient and environmentally responsible manner which:
 - ii. Promotes an energy-efficient environment.
 - iii. Respects the natural environment
 - v. Promotes excellence in design quality
 - vi. Ensures high amenity for those living, visiting or working in a building, as well as those passing through and observing the building.

Further details on how draft LPP 1.3 meets the aims of LPS 5 is provided in **Attachment 2**.

State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes)

Draft LPP 1.3 applies to all new residential single house and grouped dwelling development, and significant additions and/or alterations that the R-Codes – Volume 1 applies to. Part 7.3 of the R-Codes allows LPPs to amend or modify certain deemed-to-comply provisions without Western Australian Planning Commission (WAPC) approval. Those that aren't exempt from WAPC approval, can only be amended/modified at the discretion of the WAPC. Item 11 is the only draft LPP 1.3 sustainability measure which overlaps with a deemed-to-comply provision of the R-Codes.

Design Element 5.3.2 – Landscaping requires minimum tree planting areas and cannot be amended/modified without WAPC approval. Draft LPP 1.3 – item 11 requires a new native tree to be planted, in addition to the tree planting requirement of the R-Codes. Although there is overlap with the requirements of draft LPP 1.3 – item 11 and the R-Codes, legal advice received is that the policy is not inconsistent with the R-Codes for the following reasons:

- There is no obligation for a proponent to choose item 11 as a sustainability measure to comply with the policy.
- Even if a proponent does choose item 11 to comply with the policy, the fulfilment of that item does not preclude compliance with the R-Codes.
- Design Element 5.3.2 – Landscaping of the R-Codes has a different purpose to the vegetation options of draft LPP 1.3 (which pertain to sustainable development).
- The draft LPP 1.3 measure does not purport to amend or replace the deemed-to-comply requirement under Design Element 5.3.2 – Landscaping of the R-Codes.

Acknowledging the above, WAPC approval is not required for draft LPP 1.3.

State Planning Policy 7.3 – Residential Design Codes (Volume 1 – Upcoming 2023 Amendments)

Volume 1 of the R-Codes is being updated on the 1 September 2023. The gazettal of the 2023 updates will see a new section of the R-Codes, with provisions pertaining specifically to medium density ('Part C'). Draft LPP 1.3 has been considered in the

context of Part C and given the legal advice obtained above, it does not create any inconsistencies.

National Construction Codes (NCC)

All buildings in WA must comply with the NCC under the Building Codes of Australia. Items 3, 4 and 5 of draft LPP 1.3 consider hot water systems, roof colour and window glazing respectively. All of these matters are also considered in the NCC.

Notwithstanding the above, legal advice confirms that there is no inconsistency between draft LPP 1.3 and the NCC for the following reasons:

- There is no obligation for a proponent to choose items 3, 4 or 5 to comply with draft LPP 1.3.
- If a proponent does choose items of draft LPP 1.3, doing so will either achieve the equivalent NCC requirement, or at least will not prevent the achievement of the NCC requirement.

Items 3, 4 and 5 are the only LPP 1.3 sustainability measures which overlap with the NCC requirements.

Planning and Development Act 2005

One of the purposes of the *Planning and Development Act 2005* (P&D Act) is to 'promote the sustainable use and development of land in the State'. This core overarching theme of sustainability is vertically aligned with the City's LPS 5 and Local Planning Strategy, which also contain sustainability objectives and aims. Draft LPP 1.3 provides a mechanism to deliver these sustainability objectives at a local level.

The City has obtained legal advice, and the objectives and sustainability measures of draft LPP 1.3 serve a proper planning purpose, given they are consistent with the overarching core theme of sustainability as prescribed in the P&D Act, LPS 5 and the City's Local Planning Strategy. Further details on how draft LPP 1.3 aligns with the planning framework is provided in **Attachment 2**.

Planning and Development (Local Planning Schemes) Regulations 2015

The LPS Regulations exempt the need for development approval where single house proposals fully meet the deemed-to-comply provisions of the R-Codes. Should this situation occur, no development approval is required and the draft policy wouldn't apply as it does not augment the R-Codes. Augmenting the R-Codes would require approval from the Western Australian Planning Commission.

Very few applications in the City are fully deemed-to-comply, and usually when they are, it is for minor additions/alterations where the draft policy would likely not apply in any event.

Given this, the policy is likely to apply to the majority of single house/grouped dwelling proposals in the City.

Risk and Asset Implications

There are no risk or asset implications. Should Council not proceed to advertise draft LPP 1.3, development will continue to occur in the City as-is with no sustainability requirements for single house and grouped dwellings above and beyond the NCC.

Financial

Indicative costings have been attained for the sustainability measures. The average modelled cost to comply with the policy is an additional \$8,000 for each new dwelling. For many measures, this up-front cost is compensated with ongoing energy and water utility bill savings over time. For example, a single house designed with a Passive House certification can have energy savings of up to 90%, compared to the basic building standard.

A wide diversity of sustainability measures, allows proponents to choose the option(s) that are most suitable for their development, and financial situation. Examples of sustainability measure combinations, including the total cost, that could be used to comply with draft LPP 1.3 are provided in **Table 4**. It should be noted that there are many more combinations possible under draft LPP 1.3. All costings are highly variable depending on the manufacturers chosen. **Table 4** provides general costings guide only.

Option	Number of Sustainability Measures	DA Type	Description of Sustainability Measure Combination	Indicative Costing
1	1	Significant Addition and/or Alteration	Retain one mature tree (over 10m)	\$400 ¹
2	4	Single House or Grouped Dwelling	Waterwise landscaping + retain one mature tree (under 10m) + plant new tree + roof colour	\$500
3	2	Significant Addition and/or Alteration	Rainwater tank + new native tree	\$2,300
4	1	Significant Addition and/or Alteration	NatHERS 7-star ¹	\$2,800
5	2	Single House or Grouped Dwelling	NatHERS 7-star ² + electric vehicle charger	\$4,800
6	4	Single House or Grouped Dwelling	Rainwater tank + permeable driveway + waterwise landscaping + retain one mature tree (under 10m)	\$6,900
7	3	Significant Addition and/or Alteration	Double glazed windows + roof colour + electric vehicle charger	\$7,000
8	4	Single House or Grouped Dwelling	Greywater re-use + roof colour + new native tree + electric vehicle charger	\$9,300
9	4	Single House or Grouped Dwelling	Solar panels + solar battery storage + solar hot water system + new native tree	\$17,000
10	1	Single House or Grouped Dwelling	Passivhaus (Passive House) design ³	\$57,800

¹ Indicative costing for an Arborist report

² Indicative costing for combined construction and NatHERS certification costs (construction cost increase = ~ \$2,500; certification cost = \$300)

³ Indicative costing for construction and Passivhaus (Passive House) certification costs (construction cost increase = ~\$57,750; certification cost = ~\$6,000)

As demonstrated in **Table 4** above, there are a range of combinations (and indicative costs) to meet the requirements of draft LPP1.3 for different development proposals. It is important to note that many new houses or current significant additions integrate some or a combination of the measures outlined in the draft policy.

There are negligible resources required to implement the policy, as it would be implemented through Planning Services standard DA lodgement, processing, internal referral and condition clearing processes.

Social and Environmental Implications

Draft LPP 1.3 provides many environmental benefits, some of which are outlined below:

- *Increase the number of sustainably built dwellings in the City's jurisdiction –*
Draft LPP 1.3 enables sustainability to be integrated into the City's local planning framework. This will ensure that all new single houses and grouped dwellings, and significant additions and/or alterations include a range of sustainability measures. Draft LPP 1.3 provides a specific mechanism to deliver the sustainable built form aspirations set out in the City's strategic and statutory framework.
- *Reduce greenhouse gas emissions –*
Renewable energy sources reduce greenhouse gas emissions by decreasing the reliance on fossil fuels. There are multiple sustainability measures in draft LPP 1.3 that use renewable energy resources. This helps to reduce the impacts of climate change.
- *Contribute to the provision and retention of trees –*
Items 10 and 11 of draft LPP 1.3 pertain to retaining existing mature trees on-site, and planting a new additional native tree than that required in the R-Codes – Volume 1. The benefits associated with tree provision include reduced urban heat island effect and atmospheric carbon dioxide amounts.

City of Subiaco Environmental Plan

Draft LPP 1.3 aligns with the following objectives and actions in the City's Environmental Plan:

Objective Two – increase water re-use and use of fit-for-purpose water sources

Action One: Investigate options for increasing the use of alternative water sources, such as rainwater capture, stormwater harvesting and wastewater reuse. Identifies suitable project to test and monitor initiatives.

Objective Four - increase flora, fauna and green corridor connections across and beyond and City

Action Six: Develop where necessary/possible revegetate regional and local green corridors.

Objective Six: provide environmental leadership to the community and other stakeholders.

Action One: Review existing policies and identify opportunities for planning controls to support achievement of Environmental Plan objectives and targets. These may include guidelines for green corridors and water sensitive urban design.

Objective Seven: enable and support community action towards environmental priorities.

Action Five: Involve the community in tree planting, wildlife protection and a range of environmental protection activities considered in this plan.

Further details on how draft LPP 1.3 meets the objectives and actions of the City's Environmental Plan is provided in **Attachment 2**.

Attachments

1. Draft LPP 1.3 – Sustainable Development for public advertising
2. Supporting Information for draft LPP 1.3 – Sustainable Development

C3 DRAFT LOCAL DEVELOPMENT PLAN FOR THE COLES/CROSSWAYS PRECINCT – PREPARATION FOR PUBLIC ADVERTISING*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

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

Date: 11 July 2023

File Reference: A/7273

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

OFFICER RECOMMENDATION

Pursuant to Schedule 2, Part 6 – Local Development Plans of the Planning and Development (Local Planning Schemes) Regulations 2015, the draft Coles/Crossways Precinct Local Development Plan (Attachment 1) is prepared and publicly advertised for a minimum of 28 days.

LAPSED FOR WANT OF A MOVER

PROCEDURAL MOTION

Moved Cr Kosovich / Seconded Cr Burns

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

CARRIED 5/4

MAYOR MCMULLEN AND CRS POWELL, STROUD AND HAMERSLEY VOTED
AGAINST

6.01pm

Executive Summary

At the Ordinary Council Meeting on 31 May 2022 (Item C4) Council resolved to prepare a Local Development Plan (LDP) for the Coles/Crossways Precinct (Precinct). The former Coles and the Crossways sites are identified as key development sites in the City's Local Planning Strategy. The Precinct is identified in the Subiaco Activity Centre Plan (SACP) as requiring preparation of an LDP. The City engaged GHD Pty Ltd to prepare a draft LDP in accordance with State Planning Policy 7.2 – Precinct Design Guidelines (SPP 7.2).

The draft LDP considers the future development of the Precinct and includes provisions relating to built form, the movement network, public realm, and community benefits. It seeks to achieve built form outcomes that support the vision and provide community benefits essential to the functioning of the Precinct. This includes provision for a future public plaza/green space and an improved movement network that enhances safety and permeability for pedestrians and cyclists and resolves conflicts with servicing vehicles.

The draft LDP was prepared with input from stakeholders and residents during preliminary engagement activities.

Key provisions of the draft LDP are summarised as follows:

- The vision sees the Precinct as a place for everyone, that is safe and inviting. Generous and attractive public spaces, anchored by a green space, integrated with new development that respects the heritage values of Rokeby Road and provides life, activity and greenery.
- Creation of a future public plaza/green space on the Park Street car park site.

- The current height limit set out in the SACP of between two and six storeys is maintained.
- An upper cap on discretionary additional height ranging from five to ten storeys for the taller elements which are required to be set back from any street or laneway.
- The additional height is linked to a combination of mandatory and optional community benefits.
- Setback controls for upper floors allow for sunlight penetration to the public realm.
- A vertical land use permissibility framework with active uses on the ground floor along key frontages.
- An improved movement network that provides a hierarchy for users with improved safety and permeability for pedestrians and cyclists and a more legible structure for cars and delivery vehicles.
- The draft LDP responds to the Rokeby Road and Hay Street Heritage Area and nearby heritage listed places. This has been considered and assessed through an independent Heritage Impact Statement.

It is recommended that the draft LDP be advertised for a minimum of 28 days. A subsequent report will be presented to Council to consider feedback and finalisation of the draft LDP in due course.

Background

At the Ordinary Council Meeting (OCM) on 31 May 2022 (Item C4) Council resolved to prepare a Local Development Plan (LDP) for the land bound by Rokeby Road, Bagot Road, the residential properties to the east and Walmsley Lane, referred to as the Coles/Crossways Precinct (Precinct). The Precinct is identified in the Subiaco Activity Centre Plan (SACP) as requiring an LDP. The Precinct boundaries are shown by the orange boundary in **Figure 1**.



Figure 1: LDP requirement for the Coles/Crossways site as indicated in SACP

Local planning context

The City of Subiaco Local Planning Strategy (the Strategy), endorsed in February 2020, identifies both the Crossways shopping centre site and the former Coles supermarket site as key development sites. Both sites are located within the Precinct shown in

Figure 1. The Strategy seeks to plan for the appropriate redevelopment of major sites through planning controls implemented in local development plans.

Local Planning Scheme No. 5 (LPS 5) was gazetted in February 2020 and implements the SACP by zoning the Precinct Centre R-AC0. LPS 5 also includes scheme provisions that provide for the preparation of LDPs to consider detailed planning for particular sites, including both the Crossways and former Coles shopping centre sites.

The SACP sets out development controls for the Precinct and provides for the requirement for the preparation of an LDP for the Precinct.

State Planning Policy 7.2 – Precinct Design (SPP 7.2)

SPP 7.2 provides comprehensive guidance on best practice precinct planning. SPP 7.2 was used to guide the preparation of the draft LDP.

Rokeby Road and Hay Street Heritage Area

The Precinct falls within the Rokeby Road and Hay Street Heritage Area. The lots fronting Rokeby Road, including the Crossways site, are included within the heritage area as shown coloured orange in **Figure 2**. The LDP boundary is shown in red.

For properties within the LDP boundary, the Post Office and Telstra buildings at No. 164 and 172 Rokeby Road respectively, and the building on the northern side of Postal Walk at No. 160-162 Rokeby Road are identified as making considerable contribution. All other properties are listed as making little or no contribution.

The Rokeby Road and Hay Street Heritage Area is under review the following properties are identified as making either some or considerable contribution:

- The rear portion of No. 136 Rokeby Road (the original Kings Hall) as making considerable contribution; and
- No. 152 Rokeby Road as making some contribution.

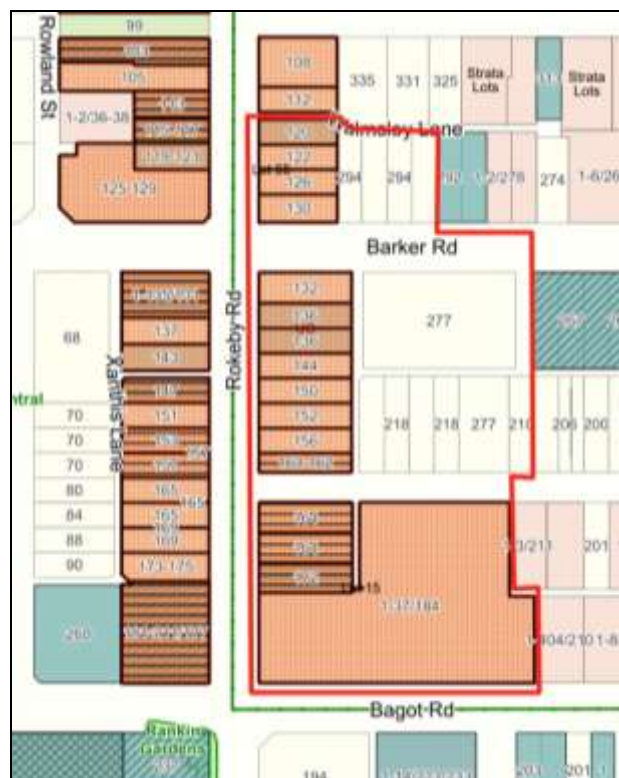


Figure 2: Rokeby Road and Hay Street Heritage Area and LDP boundary

Heritage List

No properties in the Precinct are on the City's Heritage List with the nearest heritage listed places being:

- Doyle Court at No. 177 Rokeby Road (on the corner with Bagot Road);
- St Andrew's Church at No. 267 Barker Road; and
- The City of Subiaco library at No. 237 Rokeby Road.

State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (R-Codes Volume 2)

The R-Codes Volume 2 apply to development of residential apartments in Western Australia. The R-Codes Volume 2 take an outcome-based approach whereby development is required to demonstrate that stated element objectives within each design element are achieved. Acceptable outcomes provide a way to achieve the element objectives. A LDP may amend or replace specific acceptable outcomes provided they're consistent with the relevant element objectives. Approval of the Western Australian Planning Commission (Commission) is required to amend or replace acceptable outcomes within a number of design elements.

Comment

Proposed LDP – development concept

This section outlines the key development concepts proposed by the LDP with more detail of the key concepts included in **Attachment 2**. The key development provisions, which will be used in the assessment of development applications once the draft LDP is operational, are outlined later in this report.

Vision and Objectives

The Precinct vision and objectives were informed by preliminary stakeholder and community engagement feedback. The vision has informed the site and development requirements of the draft LDP and any development is required to demonstrate consistency with the Precinct vision.

The vision sees the Precinct as a place for everyone, that is safe and inviting. Generous and attractive public spaces, anchored by a green space, are integrated with new development that respects the heritage values of Rokeby Road and provides life, activity and greenery.

Place objectives provide guidance for considering whether new development is consistent with the Precinct vision, and in exercising discretion under the provisions of the draft LDP.

New public plaza/green space and tree retention

A key element of the draft LDP is the creation of a future public plaza/green space on part of the Park Street car park, which enables retention of mature fig trees located within the car park. An arborist report has concluded that these trees have a significant life expectancy of between 40 and 100 years remaining. The arborist report is included as **For Information 1**.

A public plaza/green space provides significant amenity to all users of the Precinct, including future residents, workers and visitors. It provides a welcome relief from built form and urban heat, and provides openness and outlook to businesses and residents overlooking the plaza from surrounding buildings.

The proposed plaza provides an opportunity for some of the City owned land to be developed with smaller scale active land uses, such as food and beverage establishments to spill into the plaza, providing activation and passive surveillance. Without this building, the public plaza/green space would be surrounded by roads and laneways with fewer opportunities for activation.

The public plaza/green space is subject to future detailed planning possibly through the preparation of a master plan in the future.

The proposed public realm elements are shown in **Figure 3**. Further detail on the public plaza/green space are included in **Attachment 2**.



Figure 3 – Proposed public realm elements

Movement network

The draft LDP seeks to resolve the existing conflict points between pedestrians, cyclists, cars and service vehicles and provide a clear movement network hierarchy with improved permeability through the Precinct. This will improve legibility and safety for pedestrians and cars within the Precinct.

This is proposed to be achieved through the introduction of a new north-south road along the eastern portion of the Precinct connecting Barker Road with Bagot Road. Laneways are proposed to be widened to a functional width that allows safe use by cars, delivery vehicles and pedestrians. Similar measures were included in the City's recent LDPs for Rokeby Road South and Seddon Street Precincts.

Attachment 2 includes details on the future movement network for the Precinct.

Development sites

The development sites include the Crossways shopping centre site, former Coles site and the City owned Barker Road car park. The draft LDP applies the base height limit

and plot ratio of the SACP as an as-of-right development scenario. The draft LDP encourages additional development above the SACP base height in exchange for community benefits. This provides a means to achieving the proposed LDP aims, primarily the creation of a public plaza/green space, improvements to the movement network and pedestrian permeability and safety. The height limits are shown in **Figure 4** below.

The lots fronting Rokeby Road are small, in fragmented ownership and located within the Rokeby Road and Hay Street Heritage Area. The HIS recommends that any new development facing on the Rokeby Road streetscape should be respectful to the heritage area. As such, development potential is limited to additions, extensions and small-scale redevelopment. No additional development potential above and beyond that provided for under the SACP is being contemplated as part of this draft LDP.

- *Crossways site*

The Crossways site has a base height of four storeys under the SACP. A maximum of ten storeys is considered appropriate for the northern portion of the Crossways site with appropriate boundary setbacks above a four to five storey podium. The ten-storey element is sufficiently set back from the Bagot Road and Bagot Road boundaries to not cause an adverse impact on the Rokeby Road and Hay Street Heritage Area.

Potential development above ten storeys may be considered where the additional height doesn't cause any additional overshadowing onto the public realm and is subject to additional community benefits being provided.

- *Former Coles site*

The former Coles site supports a maximum height of up to nine storeys with a four storey podium and is subject to solar access requirements of the public realm, specifically the future public plaza/green space.

- *Barker Road car park site*

The Barker Road car park site is proposed to accommodate development up to nine storeys to facilitate ceding of land for a new laneway to provide access to the Rokeby Road properties and to accommodate a public car park.

Attachment 2 includes details on the land required to be ceded to facilitate implementation of the draft LDP.

Process for the preparation of the draft LDP

The City engaged GHD Pty Ltd to prepare the draft LDP for the Coles/Crossways Precinct. The draft LDP was prepared in accordance with SPP 7.2 which provides best practice guidance on precinct planning.

Supporting technical studies were prepared to inform the draft LDP as follows.

The Context and Technical Analysis (**For Information 2**) provides the rationale and justification for the draft LDP. It considers:

- the Precinct context within the existing built environment, including relationship with the Rokeby Road and Hay Street Heritage Area;
- the design elements in SPP 7.2;
- the Precinct's strengths and weaknesses and opportunities for improvement through the draft LDP;

- an incentive-based approach to achieving specific outcomes and community benefits.

The Movement Network Analysis (**For Information 3**) considers the existing movement network and its functionality for pedestrians, cyclists, public transport, cars, delivery and service vehicles. It proposes improvements to the internal street and laneway network aimed at reducing the existing conflicts between pedestrians/cyclists, cars, and delivery vehicles and establish a clear and legible movement network.

Traffic modelling has been undertaken to ensure that traffic generated by the additional development contemplated under the draft LDP can be accommodated within the existing road network.

The Community Engagement Outcomes Report (**For Information 4**) outlines the stakeholder and community engagement activities undertaken, and outcomes used to inform the preparation of the draft LDP.

Heritage Impact Statement

The City engaged Stephen Carrick Architects to prepare a Heritage Impact Statement (HIS) for the draft LDP (**For Information 5**). The HIS considers the impact of the draft LDP on the Rokeby Road and Hay Street Heritage Area and the nearby heritage listed places.

The HIS concludes that overall, the draft LDP will ensure the impact of development on the Heritage Area remains low. It states:

- The introduction of mixed use development encourages activation and provides services that are vital to neighbouring residential areas. The proposed uses are compatible with the Heritage Area.
- While the proposed scale of development is a significant increase compared to the existing two storey scale, the HIS acknowledges that setbacks of the taller elements of the Coles and Crossways sites help to mitigate the impact from the street.
- The implementation of development incentive provisions is considered to have a positive influence on the Heritage Area, will not impact on the cultural heritage values and the heritage impact is considered low.
- The provisions addressing the siting of the development are considered to reduce the impact of development on the Heritage Area. The heritage impact is considered low.

Implementation

The Precinct's density code of R-AC0 allows for an LDP to set the acceptable outcomes for the primary controls of R-Codes Volume 2, including controls relating to building height, street and boundary setbacks and plot ratio to achieve the Precinct vision and objectives. Together, these primary controls form the building envelope within which the built form is contained. The remaining provisions of the R-Codes Volume 2, including relevant element objectives, continue to apply to new residential and mixed use development.

In addition to augmenting the R-Codes Volume 2 with specific development provisions, the LDP introduces provisions relating to public realm, movement network and land use.

The draft LDP includes a framework of development incentives for community benefits (detailed later in this report). In summary, the LDP proposes that land is ceded to create a public plaza/green space, a new road, widening of existing laneways and contributions to public realm upgrades. These measures facilitate a range of public realm and movement network improvements without significant cost to the City. Additional development potential is offered in compensation to development sites in a manner that minimises the impact on public realm, adjoining properties and the Rokeby Road and Hay Street Heritage Area.

The draft LDP responds to each development site, while being cognisant of the wider context, including the relationship to surrounding properties, the public realm and the Rokeby Road and Hay Street Heritage Area. Importantly, it enables flexible development staging as it is not reliant on development occurring in any specific order on each of the development site. The exception is creation of the public plaza/green space which is dependent upon redevelopment of the former Coles site. This is due to the portion of land which is part of the Coles site required to be ceded to create the public plaza as proposed in the draft LDP. Should redevelopment of the former Coles site not proceed, the existing car park use could remain indefinitely and the public plaza/green space would not be created. Alternatively, the portion of the car park on the City owned land could be converted into a smaller public plaza/green space. Neither of these options will impact on the other LDP elements being implemented.

While an LDP cannot provide absolute certainty for development outcomes, by providing well-considered and justified controls, and importantly by setting an upper limit to the exercise of discretion, the LDP can provide strong guidance that has to be given due regard by the decision-maker.

Key development controls

The LDP provisions have been prepared to be read with the R-Codes Volume 2. Primary controls respond to the unique character of the Precinct and support the Precinct vision. A number of design elements of the LDP amend or replace acceptable outcomes that require the approval of the Commission pursuant to clause 1.2.3 of the R-Codes Volume 2. Commission approval will be sought once Council endorses the draft LDP following public advertising.

Land use

The draft LDP encourages ground floor activation of the public realm along key frontages along Rokeby Road, Barker Road, Park Street, along the proposed public plaza/green space and laneways where appropriate. The provisions relating to land use are a guide only as land use permissibility is provided for in LPS 5 and cannot be modified by an LDP.

Building height

The building height provisions of the draft LDP reflect the base heights of the SACP. A framework of development incentives for community benefits enables development at a greater height in exchange for a range of mandatory and optional community benefits.

The SACP base heights are four storeys with two storeys along Rokeby Road to provide for an appropriate interface with the Rokeby Road and Hay Street Heritage Area. The potential future building on the western portion of the Park Street car park is proposed to have a base height of two storeys to create an appropriate interface with the future public plaza/green space. Additional height of up to four storeys in total can be considered in accordance with the criteria for community benefits.

Building heights are expressed in storeys and assessment is guided by the R-Codes Volume 2 which contemplates a floor-to-ceiling height of 4 metres for the ground floor (to enable non-residential uses being accommodated) and 3 metres for any floors above ground floor.

Figure 4 shows the maximum building heights with community benefits.



Figure 4 – Maximum building heights subject to community benefits

Setbacks

The draft LDP proposes the first two storeys to be constructed to the street boundary to allow for awnings over the footpath for weather protection for pedestrians and to enhance the heritage character of Rokeby Road. Taller building elements fronting Rokeby Road and the laneways are required to be setback a minimum of 6 metres from Rokeby Road and 3 metres from the laneways.

Solar access requirements apply to taller building elements in addition to the stipulated street setbacks. This minimises overshadowing of the public realm and ensures any impact onto the Rokeby Road and Hay Street Heritage Area is limited.

Plot ratio

Base plot ratio is 2.5:1 in accordance with the SACP provisions for the Precinct. The draft LDP enables plot ratio to be redistributed across each development site to compensate for land ceding requirements. Additional plot ratio can be considered in accordance with the additional building height to encourage provision of community benefits in addition to the land ceding requirements.

Development incentives for community benefits

A framework of community benefits in exchange for development incentives is proposed as a means of achieving the measures proposed in the draft LDP without creating an unreasonable cost burden for the City. These include creation of the future public plaza/green space, provision of a new road and widening of laneways. The approach is similar to that of the Seddon Street Precinct LDP which has been in effect since March 2022. A summary of the proposed provisions is provided in **Attachment 2**.

Orientation

Solar and daylight access has been identified as an important aspect in achieving a successful, attractive and usable public realm for the Precinct. The draft LDP requires applicants to consider the impact of overshadowing on the public realm and adjoining sites. The provision sets out specific overshadowing requirements for the key public spaces within the Precinct, including the future public plaza/green space, Bagot Road and Barker Road.

For the Coles site, overshadowing is to be limited to no more than half of the public plaza/green space, not including Park Street. For the Crossways and Barker Road car park sites, buildings should not cause overshadowing of the properties on the southern side of Bagot Road and Barker Road respectively. Overshadowing provisions are measured at 12 noon on the winter solstice, representing the day of the year with the longest shadow cast.

The overshadowing provisions will require increased setbacks of the upper storeys of the Coles site and Barker Road car park sites and any building elements above ten storeys of the Crossways site.

Façade design

Façade design takes into account the changes in topography and responds to the Precinct's traditional rhythm and design features, including vertical and horizontal variation. Building façades should maintain a continuous street frontage to Rokeby Road, with voids and recesses on the ground floor to provide definition to entries and reflect traditional patterns and proportions.

The design of buildings at the corner of Rokeby Road and Barker Road, and Rokeby Road and Bagot Road, should complement the form, setback, floor levels and scale of heritage/ contributory buildings on adjacent street corners and provide strong definition to street block ends/ corners.

Heritage impact statement

A Heritage Impact Statement (HIS) is required to be submitted with each development application within the Precinct relating to a heritage place. The HIS is to be prepared by a suitably qualified professional, demonstrating that the development is consistent with the cultural heritage significance of the place.

For the Crossways site, the HIS is required to specifically demonstrate how the design of the building sympathetically addresses the floor levels, scale massing and setbacks of the Doyle Court building on the opposite side of Rokeby Road.

Minor amendments to R-Codes Volume 2

- The public domain interface element is proposed to be modified to ensure car parking is not visible from the public realm and is located behind the street or public

realm setback. Services and utilities are to be designed so they are not visible from the public realm.

- The pedestrian access and entries element is proposed to be amended to align with pedestrian crossing points identified in the draft LDP and to provide entries at footpath level.
- Vehicle access is not permitted from Rokeby Road and access points are to be located along the building frontages identified for this purpose in the draft LDP, generally from laneways. Only one access point per frontage is permitted to minimise conflicts with pedestrians.
- The waste management element has been amended to require waste storage areas to be accessed from laneways and to be screened from view.
- The draft LDP stipulates that a number of R-Codes provisions also apply to non-residential development to ensure consistent design outcomes can be achieved across the Precinct.

Commission Approval

Two elements of the draft LDP require approval of the Commission pursuant to clause 1.2.3 of the R-Codes Volume 2. It is recommended that Commission approval be sought for the necessary elements of the LDP after the draft LDP is publicly advertised and Council has considered any submissions made. Acceptable outcomes of the following Design Elements cannot be amended or replaced without Commission approval:

- Orientation; and
- Waste management.

A similar process was followed for the City's recent LDPs for the Rokeby Road South and Seddon Street Precinct respectively. For both of these LDPs the Commission granted approval to amend or replace a number of Design Elements based on the specific context of each of the two LDPs and the justification provided.

Options

Council has a number of options regarding the draft LDP as follows:

- Option 1:
Prepare the draft LDP for advertising for public comment as per the officer recommendation.

This option will enable the draft LDP to be advertised for public comment by the end of August for 28 days. A further report to Council would be presented following the consultation period, consideration of submissions and changes made as required. This is the recommended option.

- Option 2:
To support the officer recommendation with amendments to be made to the draft LDP prior to commencement of advertising.

Depending on the nature of amendments, this option may delay the commencement of advertising to enable the draft documents to be amended.

- Option 3:
To require significant amendments to be made to the draft LDP with a further report being presented to Council for consideration of a modified draft LDP prior to commencement of advertising.

This option would result in a significant delay as the report would not be able to be presented prior to the Caretaker period. Advertising would likely not commence until early-mid 2024.

- Option 4:

To not support the officer recommendation and not endorse the draft LDP for advertising.

This option would result in no LDP being prepared for the Precinct.

Consultation

The preparation of the draft LDP was informed by preliminary engagement with stakeholders including landowners, businesses and nearby residents between January and March 2023.

Stakeholders and the wider community were engaged in the following ways:

- Three focus groups with key stakeholders within the local area;
- Mail-out of 418 letters to property owners and occupiers advising of the project and options for participation in the survey and drop-in sessions;
- Three notices in the Subi Scene in the Post newspaper advising of the survey and drop-in sessions;
- Six social media posts advertising the survey and drop-in sessions;
- Survey on the City's *Have Your Say Subiaco* engagement portal, which attracted 242 submissions; and
- Three separate drop-in community sessions, held in the foyer of the Crossways shopping centre, attracting approximately 90-120 attendees in total.

The outcomes of the preliminary engagement activities are documented in **For Information 4** and have informed the LDP vision, objectives and development provisions.

Should Council resolve to prepare the LDP, the draft LDP will be advertised for public comment in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) and Local Planning Policy 7.3 – Public consultation for planning proposals (LPP 7.3).

While the LPS Regulations and LPP 7.3 require a minimum advertising period of 14 days, a longer advertising period of 28 days is proposed due to the complexity of the draft LDP. This is consistent with the advertising periods undertaken in recent years for both of the City's existing LDPs for Rokeby Road South and Seddon Street Precincts.

Strategic Implications

City of Subiaco Local Planning Strategy (Strategy)

Both the Crossways site and the Coles site have been identified as key development sites within the Strategy, which states the following:

Coles site: *"Any redevelopment needs to ensure an appropriate transition to the low density residential area to the east. Consideration should be given to converting the City owned car park to the south into public open space or pedestrian friendly space to complement the small public square that connects with Rokeby Road."*

Crossways site: *“A local development plan should be prepared to ensure the interface with the Town Centre Heritage Area as well as the adjoining residential properties is appropriately addressed.”*

Strategic Community Plan

The recommendations in this report align with the following actions and objectives in the City's Strategic Community Plan.

Focus Area three – Subiaco as a destination

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

3.2.1 Attract and retain a diverse range of businesses

Focus Area four – The built environment

Objective one: A built form with heritage value that is recognised celebrated and protected

4.1.4 Ensure new developments are respectful of the built heritage and character of our streetscapes

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

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

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

Focus area five – An effective and integrated transport system

Objective two: a range of infrastructure to support a sustainable and accessible transport system

5.2.4 Invest in improved pedestrian and cycle networks

Focus area six – Council leadership

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

6.1.2 Actively engage with the community to inform decision making

Statutory and Policy Considerations

The preparation, advertising and adoption of the draft LDP will be undertaken in accordance with Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Risk and Asset Implications

The draft LDP provides a framework for redevelopment of key sites within the Precinct. It enables coordination of development to ensure positive outcomes for each of the development sites as well as the public realm. It ultimately creates a public plaza/ green space in which most of the large fig trees are able to be retained, additional pedestrian connectivity through the site and provides an improved movement network that minimises conflict points between pedestrians, cars and delivery vehicles.

The draft LDP encourages redevelopment of key sites and incentivises provision of desirable community benefits through a framework of development incentives.

A delay with the draft LDP prevents a contemporary and best-practice planning framework being in place. This creates uncertainty for landowners and the wider

community and risks individual developers submitting development applications that do not align with the intended outcomes for this Precinct.

Financial

Should Council proceed with advertising the LDP, there are minor financial implications for the advertising process which are within budget allocated for this project.

Whilst property values are not considered in the preparation of a planning document, changes in the planning framework can affect property values.

The City owns land within the Precinct in freehold, including a portion of the Park Street car park and the Barker Road car park. A public plaza/green space is proposed to be created on a portion of the City owned land. The new north-south road and laneway widening will require land being ceded.

The loss of the opportunity to develop a multi-storey car park on these sites is offset through the potential to develop a four storey commercial building on the western portion of the Park Street car park site as well as additional development opportunity being provided on the Barker Road site of up to nine storeys.

The SACP, which currently guides development, provides for development of up to four storeys for the Barker Road site and a multi-storey car park on the Park Street site of up to five storeys.

Similar to the development sites in private ownership, the draft LDP applies a balance between provision of community benefit, including land ceding, and development incentives.

Social and Environmental Implications

The draft LDP recommends substantial community benefits which can be achieved by coordinating development and enabling optimum development potential for each of the major sites within the Coles/ Crossways Precinct to be achieved.

A key component is the creation of a public plaza/green space on part of the Park Street car park. The public plaza/green space will provide improved amenity for residents, visitors and workers as well as protection of canopy cover and reduction in urban heat island effect, compared to the current planning framework which contemplates a five-storey car park for this site. This has a significant positive impact for both social and environmental amenity of the Precinct.

Attachments

1. Draft Coles / Crossways Precinct Local Development Plan, GHD Pty Ltd, June 2023
2. Summary of LDP development concepts and provisions

For Information

1. Arboricultural Assessment, Classic Tree Service, August 2022
2. Context and Technical Analysis, GHD Pty Ltd, June 2023
3. Movement Network Analysis, GHD Pty Ltd, June 2023
4. Stakeholder Engagement Report, GHD Pty Ltd, June 2023
5. Heritage Impact Statement, Stephen Carrick Architects, June 2023

C4 TENDER A/6805 E H PARKER LIBRARY EXTERNAL RESTORATION PROJECT

REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Manager Commercial Services and Property, Joel Guest
Coordinator Capital Projects, Jeremy Graf

Date: 11 July 2023

File Reference: A/7273

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

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Jennings / Seconded Cr Hamersley

1. **Tender A/6805 - E H Parker Library External Restoration Project be awarded to CLPM Pty Ltd for \$1,782,864.70 plus GST, inclusive of \$53,900 plus GST for the building entry, which is to incorporate a ramp and stairs as provided for in Option A of the final detailed design drawings.**
2. **The rear carpark works, for an additional \$48,950.00 excluding GST, not proceed at this time.**
3. **A pop-up Library be located in the former Council Chambers at 241 Rokeby Road, Subiaco WA for the period during which the E H Parker Library is closed for the works.**
4. **The Chief Executive Officer be authorised to sign any documents, deeds or agreements necessary to give effect to this resolution.**

CARRIED 8/1
CR BURNS VOTED AGAINST
6.03pm

Executive Summary

- On 3 May 2023, the City released public request for tender A/6805 E H Parker Library External Restoration Project (the “**Tender**”) seeking to appoint a suitably qualified and experienced register builder to undertake the scope of work.
- The Tender closed on Wednesday 20 June 2023.
- The City received 4 submissions.
- Officers assessed the submissions against pre-determined qualitative and quantitative criteria, and then made a value for money assessment.
- It is recommended that the Tender be awarded to CLPM Pty Ltd.

Background

The E H Parker Library is a landmark building in Subiaco, although its street appeal and gravitas has, in recent years, been overshadowed by poor landscaping choices and design decisions and the gradual decay of the external built form.

Following a competitive procurement process, the City engaged Griffiths Architects to consider what works needed to be done to address ongoing rising damp and to preserve the Library for future generations.

Griffiths Architects, in conjunction with UDLA landscape architects, developed a scope of work to remediate, restore and enhance the external built form.

The City held a strategic workshop with Elected Members on 29 March 2022 to promote discussion and seek feedback from Elected Members. Feedback provided by Elected Members was reflected in the final concept design.

On 31 May 2022 (item C7), Council endorsed plans to restore the external built form elements of the Library and reinstate the soft landscaping elements in a way that was sympathetic to the building (with a preference for native trees).

On 10 March 2023, officers provided Elected Members with the final detailed design drawings (“**Drawings**”) via the EMIB and Councillor Portal.

Comment

Progress to date

Following the 31 May 2022 decision, the project team:

- Built upon the concept / schematic design.
- Engaged subconsultants to further develop the design.
- Prepared the detailed design documentation for Tender, including updated drawings and specifications, sufficient for builders to price the works.
- Lodged a development application with the City.
- Obtained a development exemption from the Department of Planning, Lands and Heritage on the basis that the works meet the definition of a “public work” within the meaning of the *Public Works Act 1902 (WA)*.
- Released the Tender seeking to appoint a suitably qualified and experienced register builder to undertake the scope of work.
- Formulated the quantitative and qualitative criteria against which Tender responses were assessed.
- Evaluated the Tender responses.

Issues arising during the detailed design process

During the detailed design process, the project team identified that:

- The existing Brownbuilt roof structure is a propriety system that incorporates the existing ‘purlins’ as a single element. Removal of the old roof sheeting will require the existing ‘purlins’ to be re-supported with an additional structure.
- The existing HVAC system is 21 years old. According to the manufacturer, the economic life of the system is 15 years – although this can be extended through a preventative maintenance regime. Whilst the City wasn’t planning on replacing the HVAC system for another few years, it is considered more cost effective to replace the HVAC system now with new as it will need to be removed in any event to accommodate the roof and plant room works.

The Tender

On 3 May 2023, the City released the Tender via TenderLink.

By the deadline for submissions on Wednesday 20 June 2023, four submissions were received from the following companies:

1. CLPM Pty Ltd
2. Geared Construction Pty Ltd
3. Kilmore Group Pty Ltd
4. National Projects (WA) Pty Ltd

Evaluation

Officers assessed the submissions against pre-determined qualitative and quantitative criteria, and then made a value for money assessment.

The conforming tenders were assessed against the following qualitative criteria:

Selection Criteria	Weightings
Relevant Experience	25%
Skills and experience of key personnel	25%
Proposal and demonstrated understanding	25%
Resources	20%
Environmental questionnaire	5%

The submission from CLPM Pty Ltd scored the highest.

Following a value for money assessment, the Evaluation Panel determined that the submission from CLPM Pty Ltd was the preferred submission. CLPM Pty Ltd demonstrated extensive experience in performing similarly sized and complex projects as well as a solid understanding of the scope of work.

Options**The Tender**

It is open to Council to:

1. award the Tender to CLPM Pty Ltd; or
2. decline to accept any tender submission and:
 - discontinue or pause the project; or
 - within 6 months, enter into a contract for another person to perform the scope of work (as per reg 11(2)(c)(i)).

If Council decides not to accept any tender submission and discontinue or pause the project, the condition of the Library will continue to deteriorate and this will increase the cost of restoration and refurbishment in the future.

Whilst it is possible that the cost of labour and materials might go down, there are no guarantees of this occurring.

Entry options

At the 31 May 2022 OCM, there was some doubt or debate as to whether the entry to the Library should comprise:

- Option A: a ramp and stairs (recommended by Griffiths Architects); or
- Option B: a ramp only.

The options are further described on page 39 of the Drawings. Both options have been designed to be unattractive to skateboarders.

The City asked Tender respondents to price both options.

CLPM Pty Ltd priced:

- Option A at \$53,900.00 excluding GST; and
- Option B at \$53,900.00 excluding GST (i.e. the same price).

Griffiths Architects recommends that Option A (i.e. a ramp and stairs) is accepted as it is more consistent with the architect's original design intent and is likely to provide a better design outcome from an aesthetic and practical perspective.

Rear carpark option

At the 31 May 2022 OCM, there was also some doubt or debate as to whether to upgrade the rear carpark to comply with the latest Australian standards.

The proposed upgrades are further described on page 38 of the Drawings, and include:

- the re-orientation of the existing bays from 7 angled bays to 7 parallel bays;
- sufficient vehicular circulation space between the bays and the rear entry ramp; and
- the introduction of a compliant ACROD bay on the Eastern side of the carpark.

The City asked Tender respondents to price the works to the carpark separately.

CLPM Pty Ltd priced the works to the carpark at \$48,950.00 excluding GST.

Whilst there is merit in upgrading the rear carpark to comply with the latest Australian standards, this also has the potential to cut across the work the City is doing in relation to the Civic Precinct Redevelopment Project, including the future masterplan for the Precinct. For example, it is possible that the masterplan might look to pedestrianise the Precinct by removing the vehicular accessway behind the Library and making all parking undercroft or underground parking – which could enable the carpark behind the Library to be repurposed as something else. It is therefore open to Council to delay the works to the rear carpark until after the masterplan for the Precinct has been endorsed to:

- save funds in the interim; and
- avoid the risk of undertaking works to the rear carpark now which may ultimately be inconsistent with the future masterplan.

Library closure and pop-up Library

In order to undertake the works, it will be necessary to close the Library for a 3 to 4 month period whilst the works take place.

The timing of the closure won't be known until the City has appointed the successful respondent and the respondent has finalised its project plan.

The project team will continue to liaise with the Library staff on a regular basis in relation to the closure.

In order to mitigate the impact of the closure, it is open to Council to approve the establishment of a 'pop-up Library' for the duration of the closure.

It is open to Council to:

- close the Library for the duration of the works and not provide patrons with an alternative service; or
- establish a temporary 'pop-up Library' at the:
 - Subiaco Community Centre; or

- former Council Chambers located at 241 Rokeby Road, Subiaco WA.

When the Library was last closed for the internal refurbishment (FY 2019/20), a pop-up Library was established at the Subiaco Community Centre. The pop-up Library continued to attract patrons and was deemed to be a success. It also facilitated the continuity of Library services and engagement of Library staff.

If Council is minded to establish a temporary pop-up Library, the former Council Chambers is recommended as the preferred option on the basis that:

- it is located less than 50 metres from the E H Parker Library (which will assist with wayfinding and re-directing of patrons);
- the HVAC has been reinstated following the recent fire;
- it has undergone a comprehensive deep clean following the recent fire;
- it is a larger and more pleasant place to be than the Subiaco Community Centre;
- meeting rooms 1 and 3 can be used for staff offices; and
- it has access to better toilet and parking facilities.

To avoid any doubt, the back of house section of the former Administration Centre and Council Chambers, which remains affected by fire damage, is not intended to be used or accessible to the public at any time.

In addition, there are currently 12 library staff and 7 cultural services staff which are accommodated at the Library. It is envisaged that the library staff will move to the pop-up Library and the cultural services staff will move to Level 2, 388 Hay Street, Subiaco WA (the City's temporary offices) for the duration of the closure.

Whilst the closure is likely to temporarily inconvenience operations, the project team will attempt to mitigate this as far as possible.

Consultation

The City advertised the Tender in the West Australian Newspaper in accordance with the requirements of the *Local Government Act 1995 (WA)*.

Given the importance of the Library to a wide range of community members, the City has prepared a communication and engagement plan to help ensure that the community, and especially members, are informed and engaged in a meaningful way throughout the process.

To ensure stakeholders are informed of the project outcomes and impacts, and in particular, the potential reduction of services offered at the pop-up library during the construction period, the City will utilise a mix of City-owned print and digital communication channels (both City of Subiaco and Subiaco Library profiles) and media. A series of key messages will be prepared and utilised in these communications to guide community expectations.

Strategic Implications

The project, including the appointment of a registered builder to undertake the remediation and restoration works, is consistent with:

Strategic Community Plan – Strategy 1.1.1

Ensure the community's identity and local history is reflected, promoted and celebrated.

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 3.1.2

Work towards establishing the City of Subiaco as a destination of choice.

Strategic Community Plan – Strategy 4.1.1

Support the conservation of heritage places.

Strategic Community Plan – Strategy 4.1.3

Identify and protect significant heritage buildings, places and streetscapes.

Strategic Community Plan – Strategy 6.1.4

Ensure best practice asset management principles are adopted.

Statutory and Policy Considerations

The procurement process undertaken by the City in connection with the Tender complies with the *Local Government Act 1995 (WA)*, *Local Government (Functions and General) Regulations 1996 (WA)* and the City's Purchasing Policy.

Risk and Asset Implications

If Council resolves to award the Tender to CLPM Pty Ltd, the contractor will be required to execute the fixed price building contract prepared by the external lawyers appointed by the City for the project, Hotchkin Hanley.

The contract includes a range of mechanisms which mitigate risk to the City, including bank guarantees, public liability insurance and warranties as to performance.

Furthermore, under the contract, the contractor is not entitled to be paid a progress payment until the contractor has:

- completed all of the works necessary for that progress payment; and
- delivered a claim for payment to the project superintendent (in this case, Griffiths Architects) for assessment.

That is, no advanced payments are to be made.

In addition to the insurances which the contractor is required to obtain and maintain, the City will also insure the works.

In the current economic climate, the City has also considered the risk to the City if the contractor suffers an insolvency event.

If the contractor suffers an insolvency event, it would be open to the City to:

- appoint another lead contractor to complete the works; or
- take on the role of lead contractor, and engage the defaulting contractor's existing sub-contractors (or other sub-contractors) to complete the works.

Whilst the City has made enquiries about obtaining insurance to protect against an insolvency event, the City has been advised that it is very difficult to source this type of insurance for small projects of this nature. Nevertheless, the City will work with its insurer in an attempt to insure against this risk.

Financial

By resolution dated 31 May 2022, Council set aside \$1.5 million for the works.

The budget was set based on a QS estimate obtained by the project team in early 2022.

The cost of the works, as per the officer's recommendation, is \$282,864.70 (18.85%) more than the budget set by Council.

The increase is due to:

- the increase in the cost of labour and materials since the QS was undertaken;
- the increase in costs associated with dealing with the existing Brownbuilt roof structure (picked up during detailed design); and
- the increase in costs associated with replacing the existing HVAC mechanical plant and equipment now.

Whilst the City's long-term capital works program does not contemplate the replacement of the HVAC plant and equipment for another 4 – 5 years, it is considered more cost effective to replace the HVAC system now with new as it will need to be removed in any event to accommodate the roof and plant room works.

The City's Finance Team has confirmed that there are sufficient funds in the City's Buildings and Facilities Reserve to cover the additional cost of the works, provided that the City's long-term capital works program and long-term financial plan are adjusted in subsequent years to offset the increased expenditure. It is also noted that, of the \$282,864.70 (18.85%) increase, \$100,000 (6.67%) was already set aside in FY 2028/29 to replace the HVAC mechanical plant and equipment.

Whilst the City did investigate potential third party funding opportunities for the project (specifically, with Lotterywest), the nature of the restoration works fell outside the types of projects within which Lotterywest would ordinarily invest.

Social and Environmental Implications

There are no direct implications.

Attachments

There are no attachments for this report.

C5 TENDER A/7448 PAY BY PHONE PARKING SYSTEM PROVIDER**REPORT FROM DIRECTOR CORPORATE SERVICES**

Author: Manager Commercial Services and Property, Joel Guest
Coordinator Capital Projects, Jeremy Graf

Date: 11 July 2023

File Reference: A/7273

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

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr de Vries / Seconded Cr White

Tender A/7448 - Pay by Phone Parking System Provider be awarded to EasyPark ANZ Pty Ltd for three years plus two one (1) year options based on their schedule of rates.

CARRIED 8/1
CR BURNS VOTED AGAINST
6.06pm

Executive Summary

- On 17 May 2023, the City released public request for tender A/7448 - Pay by Phone Parking System Provider (the “**Tender**”) seeking to appoint a pay by phone parking app provider to provide payment optionality to parking customers.
- The Tender closed on Wednesday 12 June 2023.
- The City received 4 submissions.
- Officers assessed the submissions against pre-determined qualitative and quantitative criteria, and then made a value for money assessment.
- It is recommended that the Tender be awarded to EasyPark ANZ Pty Ltd.

Background

The City operates forty-four (44) fee paying car parks across the district. Each car park contains a Pay by Plate or Pay and Display parking machine. At present there are one hundred and six (106) parking machines in operation.

Back in 2012, the City’s parking strategy identified a need to provide its parking customers with different payment options, including a payment app.

Today, roughly:

- 2% of payments are by coin at the machine;
- 65% of payments are by credit card at the machine; and
- 33% of payments are pay by phone transactions via a payment app.

The City collects approximately \$3 million per annum in parking revenue, making parking the City’s third largest income stream after rates, fees and charges and investment portfolio income.

The City’s existing Pay by Phone Parking System Provider contract has expired, and is currently in holding over.

Comment

On 17 May 2023, the City released the Tender via TenderLink.

By the deadline for submissions on Wednesday 12 June 2023, four submissions were received from the following companies:

- Arthur D Riley Co Pty Ltd
- CellOPark Australia Pty Ltd
- EasyPark ANZ Pty Ltd and
- Sarb Management Group Pty Ltd

Officers assessed the submissions against pre-determined qualitative and quantitative criteria, and then made a value for money assessment.

The conforming tenders were assessed against the following qualitative criteria:

Selection Criteria	Weightings
Relevant Experience	60%
Skills and experience of key personnel	10%
Proposal and demonstrated understanding	20%
Resources	5%
Environmental questionnaire	5%

The submission from EasyPark ANZ Pty Ltd scored the highest. They demonstrated significant experience providing the same app for customers of other local governments and their application appeared to demonstrate the best user interface and user experience.

Options

It is open to Council to:

1. award the Tender to EasyPark ANZ Pty Ltd; or
2. decline to accept any tender submission and:
 - decline to provide parking customers with a payment app; or
 - within 6 months, enter into a contract for another person to perform the scope of work (as per *Local Government (Functions and General) Regulations 1996* r.11(2)(c)(i)).

Consultation

The City advertised the Tender in the West Australian Newspaper in accordance with the requirements of the *Local Government Act 1995 (WA)*.

Strategic Implications

The provision of a pay by phone payment app is consistent with:

Strategic Community Plan – Strategy 5.1.4

Manage a range of parking options and the demand for parking supply.

Strategic Community Plan – Strategy 5.2.3

Manage parking assets to provide the best economic, social and environmental outcomes for the city.

Strategic Community Plan – Strategy 6.1.3

Be innovative, responsive and maintain a strong customer focus.

Statutory and Policy Considerations

The procurement process undertaken by the City in connection with the Tender complies with the *Local Government Act 1995 (WA)*, *Local Government (Functions and General) Regulations 1996 (WA)* and the City's Purchasing Policy.

Risk and Asset Implications

The contract includes a range of mechanisms which mitigate risk to the City, including insurances and warranties as to performance.

Financial

EasyPark ANZ Pty Ltd, the app provider, charges parking customers a small fee for the benefit of using the app (anywhere from \$0.09 to \$1.50 per transaction, depending on the length of stay).

The fee to use the app is payable by the customer directly to the app provider, and is in addition to the parking fee payable by the customer to the City.

To avoid any doubt, there is no commensurate reduction in the City's parking income from customers using the app and there is no money exchanged between the City and the app provider. The contract is estimated to be worth \$312,000 in revenue to the app provider over three years.

Social and Environmental Implications

There are no direct implications.

Attachments

There are no attachments for this report.

C6 FINANCIAL STATEMENTS AND REPORTS FOR THE MONTH ENDING 31 MAY 2023*

REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Manager Financial Services, Bianca Jones
Date: 11 July 2023
File Reference: A/7273
Voting Requirements: Simple - more than half elected members present required to vote in favour

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr White / Seconded Cr Burns

That the financial reports for the period ending 31 May 2023, incorporating the following items, be endorsed:

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

CARRIED EN BLOC 9/0

5.41pm

Executive Summary

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

Background

The monthly financial reports provide an overview of the City's financial performance. These reports represent a snapshot as at 31 May 2023.

Comment

Statement of Financial Activity

As at the end 31 May 2023, the City was \$3.885m ahead of budget, primarily due to:

- \$0.472m in leasing income being realised earlier than anticipated due to the timing of invoicing;
- \$0.130 in reimbursements for sports ground usage and employee leave entitlements recouped from other councils;
- \$0.130m in interest revenue due to improvement in interest rates;
- \$1.000m in wages savings due to unfilled positions;
- \$1.666m in budgeted materials and services expenditure not yet being spent, primarily due to planned operational project expenditure likely to be carried forward to 2023/24.

Other variances are as described within the attached statements.

Statement of Financial Position

The City's current assets of \$78,143,780 are mainly comprised of cash and cash equivalents of \$75,907,875, rates debtors of \$1,115,533 and sundry debtors of \$1,576,581 (including Modified Penalties).

The City has net current assets of \$70,972,242 less restricted assets (Reserves) resulting in a net current position at 31 May 2023 shown below:

Current Assets	78,143,780
Less: Current Liabilities	7,171,537
Less: Total adjustments to net current assets	
Cash Backed Reserves	63,363,463
Current Portion of Borrowings	(164,591)
Current Portion of Borrowings (self supporting)	0
Current Portion of Lease Liabilities	(73,825)
Resulting In:	
Net Current Assets	7,847,195

Cash and investments

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

This includes cash backed reserves of \$63,363,463. Reserves are held to support the City's ability to allocate funds for future projects as identified through the City's strategic asset management and long term financial planning. Reserve movements are reconciled and adjusted in December and June each year and where major movements are planned, adjustments are also made to reserves in that period.

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

Statement of Major Debtor Categories

The attached report provides a summary of outstanding debts payable to the City of Subiaco. The balance of debts outstanding (including rates and sundry debtors) at 31 May 2023 was \$2,692,124.

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 May and 31 May 2023 are provided in the reports attached.

During the reporting period the City made the following payments:

Payroll payments to Employees	956,967.70
Cheque & EFT payments to Creditors	3,276,265.22
Credit Card Payments	9,985.21
TOTAL PAYMENTS	4,243,218.13

Emergency Expenditure

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

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

Details of the types of goods and services procured

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

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

Costs of \$382,098.18 were incurred and reported to Council in accordance with this authorisation. The City does not expect to procure any new services under these emergency provisions in response to the fire in 241 Rokeby and the existing contracts established at that time are now complete.

Options

1. Council endorses the Financial Statements and Reports for the month ending 31 May 2023.
2. Council does not endorse the Financial Statements and Reports for the month ending 31 May 2023.

Consultation

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

Strategic Implications

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

Statutory and Policy Considerations

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

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

Risk and Asset Implications

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

Financial

The attachments show that the City's financial performance for 2022/2023 is essentially in line with budget expectations.

Social and Environmental Implications

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

Attachments

1. Statement of Financial Activity – May 2023 (1 page)
2. Statement of Financial Position – May 2023 (1 page)
3. Summary of Cash and Investments – May 2023 (1 page)
4. Summary of Major Debtor Categories – May 2023 (1 page)
5. Payments Summary – May 2023 (10 pages)
6. Credit Card Payment Summary – May 2023 (1 page)

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

11.1 ADDITIONAL GREEN WASTE COLLECTION

Submitted by: Cr Rosemarie de Vries
Date: 10 July 2023
Voting requirements: Simple - more than half elected members present required to vote in favour

COUNCIL DECISION

Moved Cr de Vries / Seconded Cr Kosovich

The City provides an additional free verge green waste collection per year commencing 2024.

CARRIED 7/2
CRS STROUD AND POWELL VOTED AGAINST

6.47pm

Cr de Vries provided the following reasons:

1. This was proposed by the City at the June OCM as part of the Verge Valet service so it aligns with the objectives of Council adopted Waste Plan 2020-2025;
2. In the report brought to Council at the June OCM costs were estimated to be around \$16,000 per year and budgeted for;
3. Not every household will request it so this amount might be even less than the amount estimated in the June report to Council;
4. We wish to encourage residents to retain trees on their property and by assisting the community to dispose of larger cuttings, branches and leaves, we are provided a practical service to support the retention of trees.

The Director Technical Services provided the following comment:

An additional verge green waste collection per year is not supported by staff at this time. Current data available shows the tonnage collected for the first two verge collections to be lower than expected whilst the quantity of green waste collected per month since FOGO collections started has increased. Neither of these metrics at this point are indicating a strong unmet demand for increasing the verge green waste collection service. Furthermore, since the implementation of FOGO the City has only received a handful of complaints or requests to increase the existing green waste services.

11.2 GREEN WASTE

Submitted by: Cr Angela Hamersley
Date: 11 July 2023
Voting requirements: Simple - more than half elected members present required to vote in favour

ELECTED MEMBERS' MOTION

The CEO provide a report to council informing/addressing:

1. If it is known, the number of households who have requested additional green waste assistance since the introduction of FOGO in May 2023 with a broad outline of the nature of the requests and any solutions offered and, if it is known, whether the households are now satisfied or dissatisfied with the service levels.
2. The options for and likely costs involved in providing a higher level of green waste service than presently offered including but not limited to consideration of one or more additional mass green waste pick ups, the offering of one or more (Verge Valet) on demand pickups by WMRC, the provision of additional green waste bins to households with demonstrated need for additional green waste pick up.
3. Whether data is being collected in relation to the number of households that use the twice-yearly mass green waste pick up service (in 2023 - 19 June and 11 December 2023) and if not why not.
4. If data was collected for the 19 June 2023 bulk green waste collection - how many households participated, how much green waste was collected and what were the actual costs of the event (if possible, revealing separately the contractor collection cost and disposal of waste cost).
5. A recommendation about green waste service levels for the period August 2023 to 30 June 2024.
6. Whether it is intended that green waste service levels would be reviewed by council as part of the annual budgeting process each year or otherwise.

LAPSED FOR WANT OF A MOVER

Cr Hamersley provided the following reasons:

- *When deciding to commence the FOGO service the Council resolved to stop providing weekly verge green waste collection (of between 4 and 10 bags). In addition to accepting green waste in FOGO bins the Council decided that the City was to conduct two bulk green waste collections per annum. For 2023, the dates for these events were set by Administration for 19 June and 12 December 2023.*
- *Community members can request a 360 litre FOGO bin to assist with disposal of green waste.*
- *In addition, residents have been provided with one voucher to deliver green waste to the waste transfer station. However, some residents have indicated they do not have suitable vehicles for transporting waste to the transfer station.*
- *Members of the community continue to raise issues about the volume of green waste generated by gardens and in particular trees. Some of the trees are on public verges but residents deal with their leaf litter.*

- *Although it is very early on in the new system, it seems that there may have been some acceptance by the Administration that a higher service level for green waste might be justified and affordable. This inference is drawn from the fact that in June 2023 the Administration recommended that council offer residents a green waste Verge Valet collection each year and also allow conversion of two bulk waste Verge Valet rights to green waste, thus providing residents with a potential of up to 5 green waste collections - 2 scheduled bulk pick ups and 3 Verge Valet pick ups in addition to the weekly collection of 240 litre or 360 litre FOGO bins.*
- *It has been decided by Council that Verge Valet is not to be used for bulk waste pick ups (once the mass bulk pick up system is back in place) so the potential of up to 5 green waste collections (in addition to FOGO bin collections) is not presently available. But the question of whether a higher service level should be offered in respect of green waste remains. And if the answer to that question is yes, then the further questions arise as to what that the service level should be and how it should be provided.*
- *Although seeking a report does add to the time involved in making of a decision it has the advantage of ensuring that the options, choices and costs are in the public domain and a transparent decision is arrived at after consideration of all the possibilities.*

The Director Technical Services provided the following comment:

The requested information can be provided in an officer report.

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

Nil

13. MEETING CLOSED TO THE PUBLIC

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

Moved Cr Stroud / Seconded Cr Burns

That the meeting be closed to the public, pursuant to section 5.23(2)(a), (c) and (f)(ii) of the *Local Government Act 1995* while items 13.1, 13.2 and 13.3 are considered.

CARRIED 9/0

6.48pm

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.*
- *Section 5.23(2)(f)(ii) – provides that a meeting may be closed to deal with a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property.*

13.1 LEASING MATTER – CONFIDENTIAL*

The Presiding Member adjourned the meeting at 6.49pm and reconvened the meeting at 6.55pm.

Cr Kosovich declared an impartiality interest in this item.

Cr Burns left the meeting at 7.37pm and returned to the meeting at 7.39pm.

COUNCIL DECISION

1. **Noting that no submissions were received during the local public notice period, resolve to lease 23 Olive Street, Subiaco WA to Hay 263 Pty Ltd on terms consistent with the terms contained in this report and otherwise on terms acceptable to the City, subject to:**
 - a. **Signage being provided at the car station at 23 Olive St directing long term parkers to other nearby parking locations.**
 - b. **Existing parking permits of affected residents being amended to include Churchill Ave, Barker Road or other suitable streets for the duration of the lease.**
2. **Authorise the CEO to execute any documents, deeds and agreements necessary to give effect to this resolution.**
3. **Hay 263 Pty Ltd be advised of Council's decision.**
4. **Council's decision be included in the public minutes of the meeting at which the report is tabled.**

CARRIED

*Pursuant to clause 2.3(1) of the City of Subiaco Meeting Procedures Local Law 2013, the **Presiding Member** changed the order of business to hear item 13.3 before item 13.2 and then return to the agenda in order.*

13.3 REVIEW OF THE APPROPRIATENESS AND EFFECTIVENESS OF SYSTEMS AND PROCEDURES – CONFIDENTIAL*

COUNCIL DECISION

In accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the City of Subiaco Regulation 17 Review Report be received.

CARRIED

13.2 CHIEF EXECUTIVE OFFICER REVIEW PROCESS – CONFIDENTIAL*

The Presiding Member adjourned the meeting at 7.51pm and reconvened the meeting at 7.55pm.

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

The Director Corporate Services declared an impartiality interest in this item.

Cr White left the meeting at 7.51pm and did not return.

COUNCIL DECISION

- 1. The CEO Performance Review for 1 July 2022 to 30 June 2023 (Attachment 2) be endorsed and the CEO be notified in writing of the results of the Review.**
- 2. The CEO Performance Agreement and Assessment 2023-24 (Attachment 3) be adopted.**
- 3. Council endorse a 3% increase to CEO Cameron's remuneration for 2023-24.**

CARRIED

COUNCIL DECISION

That the meeting come out from behind closed doors.

CARRIED

14. CLOSURE OF MEETING

The Presiding Member declared the Ordinary Council Meeting of 25 July 2023 closed at 8.35pm.