



# CITY OF SUBIACO

## MINUTES

### COUNCIL MEETING

COUNCIL CHAMBERS  
241 ROKEBY ROAD, SUBIACO

TUESDAY, 28 NOVEMBER 2017

COMMENCEMENT: 5.35PM  
CLOSURE: 9.04PM

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\* Separate attachments

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The presiding member declared the meeting open at 5.35pm and welcomed Councillors, the media and members of the public.

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

## 2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

### Elected Members Present:

Mayor Taylor (Presiding Member)	
Councillor Gedero	Central Ward
Councillor Mansfield	Central Ward
Councillor Mummery	Central Ward
Councillor Davis	East Ward
Councillor Matheson	East Ward
Councillor McMullen	South Ward
Councillor Richardson	South Ward
Councillor McAllister	North Ward
Councillor Nash	North Ward
Councillor Stroud	North Ward

### Staff Members Present:

Don Burnett	Chief Executive Officer
Kathy Bonus	Director Community and Development Services
Alan Millard	Director Technical Services
Scott Hawkins	Director Corporate Services
Shane Asmus	Manager Transport & Infrastructure Development
Michael Duckett	Projects Specialist
Kerry Plantinga	Minutes Secretary
Sally Fry	Minutes Secretary (training)
Sandi Found	Public Liaison

### Approved Leave of Absence:

Nil

### Apologies:

Councillor Rowe	East Ward
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### Public gallery present:

Members of the public	17
Members of the press	2

**3. DISCLOSURE OF INTEREST**

Nil

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

Nil

**5. PUBLIC QUESTION TIME****C1 No. 4 (Lot 84) Kings Road Subiaco – Two Storey Addition to Existing Single Dwelling (DA 7.2017.98.1)**

Dexter Manook, 4 Kings Road Subiaco provided questions which were taken on notice. A response will be provided to Mr Manook and will also be included in the agenda of the 12 December 2017 Ordinary Council meeting.

**6. PUBLIC STATEMENT TIME****C1 No. 4 (Lot 84) Kings Road Subiaco – Two Storey Addition to Existing Single Dwelling (DA 7.2017.98.1)**

Dexter Manook, 4 Kings Road Subiaco submitted and read a statement requesting a deferral of the item.

**C6 Selby Street and Nash Street Intersection Upgrade By Landcorp**

John Hackett, Landcorp, The Esplanade Perth submitted and read a statement in support of the roundabout.

Joe Rapattoni, Main Roads, Waterloo Crescent East Perth submitted and read a statement in support of the roundabout.

**C11.1 Elected Member's Motion – Subiaco Men's Shed**

Doug Stewart, Subiaco Men's Shed, 363 Bagot Road Subiaco submitted and read a statement in support of the Elected Member's motion.

**Atkinson Road Proposal**

John Lewis, 64 Rossello Lane Subiaco submitted and read a statement requesting that works on this project be suspended.

**7. PETITIONS AND APPROVED DEPUTATIONS**

Nil

## 8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 8.1 Ordinary Council Meeting – 10 October 2017

#### COUNCIL DECISION

Moved Cr Richardson/seconded Cr Mummery

**That the minutes of the Ordinary Council meeting held on Tuesday, 10 October 2017 be confirmed, subject to the change of the word Demotion to read Demolition at point 5 of the index and in the minutes (page 2) being the public question asked by Anita Sykes-Kelleher on page 2.**

CARRIED 11/0  
6.04pm

### 8.2 Special Council Meeting – 24 October 2017

#### COUNCIL DECISION

Moved Cr Gedero/seconded Cr Matheson

**That the minutes of the Special Council meeting held on Tuesday, 24 October 2017 be confirmed.**

CARRIED 11/0  
6.05pm

### 8.3 Special Council Meeting – 7 November 2017

#### COUNCIL DECISION

Moved Cr Davis/seconded Cr Richardson

**That the minutes of the Special Council meeting held on Tuesday, 7 November 2017 be confirmed.**

CARRIED 10/1  
CR MATHESON VOTED AGAINST  
6.06pm

### 8.4 Special Council Meeting – 14 November 2017

#### COUNCIL DECISION

Moved Cr Richardson/seconded Cr Gedero

**That the minutes of the Special Council meeting held on Tuesday, 14 November 2017 be confirmed.**

CARRIED 11/0  
6.06pm

## 9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

### 9.1 Subiaco Night of Lights

The presiding member thanked City of Subiaco staff and Upbeat Events for the work they did in organising the Subiaco Night of Lights event on Friday 24 November, which was a wonderful success.

## 10. REPORTS OF COMMITTEES AND EMPLOYEES

### 10.1 AUDIT AND RISK COMMITTEE

#### A7.1 ANNUAL REPORT AND AUDITED ANNUAL FINANCIAL STATEMENTS 2016-2017\*

##### REPORT FROM DIRECTOR CORPORATE SERVICES

**Author:** Manager Financial Services, Bianca Jones  
**Date:** 4 November 2017  
**File Reference:** A/124  
**Voting Requirements:** Absolute Majority - 7 elected members required to vote in favour

##### COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr McAllister/seconded Cr Mummery

1. That the 2016-17 Annual Report be accepted, and
2. That the Audited 2016-2017 Annual Financial Statements be adopted, and
3. That a disclosure be added regarding property valuations to notes 7 and 8, with a reference to note 35 added to the comment at the end note 22, and.
4. That the disclosures regarding property valuations be included in the financial summary of the Annual Report.

CARRIED BY AN ABSOLUTE MAJORITY VOTE 10/1  
 CR MATHESON VOTED AGAINST

6.09pm

##### OFFICER RECOMMENDATION

1. That the 2016-17 Annual Report be accepted, and
2. That the Audited 2016-2017 Annual Financial Statements be adopted.

##### Background

Changes to the reporting framework for local governments to an integrated reporting structure means the city needs to accept the annual report and adopt the annual financial statements for completeness as the two documents complement each other and are presented as one document to the annual electors meeting. The annual report is not required to be audited.

The city's Financial Services team has finalised the accounts for 2016-2017 and prepared the annual financial statements, which are required to be audited by the city's external auditors.

The review has been completed by the city's auditors, Moore Stephens and their audit report (opinion) is included as part of the financial statements.

The Annual Report and Audited Financial Statements are presented to the Audit & Risk Committee on 20 November 2017. The committee is required to review the Audited Annual Financial Statements and agree to present the Statements to council on 28 November 2017, to enable them to be available for the Annual General Meeting of Electors on Tuesday 5 December 2017.

### **Comment**

The City of Subiaco's 2016-17 Annual Report includes the annual financial statements for the year and reports on the city's progress and achievements over the period. It has been designed for dual use as a marketing tool for the city and a reporting mechanism to meet requirements of the Integrated Planning and Reporting Framework.

In addition to statutory information required under the *Local Government Act 1995*, the publication highlights various projects and initiatives over the past year and promotes Subiaco as a desirable place to live, work and visit. The report includes information and updates in relation to each of the six focus areas in the city's *Strategic Community Plan* and *Corporate Business Plan*. The report will be made available in graphically designed format following council adoption.

The Annual Financial Statements have been reviewed by the City's Auditors and their audit report completed. The most important aspect of the Auditor's report is their Audit Opinion expressed therein. Moore Stephens state their opinion as follows:

*In our opinion, the financial report of the City of Subiaco is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:*

- a. giving a true and fair view of the City's financial position as at 30 June 2017 and of its financial performance and its cash flows for the year ended on that date; and*
- b. complying with Australian Accounting Standards (including Australian Accounting Interpretations).*

As part of standard audit procedures, Auditors provide a management letter at the conclusion of their audit each year. The purpose of the management letter is to bring to management's attention, areas of systems and controls which could be improved upon.

The Auditor's 2016-2017 management letter has been received and indicates that no significant matters have been identified.

### *Additional Comment*

The Annual Financial Statements are prepared on a going concern basis in accordance with AASB 101 Presentation of Financial Statements.

In accordance with section 6.4(2) of the Local Government Act 1995 and Regulation 50 of the Local Government (Financial Management) Regulations 1996 the ratios as set out below have been calculated and form part of the financial statements.. This information has been included to give Council more information to assist with assessing the overall performance of the City, which has been issued by the Department of Local Government Operational Guidelines Number 18 – Financial Ratios.



The 2017 results achieved show that the city has improved upon its 2016 results, with the exception of the Asset Consumption Ratio and the Asset Renewal Funding Ratio which have both marginally decreased. Also included in the table below is the State 5 year average as provided the city's auditors. It is noted that the current 5-year state average ratio results for all ratios have decreased slightly from the previous reported 4-year average results.

In August 2017 Council endorsed the best practice targets for each of the financial ratios as set out in the table below, acknowledging that in some cases the targets exceed those based on our auditors suggestions, recommended by the Department's standard ranges as indicated. Council resolved to incorporate strategies into the city's 10-year Strategic Financial Plan to achieve these best practice targets over the next 5 years and to measure and report against these targets.

Ratio	Best Practice Target	State 5-yr Avg 2017	State 4-yr Avg 2016	Result Achieved				DLGSCI Standard Range	
				2017	2016	2015	2014		
Current Ratio (*)	≥1	2.22	2.29	1.44	1.18	1.14	3.08	<1 >1	Standard not met Standard met
Debt Service Cover Ratio (*)	≥10	12.41	14.01	10.00	7.10	7.67	9.34	>=2 >5	Basic standard achieved Advanced standard achieved
Own Source Revenue Coverage Ratio (*)	>0.9	0.67	0.68	1.02	0.99	0.94	1.00	0.4-0.6 0.6-0.9 >0.9	Basic standard achieved Intermediate standard achieved Advanced standard achieved
Operating Surplus Ratio (*)	>0.15	(0.11)	(0.02)	0.07	0.03	(0.01)	0.04	0.01-0.15 >0.15	Basic standard achieved Advanced standard achieved
Asset Consumption Ratio	≥1	0.73	1.16	0.9	0.95	0.67	0.71	>=0.5 0.6-0.75	Standard met Standard improving
Asset Sustainability Ratio	≥1.1	1.18	1.23	1.00	0.95	2.16	1.80	0.9 0.9-1.1	Standard met Standard improving
Asset Renewal Funding Ratio	≥1.05	0.94	1.00	0.61	0.62	1.10	1.22	0.75-0.95 0.95-1.05	Standard met Standard improving

(\*) Result shown is the Restated Ratio as disclosed in the annual financial statements, which have been adjusted for significant "one-off" items as disclosed in note 20 of the financial statements.

### Variance Analysis

An explanation is provided below of material variances reported between 2016-17 original adopted budget and actual end result achieved. Adjustments are made throughout the year during the budget review processes, the revised budgets are not shown in the audited annual financial statements.

Items of material variance from original budget are referenced by statement below.

### *Statement of Comprehensive Income By Nature or Type (page 3)*

#### Revenue:

Rates	Reduction in rates due to lower than anticipated interim rates received, and refund of rates due to changes in exemption status which were addressed through the budget review processes.
Operating grants, subsidies and contributions	The city was provided with additional grant funding and received advance partial payment of the 2017-18 Financial Assistance Grants which is required to be reflected as revenue in the year received.
Operating reimbursements and donations	Recoup of costs incurred in implementing federal paid parental leave scheme and other arrangements, which were addressed through the budget review processes.
Fees and charges	Lords revenue lower than budget which was addressed through the budget review process and offset by expenditure reductions.
Interest	Additional interest income received on reserve investments due to improved rates and the length of time money held in reserve. Interest on reserve investments is transferred to the reserves.
Other revenue	Contribution from City of Perth for payment of streetlighting Loan 126 following the boundary adjustment. Additional revenue was addressed through the budget review processes.

#### Expenses:

Employee costs	There was a reduction in the total employee costs incurred due to organisational restructures, and vacancies.
Materials and contracts	Actual figures are less than budgeted due to delayed projects.
Depreciation	Depreciation rates adjusted resulting from improved asset information following data collection and fair value revaluations.
Interest expenses	Interest expense brought forward due to early termination of Loans 118 (Chamber and Office Improvements), 124 (Streetlighting) and 125 (Drainage)
Insurance expenses	There was a reduction in the total insurances due to renegotiation of premiums following loss of South Ward.
Other expenditure	Additional costs incurred for lodgement of unpaid fines to Fines Enforcement Registry and the return of unspent grant funding due to capital works not proceeding.

#### *Loss on asset disposals*

The increased loss on disposal of assets is due to demolishing the Hay Street buildings prior to the land sale, which was required to be written off for accounting purposes.

#### *Fair Value*

Due to a change in *Local Government (Financial Management) Regulation 17A* local governments are required to recognise all assets at fair value, therefore removing the option to value at cost. Following a 3 year phase in period all asset classes held by the City are now recorded at fair value. Fair Value is calculated in accordance with *AASB 13 Fair Value Measurement*, an overview of the requirements of this accounting standard is provided in note 1(g) of the financial statements.

The 2016-17 fair value revaluations covered the Land & Buildings class of assets which for accounting purposes are classified as land and buildings under Property, Plant and Equipment (note 7) and Investment Properties (note 8). This assets class was initially recognised at fair value at 30 June 2014.

The city has previously valued all of its freehold land holdings at the highest and best use for the land. The city has now adopted values for its freehold land recognising the existing use of the land. In relation to freehold land with community facilities these have been valued as community use and for freehold land as part of the investment property the values have been based on the potential income stream.

Investment Land Holdings:

In 2014 the highest and best use valuation resulted in an increase in the value of investment properties of \$80,474,905 which was shown as revenue in that year.

The 2016-17 fair value valuations are predominantly based on future income stream to calculate the fair value. This has resulted in a loss adjustment of \$9,781,419 which has been shown separately in the Statement of Comprehensive Income.

Community and Social Land Holdings:

In 2014 the highest and best use valuation resulted in an increase in the value of Community and Social Properties of \$107,198,450. In 2017 the revaluation surplus was adjusted downwards by \$61,712,779 which has been shown separately in the Statement of Comprehensive Income.

*Loss on transfer of assets to the City of Perth*

Following the City of Perth Act effective from 1<sup>st</sup> July 2016, the city has reflected a loss on the fixed assets transferred to the City of Perth of \$13,234,028 as disclosed in note 38. The assets transferred included a buildings (toilet block), infrastructure (roads, drainage, footpaths, park furniture and lighting, playgrounds, public art, signage, street furniture and lighting), and plant & equipment (ticket machines).

This has been shown separately in Statement of Comprehensive Income as it is a one-off adjustment and is not in the ordinary course of the city's operations.

*Statement of Cash Flows (page 7)*

Cash Flows from Investing Activities

Proceeds from sale of Land	The budget related to the sale contract of the remaining lot at Carter Lane which was subsequently terminated.
Proceeds from new debentures	Budget relates to loans for capital works at Lake Jualbup and Subiaco Common. The loans will only be drawn once works are commenced.
Proceeds from sale of fixed assets	This relates to the sale of plant and equipment which was addressed through the budget review processes. Funds were transferred to reserves.

### *Rate Setting Statement (page 8)*

Revenue and expenditure variances as explained above under Statement of Comprehensive Income. Other items include:

#### Financing Activities

Repayment of debentures	Interest expense brought forward due to early termination of Loans 118 (Chamber and Office Improvements), 124 (Streetlighting) and 125 (Drainage)
Transfers to reserves	Overall net reduction in transfer to reserve due to proceeds on sale of Carter Lane property not going ahead, offset by increases in transfer for additional interest received and back rent from Homebase.
Transfers from reserves	Transfers from reserves linked to capital works which have been carried forward. Funds remain in reserve until capital works are completed.

### **Consultation**

The Annual Report inclusive of the Annual Financial Statements are presented to the Annual General Meeting of Electors on Tuesday 5 December 2017.

### **Strategic Implications**

Focus Area 6 - Council Leadership. A leading council that is supported by an excellent organisation.

### **Statutory and Policy Considerations**

Section 6.4 of the *Local Government Act (1995)* requires all local governments to prepare an annual financial report for the preceding financial year. The annual report is to contain a report from the Mayor, a report from the CEO, a report on the principal activities commenced or continued during the financial year and assessment of performance in relation to these activities, an overview of the principal activities proposed to commence or continue in the next financial year, and include the annual financial report or other matters of statutory compliance.

The annual financial report is required to be drawn up in accordance with the Act, Local Government (Financial Management) Regulations, the Australian Accounting Standards (including the Australian Accounting Interpretations) and International Financial Reporting Standards. The annual financial report is to be audited by the local government's auditors in accordance with the *Local Government (Audit) Regulations*.

Section 5.54 of the *Local Government Act 1995* requires the annual report for a financial year to be accepted by the local government no later than 31 December after that financial year by absolute majority.

Section 5.27 of the *Local Government Act 1995* requires that a local government is to hold a General Meeting of the Electors of its district once every financial year, but not more than 56 days after the council accepts its financial statements for the previous financial year.

The *Local Government (Administration) Regulations* require that the annual financial report be the first item of business on the agenda at the annual meeting of electors, followed by general business.

At least 14 days notice of the meeting is required to be given.

### **Risk and Asset Implications**

A local government is to prepare an annual report for each financial year, containing the financial report and the auditor's report for that financial year. An auditor is required to examine the accounts and annual financial report submitted for audit by 31 December following the audit period and provide a copy of that report to the Mayor, CEO and the Minister. The Annual Financial Report is also to be presented at the Annual Meeting of Electors. If this report and its attachments are not adopted then the city will be in breach of the Local Government Act and associated regulations.

### **Financial**

The detailed financial implications are evident from audited annual financial statements, however overall, the statements show a favourable outcome against budget and an improved position at the conclusion of the financial year.

### **Social and Environmental Implications**

There are no social or environmental implications for this report.

### **Attachments**

1. Annual Report 2016-17 (22 pages)
2. Audited Annual Financial Statements ending 30 June 2017 (66 pages)

### **ENBLOC DECISION**

Moved Cr Richardson/seconded Cr McAllister

**That the recommendations relating to P7.2, C8 and C9 contained in the agenda of the Ordinary Council meeting of 28 November 2017 be adopted.**

CARRIED 11/0

6.11pm

## 10.2 POLICY AND PRIORITY COMMITTEE

### P7.2 POLICY AND PRIORITY COMMITTEE MEETING DATES

#### REPORT FROM DIRECTOR CORPORATE SERVICES

**Author:** Coordinator Governance, Bana Brajanovic  
**Date:** 4 November 2017  
**File Reference:** A/4793  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

#### OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Richardson/seconded Cr McAllister

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

- **Tuesday, 6 February 2018 at 5.30pm.**
- **Tuesday, 6 March 2018 at 5.30pm.**

CARRIED ENBLOC 11/0

6.11pm

#### **Background**

At the Special Council meeting held on 7 November 2017 (item SC1), Council adopted the Ordinary Council and Executive committee meeting cycle for 2018 as follows:

2nd Tuesday 5.30pm	Ordinary Council meeting
3rd Tuesday 5.30pm	Executive Committee meeting
4th Tuesday 5.30pm	Ordinary Council meeting

Normally the first Tuesday of the month is available for concept forums.

Due to public holidays no meetings can be scheduled on:

- Tuesday after Easter - being 3 April 2018 (two Council meetings and no Committee meetings are scheduled in April).
- Tuesday after Queen's Birthday – being 4 September 2018 (due to Queen's Birthday falling on Monday 24 September the Council and Executive Committee meetings were moved one week forward to 4, 11 and 18 September 2018 respectively).

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

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

All elected members were appointed to the committee.

#### **Comment**

Committee meetings are usually not held in December and January. There are two meetings scheduled in December 2017 - Annual Electors' meeting scheduled on 5

December and Ordinary Council meeting scheduled on 12 December 2017. There is one Ordinary Council meeting scheduled on 23 January 2018.

Set and advertised dates for the Ordinary Council and Executive Committee meetings in February and March 2018 are as follows:

Ordinary Council Meeting	Executive Committee	Ordinary Council Meeting
13 February 2018	20 February 2018	27 February 2018
13 March 2018	20 March 2018	27 March 2018

Council committee meetings are generally held on Tuesday evenings. Available dates for the Policy and Priority committee meetings are Tuesday, 6 February 2018 and Tuesday, 6 March 2018, which are dates set-aside for concept forums prior to the April review.

If the Policy and Priority committee is held on the first Tuesday of the month, the Council needs to consider when the concept forums are going to be held.

### **Consultation**

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

### **Strategic Implications**

Strategic Community Plan

Focus Area 6 – Council Leadership

Strategy 6.1.1 - The Mayor and councillors provide strong, consistent and decisive leadership.

### **Statutory and Policy Considerations**

There are no specific statutory and policy considerations to this report.

### **Risk and Asset Implications**

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

### **Financial**

There are no specific financial implications to this report.

### **Social and Environmental Implications**

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

### **Attachments**

There are no attachments for this report.

**10.3 EMPLOYEE REPORTS**

**C1 NO. 4 (LOT 84) KINGS ROAD SUBIACO – TWO STOREY ADDITION TO EXISTING SINGLE DWELLING (DA 7.2017.98.1)\***

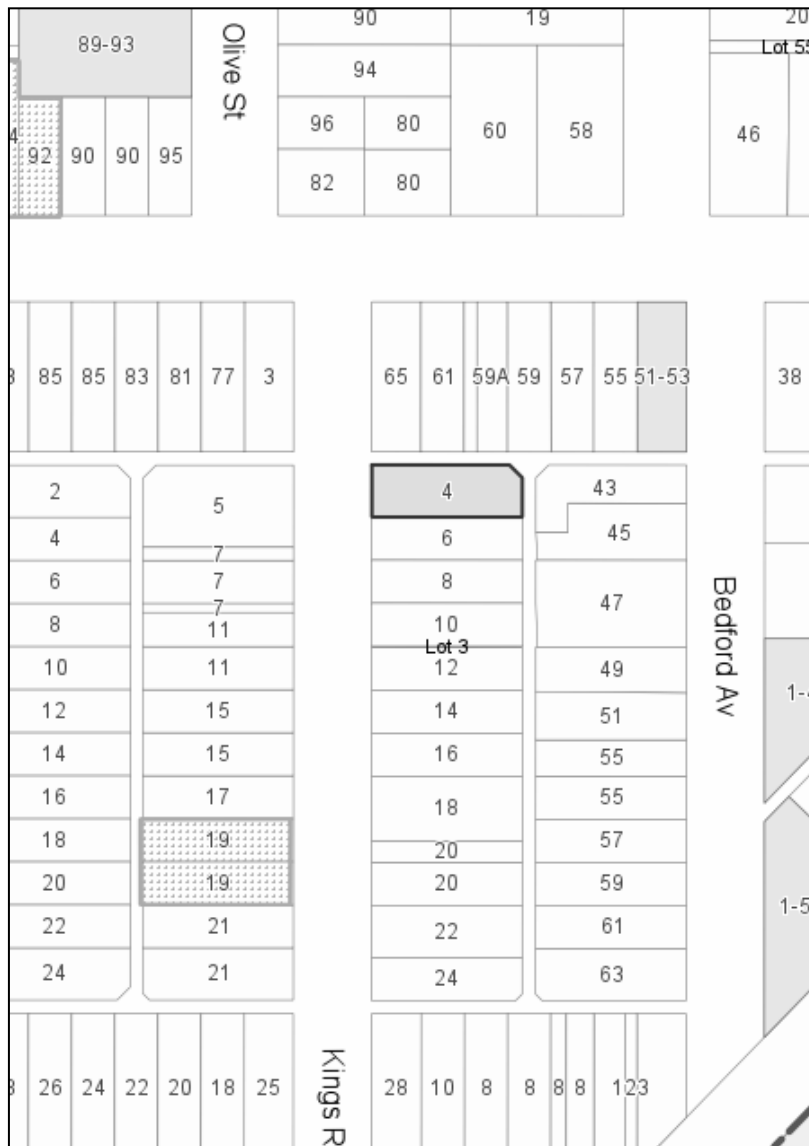
**REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES**

**Author:** Zo Kruger, Planning Officer

**Date:** 10 November 2017

**File Reference:** PE/12621

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



**COUNCIL DECISION**

Moved Cr Stroud/seconded Cr Mummyry

**That under Meeting Procedures Local Law 2013 7.1 (g) the question be referred to the 12 December 2017 Ordinary Council Meeting.**

CARRIED 10/1  
CR MATHESON VOTED AGAINST

6.13pm



## OFFICER RECOMMENDATION

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by Kim Miller date stamped 9 August 2017 for a Two Storey Addition to an Existing Single House at No. 4 (Lot 84 D/P 352) Kings Road, Subiaco as shown on plans date stamped 9 August 2017 and 19 October 2017 (plan 1 – 16 of 16), be REFUSED for the following reasons:

1. The proposal does not satisfy clause 42(1) and 42A of the City of Subiaco Town Planning Scheme 4.
2. The proposal is inconsistent with the aims and objectives of the Residential Zone, specifically objectives (c), (f) and (g) of Town Planning Scheme 4.
3. The proposal is inconsistent with the following City of Subiaco Local Planning Policies:
  - a) Clause 4.1 'Alterations to Contributory Buildings' of Local Planning Policy 3.6 - Development Guidelines for Residential Heritage Areas; and
  - b) Clause 4.0 of 'Conservation Principles' of Local Planning Policy 3.16 - Kings Road Heritage Area.
4. The proposal is not considered to meet the design principles of the Residential Design Codes in relation to:
  - a) 5.2.1 Setback of Garages and Carports;
  - b) 5.2.5 Sight lines;
  - c) 5.3.4 Design of car parking spaces; and
  - d) 5.3.5 Vehicular access.
5. Under Clause 67(a), (g), (k), (l), (m) and (n) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal is:
  - a) Inconsistent with the aims and objectives of the Residential Zone of the City of Subiaco Town Planning Scheme 4, specifically objectives (c), (f) and (g);
  - b) Inconsistent with the provisions of Local Planning Policy 3.16 'Kings Road Heritage Area', Local Planning Policy 3.6 'Development Guidelines for Residential Heritage Areas', and Local Planning Policy 4.8 'Triangle Precinct Policy';
  - c) Detrimental to the built heritage conservation of the place and the cultural heritage significance of the Kings Road Heritage Area;
  - d) Incompatible with development on adjoining land and in the locality; and
  - e) Inconsistent with the character of the locality.

### **Executive Summary**

The application seeks development approval for a two storey addition to an existing single dwelling at 4 Kings Road, Subiaco. The application is presented to Council for determination it requests a number of variations to the city's planning framework. The key issues of this application are:

- Wall height;
- Variations to the City's two heritage policies that apply to the site;
- Issues relating to the proposed car parking space, including setback of the garage, sight lines, design of car parking space, and vehicular access.

Plans of the proposal and the applicant's justification for the proposal are included as attachment 1 and 2 respectively to this report.

### **Background**

<b>Landowner:</b>	Dexter George Manook
<b>Applicant:</b>	Kim Miller
<b>Application Date:</b>	9/08/2017

<b>DA Reference:</b>	DA 7.2017.98.1
<b>Lot size:</b>	423 m <sup>2</sup>
<b>TPS Zoning:</b>	Residential R20
<b>TPS Precinct:</b>	Triangle Precinct Sub-Precinct 1
<b>Land Use:</b>	Single Dwelling
<b>Land Use Permissibility:</b>	P
<b>Existing Development:</b>	Single Dwelling
<b>Heritage Listing:</b>	Kings Road Heritage Area (Some Contribution)

#### *Site Context and Development History*

- The subject site is located within the block bound by Bagot Road to the north, Bedford Avenue to the east, Hamersley Road to the south and Kings Road to the west.
- The subject site is improved with an existing single storey dwelling that is located in the Kings Road Heritage Area, and is listed on the City of Subiaco Local Government Inventory. The dwelling was constructed in 1912 in the Federation Queen Anne Style.
- The property is included on the Local Government Inventory.

#### **Comment**

The proposal involves a modern two storey addition to the rear of the existing dwelling, basement level to provide a car parking space, minor alterations and partial demolition to the ground floor plan of the dwelling to accommodate the addition, and restoration and refurbishment works to the street elevation of the existing dwelling. An assessment of the proposal has been conducted against the provisions of Town Planning Scheme No.4 (the Scheme), the Residential Design Codes 2013 (R-Codes) and Planning Policies:

- Local Planning Policy 3.6 'Development Guidelines for Residential Heritage Areas' (LPP3.6)
- Local Planning Policy 3.16 'Kings Road Heritage Area' (LPP3.16)
- Local Planning Policy 2.2 'Reflective Roofing' (LPP2.2)
- Local Planning Policy 4.8 'Triangle Precinct Policy' (LPP4.8)
- Local Planning Policy 2.26 'Site Works' (LPP2.26)

The proposal complies with all the requirements of the Scheme, relevant deemed-to-comply requirements of the R-Codes and provisions of the aforementioned policies with the exception of the key issues outlined below. Where the deemed to apply criteria has not been met, assessment has been undertaken against the relevant design principles.

#### **Key Issues of Assessment**

#### **Town Planning Scheme No. 4**

##### *Clause 42*

	<b>Required</b>	<b>Proposed</b>	<b>Variation sought</b>
<b>Clause 42(1)(a)</b>	Wall height 3.6m	<ul style="list-style-type: none"> <li>- North – Ground floor – 3.45m–3.8m</li> <li>- North – Upper floor – 6.55m–7m</li> <li>- South – Ground floor – 3.25m</li> <li>- South – Upper floor</li> </ul>	<ul style="list-style-type: none"> <li>- 0.2m variation to ground floor north elevation</li> <li>- 2.95m–3.4m variation to upper floor north elevation</li> <li>- 2.4m – 2.9m variation to upper floor south elevation</li> </ul>

		- 6m–6.5m	
	Overall height 6.5m	- North – 6.9m – 8.97m - South – 8.3m – 8.5m	- 0.4m – 2.47m variation to north elevation - 1.8m – 2m variation to south elevation
<b>Clause 42(1)(b)</b>	Wall height 6m	Upper floor – up to 7m (refer above)	1m variation
	Overall height 9m	Upper floor – 8.97m	No variation

Clause 42(1)(b) of the Scheme enables Council to approve a variation to clause 42(1)(a) and permit buildings of up to 6m wall height and 9m overall height, where Council is satisfied that there is no undue adverse impact on adjoining residential properties and the general amenity of the locality. The variation sought to both wall and overall height are not considered to meet the criteria under clause 42(1)(b) for the following reasons:

- The proposed wall and overall heights are not consistent with the development within the 'surrounding area' (as defined in LPP4.8), which predominantly comprises single storey dwellings. The surrounding area includes 20 properties of which 4 (20%) are two storey in height thus this not considered the predominant height in the area.
- The proposed wall and overall heights are not consistent with two storey development within the surrounding area. A review of approved plans for the surrounding properties shows the wall and overall heights of the two storey developments as follows:

Property address	Wall height	Overall height
5 Kings Road	7.6m	9.2m
7 Kings Road	6.6m	9.1m
17 Kings Road	5.7m	7.1m
59A Bagot Road	5.8m	7m

The wall height of the proposal does not comply with the maximum prescribed 6m wall height. Clause 42A of the Scheme enables Council to approve a variation to clause 42(1)(b) and permit buildings with a greater wall and/or overall height prescribed by clause 42(1)(b). The variation sought to wall height does not satisfy the criteria under clause 42A, as identified and discussed below.

(a) *The local government is satisfied that:*

- (i) *The non-compliance will have no undue adverse effect on any adjoining residential land or the amenity of the locality; or*

The proposal may be considered to have an adverse effect on the adjoining residential property to the south in relation to overshadowing which comprises 40.2% of this property (6 Kings Road), exceeding the deemed-to-comply requirement of 25% in element 5.4.2 'Solar Access for Adjoining Sites' of the R-Codes. Notwithstanding, this variation may be supported as the outdoor living area of 6 Kings Road is not overshadowed, and the amount of overshadowing of major openings to habitable rooms is supportable. The proposal also has an adverse effects on 6 Kings Road in relation to building bulk with the proposed addition at the rear of the existing dwelling having an overall height of 8.3m – 8.5m (to the south elevation).

The proposal is considered to have an adverse effect on the amenity of the locality with regard to the heritage value of the place and the Kings Road Heritage Area, as it does not satisfy the provisions of LPP3.6 and LPP3.16, as discussed within this report.

- (ii) *The wall or overall height which is non-compliant is compatible with the wall and overall heights of surrounding developments that are designed for residential purposes and are considered by the local government to enhance the streetscape;*

The area comprises predominantly single storey dwellings and the proposal is therefore not consistent with wall and overall heights of surrounding developments.

- (b) *The wall/overall height which is non-compliant:*

- (i) *Meets the Acceptable Development standards of the Residential Design Codes in relation to setbacks; or*
- (ii) *Is necessitated by a sloping site and would be unlikely to occur if the site had been level; or*
- (iii) *Is the result of an irregular roof design and is unlikely to have occurred if the proposed development had a conventionally shaped roof.*

The proposal does not satisfy any of the above criteria, as there are a number of variations proposed to lot boundary setback requirements of the R-Codes, the site does not have a degree of slope that would necessitate increased wall and overall heights and the proposed roof includes gable, skillion and flat roof forms noting that if a conventional roof would likely result in increased wall and overall heights.

## Local Planning Policies

### *Local Planning Policy 3.6 'Development Guidelines for Residential Heritage Areas'*

<b>Policy provision</b>	<b>Proposed</b>
<b>4.1 Alterations to Contributory Buildings</b>	
Alterations should not remove, change or obscure original materials or detailing (except as part of required conservation works). This includes, but is not limited to, works impacting on roof form, materials and details; wall finishes and details; verandahs and verandah details; windows and window openings; and doors and door openings.	The proposal includes works that are inconsistent with this provision, including: <ul style="list-style-type: none"> <li>• Removal of a mid-twentieth century style door to the room to the west elevation of the main verandah (originally a double hung window) and alteration to the opening to accommodate a bay window;</li> <li>• Reorientation of the front door which includes removal of the original French doors to the rear of the side verandah;</li> <li>• Part enclosure of the front verandah to create an entry lobby; and</li> <li>• Modification of the roof form to the street elevation to accommodate the entry lobby.</li> </ul>
Council shall have due regard to the following:	The applicant has justified the above listed alterations by stating that the

<p>a) Where it can be demonstrated that original fabric has been previously removed or unsympathetically altered, restoration / reconstruction of the street front facades to their original form and detailing is strongly encouraged, where practical.</p>	<p>owners are investing significant resources to restore the existing house to its original condition, and that the proposed conservation measures (removal of render, reinstatement of tuck pointing and reinstatement of original timber verandah floor) will increase the level of contribution of the place to the heritage values of the Kings Road Heritage Area.</p>
<p>b) If the significant fabric has deteriorated to the point where it requires replacement, the use of 'like for like' materials and detailing is strongly encouraged. However, the introduction of alternative materials and techniques that have a similar appearance to the original may also be acceptable, provided the new fabric will not adversely impact on the streetscape character of the place.</p>	<p>Whilst the proposed conservation works would restore original finishes to the dwelling, it is considered that the proposed alterations, which are more significant in nature and not easily reversible, will further reduce the authenticity of the place and the contribution that it makes to the heritage area.</p>

*Local Planning Policy 3.16 'Kings Road Heritage Area'*

<b>Policy provision</b>	<b>Proposed</b>
<b>4.0 Conservation Principles</b>	
<ul style="list-style-type: none"> <li>• Ensure that the key features/elements of the Kings Road Heritage Area are retained and enhanced.</li> <li>• When undertaking repairs or alterations to a contributory place, change as little as the significant fabric as possible where visible from public streetscape views.</li> <li>• Ensure that conservation and refurbishment of significant fabric retains the character acquired through the natural aging of well-maintained fabric, inclusive of the signs of normal wear and tear.</li> <li>• Ensure that the new building fabric is discernible at close inspection, and does not obscure an understanding of the original scale and design of the place.</li> </ul>	<p>The proposal is generally inconsistent with the conservation principles of LPP3.16 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal involves works as previously described that change the significant fabric of the dwelling as viewed from the street, and are not supported.</li> </ul>

**Residential Design Codes**

*Element 5.2.1 Setback of garages and carports*

<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<p><u>R-Codes</u> C1.3 Garages and carports built up to the boundary abutting a private street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and</p>	<p>Garage provided with approximately 4.8m manoeuvring space to the opening to the undercroft garage.</p>	<p>1.2m variation.</p>

permanently available.		
<b>Design Principles</b>		
R-Codes – P1 LPP4.8 Triangle Precinct Policy (Refer to R-Codes and LPP4.8 for full description of design principles)		

The proposal is not considered to meet the design principles for the following reasons:

- Design principle P1 - the setback of the garage does not maintain clear sight lines along the right of way. The sightlines to the south of the property are inadequate due to the proximity to the boundary fence at the southern edge of the property, and are therefore not deemed to be compliant with AS 2890.1. A 1.5m truncation on the southern boundary or similar would be required in order to achieve compliance.
- With regard to the matters for consideration in applying design principle P1 identified in LPP4.8, the site contains adequate areas to the rear of the dwelling for a proposed vehicle access to be sited to comply with the R-Codes.

#### *Element 5.2.5 Sight lines*

<b>Required</b>	<b>Proposed</b>
C5 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.	Sight lines to the south of the property are inadequate due to the proximity of the boundary fence on the south lot boundary. No truncations are provided, and the fence height is not reduced.  The wall to the north of the vehicle access point is truncated by 1.15m, and is not reduced in height to 0.75m. The height of the wall is approximately 1.6m.
<b>Design Principles</b>	
R-Codes – P5 (refer to R-Codes for full description of design principles)	

The proposal is not considered to meet the design principles as it does not provide unobstructed sight lines at the vehicle access point to the right of way due to the proximity to the boundary fence at the southern edge of the property; and the sight lines to the north are obstructed by a 1.6m high wall.

#### *Element 5.3.4 Design of car parking spaces*

<b>Required</b>	<b>Proposed</b>
C4.1 Car parking and manoeuvring areas designed and provided in accordance with AS2890.1 (as amended).	The car parking and manoeuvring areas do not comply with AS2890.1.
<b>Design Principles</b>	
R-Codes – P4 (refer to R-Codes for full description of design principles)	

The proposal is not considered to meet the design principles for the following reasons:

- The car parking space has not been designed or located to be conveniently accessed.
- The vehicle manoeuvrability does not enable two-way access to the parking space,
- Inadequate sight lines are provided at the vehicle access point to the right of way and do not comply with AS2890.1.

- The aisle and parking space does not comply with the requirements of AS2890.1, as the proposed combined lengths of 10.2m (including the width of the right of way and setback to the end of the parking space) do not meet the minimum requirement of 11.2m (as per Figure 2.2 Layouts for Angle Parking Spaces of AS2890.1 – 5.4m length of space and 5.8m aisle width).

#### *Element 5.3.5 Vehicular Access*

<b>Required</b>	<b>Proposed</b>
C5.3 Driveways shall be: <ul style="list-style-type: none"> <li>no closer than 0.5m from a side lot boundary or street pole</li> <li>no closer than 6m to a street corner or the point at which a carriageway begins to deviate</li> </ul>	Driveway is: <ul style="list-style-type: none"> <li>Located adjacent to the south lot boundary – does not comply.</li> <li>Located 3.7m from the intersections of two right of ways.</li> </ul>
<b>Design Principles</b>	
<u>R-Codes – P5.1 &amp; LPP4.8 Triangle Precinct Policy</u> (refer to R-Codes and LPP4.8 for full description of design principles)	

The proposal is not considered to meet the design principles for the following reasons:

- With regard to design principle P5.1, the vehicular access does not provide vehicle access safety with regard to sightlines as previously identified; vehicle manoeuvrability from the laneway to the garage does not enable two-way access to the parking space; and it does not satisfy minimum aisle and parking space requirements of AS2890.1.
- With regard to matters for consideration in applying design principle P1 identified in LPP4.8, there is adequate space available on site for the siting of a parking space that would enable manoeuvring from the right-of-way to the parking space. The proposed parking space has been located in a position that does not satisfy R-Code provisions.

### **Minor Issues of Assessment**

#### **Residential Design Codes**

##### *Element 5.1.3 Lot boundary setback*

<b>Aspect</b>	<b>Floor</b>	<b>Required Setback</b>	<b>Proposed Setback</b>	<b>Meets Deemed-to - Comply</b>
<b>South</b>	<b>Upper</b> – dress, WC, ensuite, stair, bed 2 ensuite	1.7m	4.745m (dress) 3.8m (WC) 2.695m (ensuite) 1.51m (stair, bed 2 ensuite)	Yes – dress, WC, ensuite  No – 0.19m variation (stair, bed 2 ensuite)
<b>North</b>	<b>Ground</b> – verandah, master, dress, ensuite, kitchen, living	3.5m  Normal setback required =5m	0.715m (verandah, master, dress, ensuite)  1.58m (kitchen)  2.32m (living)	No – 2.785m variation (verandah master, dress, ensuite) No – 1.92m variation (kitchen) No – 1.18m variation (living)
	<b>Ground</b> - living, lift	0.3m	5.7 – 6.04m	Yes
	<b>Upper</b> – bed 1,	2.9m	1.575m (bed 1)	No – 1.325m variation

	sitting		2.02m (sitting)	(bed 1) No – 0.88m variation (sitting)
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The proposal has been assessed against the relevant design principles and is considered supportable for the following reasons:

- The R Codes enable the deemed-to-comply setback distances to be reduced by half the width of an adjoining right of way, maximum reduction of 2m. The site is bordered by 3m wide rights of way to the north and east, and the required setback distances have been reduced by 1.5m to both elevations.
- The southern lot boundary setback (upper floor stair and bed 2 en-suite) variation of 0.19m is minor and does not result in loss of privacy or overshadow the outdoor living area of the property to the south.
- With regard to the north lot boundary setback (ground floor, upper floor bed 1 and sitting room), the proposal provides direct north sun and ventilation to the building and does not affect the provision of open space and outdoor living areas on the site.

#### *Element 5.4.2 Solar Access for Adjoining Sites*

<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
C2.1 Development shall be so designed that its shadow cast at midday, 21 June onto any other adjoining property does not exceed 25% of the site area (on adjoining properties coded R25 and lower).	40.2% overshadowing to adjoining lot to the south (6 Kings Road).	15.2% variation.
<b>Design Principles</b>		
<u>R-Codes</u> P2.1 & P2.2 (refer to R-Codes for full description of design principles)		

The proposal has been assessed against the relevant design principles and is considered supportable as it does not overshadow the outdoor living area at 6 Kings Road (located on the south side) and whilst there is some overshadowing of major openings to the north facing dining room of 6 Kings Road, it is considered that a single storey addition with a wall height that complied with the height standards of TPS4 would also overshadow openings in a similar manner, due to the east-west orientation of the sites.

### **Consultation and Referrals**

#### *Submissions*

Notice of the application was sent to surrounding landowners and occupiers in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and LPP 1.4 'Public Notification of Planning Proposals'. Consultation occurred between 22 August and 5 September 2017. At the conclusion of public consultation, no submissions were received by the City.

#### *Internal Referrals*

The proposal was referred to relevant internal departments and the following comments were received that have a material impact on the proposal:



- Heritage – The subject site is located within the Kings Road Heritage Area and is identified as making some contribution to the heritage values of the area. The following matters were advised in relation to the proposal:
  - Two storey addition: The design of the two storey addition complies with clause 4.2 of LPP3.6. The location and scale of the addition, behind the ridge line of the original house and contained within the line of sight, complies with clause 4.3.4 of LPP3.6. The addition will not be completely concealed from sight when standing near the northern end of the lot; however this is considered inevitable due to the location of the right of way.
  - Addition to the side: The addition to the ground floor lounge and dining room wall is not set back from the existing lounge wall, thereby presenting a variation to clause 4.3.2 of LPP3.6, which requires a minimum set back of 1.2m from any existing front wall of the building. However, the design of the side addition is clearly distinguishable as new work and does not obscure an understanding of the original scale and design of the place and complies with clause 4.2 of LPP3.6.
  - Alterations: The proposal includes modifications to the original building in order to accommodate an entry lobby, including: removal of a mid-twentieth century style door to the room to the west elevation of the main verandah (originally a double hung window), alteration to the opening to accommodate a bay window, reorientation of the front door which includes removal of the original French doors to the rear of the side verandah, part enclosure of the front verandah to create an entry lobby, and modification of the roof form to the street elevation to accommodate the entry lobby. This aspect of the proposal varies significantly to the conservation principles contained within LPP3.16 and the provisions of LPP3.6. Clause 4.1 of LPP3.6 specifically states that alterations should not remove, change or obscure original materials or detailing.
  - Conservation measures: Conservation measures proposed include removal of render and reinstatement of original tuck pointing and reinstatement of an original verandah floor. Whilst the proposed conservation works will restore the original finishes it is considered that the proposed alterations, which are more significant in nature and not easily reversible, will in fact further reduce the authenticity of the place and the contribution it makes to the heritage area.
- Infrastructure Services – The proposed car bay arrangement does not comply with AS2890.1 in relation to aisle width and parking width (Figure 2.2), manoeuvrability and sightline requirements (Clause 3.2.4 and Figure 5.4).

### **Strategic Implications**

There are no strategic implications for this report.

### **Statutory and Policy Considerations**

There are no statutory and policy considerations for this report.

### **Risk and Asset Implications**

There are no Risk and Asset Implications for this report.

### **Financial implications**

There are no financial implications for this report.

### **Social and Environmental Implications**

There are no social and environmental implications to this report.

**Attachments**

1. Development plans (dated 9 August 2017 and 19 October 2017)
2. Justification from the applicant (received by the City 19 October 2017)

**For Information**

There are no information documents for this report.

**C2 LOCAL PLANNING POLICY REVIEW SCHEDULE 2018\*****REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES**

**Author:** Oscar Thomson, Planning Officer  
**Date:** 17 October 2017  
**File Reference:** A/4489  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**COUNCIL DECISION**

Moved Cr Matheson/seconded Cr McAllister

**That Council endorse the Local Planning Policy Review Schedule 2018 at Attachment 1 with the objective of improving the effectiveness of poorly phrased policies that seek to achieve desirable objectives and to rescind clearly redundant ones.**

CARRIED 11/0

6.26pm

**OFFICER RECOMMENDATION**

Moved Cr Matheson/seconded Cr McAllister

That Council endorse the Local Planning Policy Review Schedule 2018 at Attachment 1.

**AMENDMENT**

Moved Cr Mummery/seconded Cr Stroud

That Council endorse the Local Planning Policy Review Schedule 2018 at Attachment 1 with the objective of improving the effectiveness of poorly phrased policies that seek to achieve desirable objectives and to rescind clearly redundant ones.

CARRIED 8/3

CRS McALLISTER, GEDERO AND MANSFIELD VOTED AGAINST

6.26pm

*Cr Mummery has provided the following reasons:*

1. *Policies were created to achieve particular objectives that may still be relevant but may not be specifically addressed just because the topic is covered elsewhere.*
2. *As an example; LPP 2.2 addresses the reflective material whereas the angle of incidence, reflective index and area would better be assessed, much as shading is assessed for net impact on those affected. The impact of reflection of a roof surface into the living space of a neighbour can cause severe impacted (eg 27 Waverley where large reflective surface and acute angle of incidence to sun caused blinding dazzle in next door living area).*

The amendment becomes the substantive motion:

**SUBSTANTIVE MOTION**

Moved Cr Matheson/seconded Cr McAllister

That Council endorse the Local Planning Policy Review Schedule 2018 at Attachment 1 with the objective of improving the effectiveness of poorly phrased policies that seek to achieve desirable objectives and to rescind clearly redundant ones.

CARRIED 11/0

6.26pm

## **Background**

This report sets out a proposed schedule to review the city's Local Planning Policies (LPPs) in 2018, as shown in Attachment 1. The city is in the process of preparing a new suite of Town Planning documents to align its existing local planning framework with recent State Government planning reforms. The following draft documents have already been prepared and are in various stages of completion:

- Local Planning Scheme No. 5 (LPS5) – endorsed by Council in August 2017, awaiting consent to advertise from the WAPC;
- Local Planning Strategy 2018 – 2028 (Strategy) – endorsed by Council in August 2017, awaiting certification by the WAPC to advertise;
- Subiaco Activity Centre Plan (SACP) - approved by the WAPC 14 November 2017;
- North Subiaco Structure Plan (NSSP) – under consideration by the WAPC; and
- Scheme Amendment No. 32 (Amendment 32) – this proposes amendments to Town Planning Scheme No. 4 (TPS4) to facilitate the provisions of the SACP and a report regarding this is to be presented to Council in December.

The preparation of LPS5 comprises a particularly exhaustive process, which includes lengthy public consultation and state government review periods. During this time it is important that the city plan carefully to effectively review its LPPs, with an aim to consolidate the city's local planning policy framework and integrate them with draft LPS5.

## **Detail**

In October 2015, the *Planning and Development (Local Planning Scheme) Regulations* (LPS Regulations) were gazetted. In response, the city has undertaken a comprehensive review of TPS4 and its endorsed Local Planning Strategy 2014. Draft LPS5 and the reviewed Local Planning Strategy 2017 were submitted to the Western Australian Planning Commission (WAPC) requesting consent to advertise on 18 August 2017.

The LPS Regulations make provision for a local government to prepare LPPs in respect of any matter related to the planning and development of the Scheme area. A number of LPPs currently exist under TPS4, some of which need to be revised to complement LPS 5, particularly the residential precinct planning policies, while other policies will no longer be required due to the changed regulatory environment.

This report sets out a schedule in Attachment 1 and proposed approach to reviewing the city's local planning policy framework, having regard to the need to review the policy framework generally and the proposed provisions of LPS5. Importantly, there are a number of policies that are recommended to be rescinded for a number of reasons, as set out in the following table.

<b>Policy</b>	<b>Comment</b>
LPP 2.2 Reflective Roofing	<p>The policy conflicts with objectives (f) and (i) of the Division 2: Residential Zone of TPS 4 as follows:</p> <ol style="list-style-type: none"> <li>1. The policy does not enhance the amenity of the residential neighbourhood; it discourages the use of a common roof material that contributes to the unique character and sense of place in Subiaco. Consequently, minor redevelopment projects are opting for a different roof material (usually painted Colorbond) which degrades the character of the existing housing stock over time.</li> <li>2. The policy discourages sustainable design by discouraging the use</li> </ol>

	of a roof material that incorporates good solar passive design, energy efficiency and reduced greenhouse gas emissions.
LPP 2.6 Demolition Policy	A substantial component of LPP 2.6 has been overridden by the LPS Regulations as single houses are now exempt from the need for approval under the deemed provisions, which are to be read into every Scheme and prevail to the extent of any inconsistency with any provision of any scheme. The remaining component of LPP 2.6 provides guidance for demolition on heritage properties, which is now covered by LPPs 3.6 and 3.12.
LPP 2.12 Liquor Licensing Policy	This policy is ineffective as many of the provisions are replicated in TPS 4, which is the city's primary land use and development control document.
LPP 2.15 Environmental Design	This policy is ineffective as it contains information only and therefore has no role in the local planning framework. The policy as it stands provides no capacity for the city to exercise its discretion when making decisions, the information is able to be transferred to city's website. Further, much of the content relating to good environmental design is now integrated in local planning frameworks and building codes.
LPP 2.22 Development in the Commercial/ Residential Zone	LPP 2.22 generally replicates provisions that exist in TPS 4 or are covered by the provisions of the R-Codes. Therefore, the policy is superfluous as TPS 4 and the R-Codes are the city's primary land use and development control documents.
LPP 2.23 Development in the Neighbourhood Mixed Use Zone	LPP 2.23 generally replicates provisions that exist in TPS 4 or are covered by the provisions of the R-Codes and are therefore superfluous as TPS 4 is the city's primary land use and development control documents.
LPP 2.24 Development in the Local Centre Zone	LPP 2.24 generally replicates provisions that exist in TPS 4 or are covered by the provisions of the R-Codes. Therefore, the policy is superfluous as TPS 4 and the R-Codes are the city's primary land use and development control documents.
LPP 2.25 Development in the Town Centre Zone	The Subiaco Activity Centre plan, endorsed by the WAPC in November 2017, is now the primary document for the assessment of new development in the town centre zone.
LPP 2.26 Site Works	<p>LPP 2.6 applies new deemed-to-comply requirements in relation to excavation in addition to existing R-Codes criteria, which generally apply to fill. However, the policy pre-dates the LPS Regulations and its provisions are likely to be difficult to defend should it be challenged in the State Administrative Tribunal.</p> <p>At this time there is no evidence base to suggest that 'excessive excavation' is a matter that requires control for the purposes of orderly and proper planning. Community concerns with regard to excavation generally relate to building and engineering matters which are regulated outside of the planning system. Therefore, it is not appropriate for a planning policy to be applied where other legislation exists to manage these matters.</p>
LPP 3.2 Archival Records	Requirements for archival records are now integrated into LPPs 3.6 and 3.12, therefore, this policy is no longer necessary.
LPP 4.3 North Subiaco Precinct	The draft North Subiaco Structure Plan (NSSP) is now the primary planning document for this precinct, therefore, this policy will no longer be relevant when the NSSP is finalised.
LPP 4.4 Town Centre Precinct	The Subiaco Activity Centre Plan, endorsed by the WAPC in November 2017, is now the primary planning document for this precinct therefore this policy is no longer relevant.
LPP 4.5 Hay Street East Precinct	The North Subiaco Structure Plan is now the primary planning document for this precinct, therefore, this policy will no longer be relevant when the NSSP is finalised.

LPP 4.6 Rokeby Road South Precinct	LPP 4.6 generally replicates provisions in TPS 4 and is therefore unnecessary as TPS 4 is the city's primary land use and development control document.
LPP 4.7 Civic and Culture Precinct	The Subiaco Activity Centre Plan, endorsed by the WAPC in November 2017, is now the primary planning document for this precinct therefore this policy is no longer relevant.

A detailed investigation will be undertaken into the relevance of each of the abovementioned policies and an appropriate report prepared for consideration by Council in late January 2018 with recommendations to rescind them.

Commencing in January 2018, officers will prioritise a review of each of the precinct policies to be implemented in full by April 2018. The West Subiaco and Shenton Park Precincts are intended to be presented to Council for consideration to advertise in February 2018 and the Jolimont, Daglish and Triangle Precincts will be presented to Council for consideration to advertise in March 2018. The remaining statutory, heritage and administrative policies will be reviewed throughout the year as set out in Attachment 1.

The preparation of entirely new precinct planning policies to operate in conjunction with LPS5 will be undertaken once the new Scheme and Strategy are submitted to the WAPC for final consideration post-advertising. Undertaking this work after consultation will allow issues identified during the submission period to be incorporated into policy where appropriate.

The schedule in the attachment sets aside three months to review each policy. The first month is indicative of the month the policy review should commence, the middle month indicates the month that the revised policy is likely to be presented to Council for consideration to advertise, and the final month indicates the month in which policy is likely to be finalised and take effect.

### **Comment**

The residential precinct planning policies have proven to be a highly effective approach to retaining the unique sense of place and character in each precinct. Due to broad changes to the Scheme text required to align LPS5 with the model provisions set out in the LPS Regulations, it is important that each of the precinct policies are reviewed at the appropriate time to be read in conjunction with the LPS5 text.

Given the precinct policies have not been reviewed for over two years (biennial review is considered good practice), it is also important that these policies are reviewed in the short term as they will remain the primary character retention documents in the short to medium term until LPS5 formally takes effect which is most likely to be sometime during 2019.

The majority of the outcomes of the precinct policy review will be transferrable to the new LPS5 precinct policies. However, this cannot occur until greater certainty regarding the direction, content and timing of LPS5 is known. Accordingly, the schedule broadly provides for this work to commence when LPS5 has been submitted to the WAPC for consideration post-advertising. Once this occurs, the WAPC has 120 days to present a recommendation to the Minister for Planning and it is recommended that the final precinct policy preparation for LPS5 be undertaken during this 4 month period.

The LPS5 precinct policies will continue to be supplemented by a suite of heritage and conservation policies, general LPPs and administrative planning procedures. A major

component of each policy review will be to assess the implementation of the policy in conjunction with the revised provisions of draft LPS5 to ensure a smooth transition from the current TPS4 to LPS5.

As many of the remaining policies are considered out of date and due to be reviewed at various times throughout 2018, the proposed schedule sets out when each of these policy reviews will commence, be presented to Council and formally take effect.

The proposed schedule also identifies a number of policies that are no longer relevant, are proven to be ineffective or comprise content that is (now) covered by other components of the local planning framework. It is recommended that these policies be rescinded to ensure that the local planning framework is as user friendly as possible and comprises only strong and effective policies that make a sound contribution to the orderly and proper planning of the city.

### **Consultation and Referrals**

Where a local government resolves to make or amend a new Local Planning Policy, the policy must be advertised in accordance with the deemed provisions of the LPS Regulations for a minimum of 21 days. Public consultation for each new and revised policy will occur in accordance with the LPS Regulations. Where the Local Government is satisfied an amendment to a Local Planning Policy is minor, the Local Government is able to amend the policy without advertising, however it is generally recommended that policy modifications are advertised to ensure a level of community awareness of changes.

The decision to rescind a local planning policy does not require advertising, however, the rescission does not take effect until notice of the Council resolution is published in a local newspaper.

### **Strategic Implications**

The content of this report aligns with part 6.1.3 of the City of Subiaco Strategic Community Plan to be innovative, responsive and maintain a strong customer focus. An up to date, simple and streamlined suite of Local Planning Policies will enable the city to deliver a high level of satisfaction with the City of Subiaco's services and improve the ability for the community to easily and effectively communicate with the city.

### **Statutory and Policy Considerations**

There are no statutory and policy considerations for this report.

### **Risk and Asset Implications**

There are no Risk and Asset Implications for this report.

### **Financial**

There are no financial implications for this report.

### **Social and Environmental Implications**

There are no social and environmental implications to this report.

### **Attachments**

1. Policy Review Schedule - 2018

**For Information**

There are no information documents for this report.

**COUNCIL DECISION**

Moved Cr Matheson/seconded Cr Richardson

**That the order of business be changed to deal with items C4, C6 and C11.1 next.**

CARRIED 11/0

6.27pm



**C4 SUBIACO EAST PARKING PRECINCT PUBLIC CONSULTATION\*****REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES**

**Author:** Michael Duckett  
**Date:** 16 November 2017  
**File Reference:** A/4337  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**COUNCIL DECISION**

Moved Cr McAllister/seconded Mayor Taylor

**That Council:**

- 1) In response to this particular review, not install ticket machines in Hay Street to manage short-term parking supply and request that the CEO investigate and implement parking bay sensors to manage turnover of bays and provide motorists with real time information regarding bay availability.
- 2) Make no changes, except as detailed in points 3 and 4 below, to parking schemes within the Subiaco East Precinct until Princess Margaret Hospital is closed and services have been relocated to the Perth Children's Hospital in Nedlands.
- 3) Notwithstanding item 2 above, remove the requirement to pay for parking on Saturday and Sunday throughout the Subiaco East Precinct to be implemented at the earliest opportunity.
- 4) Notwithstanding item 2 above, remove Subiaco Oval event parking control signs throughout the Precinct to be completed at the earliest opportunity as these signs became redundant effective 19 November 2017.
- 5) Advise the Subiaco East Precinct community that, upon closure of Princess Margaret Hospital and relocation of services to the Perth Children's Hospital, it is considering, subject to a further period of consultation for 21 days, implementation of the following scheme changes to kerbside parking to have application between the hours of 8am – 5pm Monday to Friday.
  - a) Bagot Road, north side – Townshend Road to Coghlan Road to Resident Only Parking
  - b) Park Street, north side - Townshend Road to Olive Street to Resident Only Parking
  - c) Park Street, south side – Bedford Avenue to Coghlan Road to Resident Only Parking
  - d) Barker Road, both sides - Townshend Road to Thomas Street to Resident Only Parking
  - e) Bedford Avenue, West side – Barker Road to Bagot Road to Resident Only Parking
  - f) Olive Street, both sides – Hay Street to Churchill Avenue to 1 hour restriction
  - g) Olive Street, both sides – Churchill Avenue to Bagot Road to Resident Only Parking
  - h) Churchill Avenue, both sides – Townshend Road to Thomas Street to 2 hour ticket parking

Cont./

- i) Coghlan Road, both sides – Churchill Avenue to Park Street to Resident Only Parking**
  - j) Coghlan Road, East side – Park Street to Bagot Road to 1 hour restriction**
  - k) Coghlan Road, West side – Park Street to Bagot Road to Resident Only Parking**
  - l) Coghlan Road – Both Sides – Subiaco Road north to cul-de-sac to Resident Only Parking.**
  - m) Coghlan Road – both sides from Roberts Road to Churchill Avenue to 1 hour restriction**
  - n) Court Place – both sides from Subiaco Road north to cul-de-sac to Resident Only Parking**
  - o) White Place – both sides from Subiaco Road north to cul-de-sac to Resident Only Parking**
  - p) Subiaco Road – South side from Haydn Bunton Drive to Coghlan Road to P Ticket (all day ticket parking)**
  - q) Subiaco Road – North side from Haydn Bunton Drive to Coghlan Road to Resident Only Parking**
  - r) Subiaco Road – South side from Hamilton Road to Thomas Street to P Ticket (all day ticket parking)**
  - s) Subiaco Road – North side from Hamilton Road to Thomas Street to Resident Only Parking**
  - t) Hamilton Street – West side from Roberts Road to Hay Street to 1 hour restriction**
  - u) Roberts Road – both sides from Townshend Road to Coghlan Road to P Ticket (all day ticket parking)**
  - v) Roberts Road – both sides from Hamilton Street to Thomas Road to P Ticket (all day ticket parking)**
  - w) Townshend Road – both sides from Roberts Road to Churchill Avenue to 1 hour restriction**
  - x) York Street – South side from Townshend Road to Coghlan Road to 2 hour ticket parking**
  - y) Hay Street – both sides from Townshend Road to Thomas Street to 1 hour restriction**
- 6) Unless the need for change is detected and implemented under delegation, the existing shorter term bays, bus zones, taxi bays, loading bays, no parking, no stopping and other intermittent bays be retained as currently designated.**

Cont./

- 7) Approves paid parking within the Town Centre precinct being adjusted back to have application 8am-5pm Monday to Friday only.
- 8) Approves, to have application after the closure of Princess Margaret Hospital, the parking fees in the all-day ticket parking facilities within the Subiaco East Precinct, to be effective 8am–5pm Monday to Friday only, as follows:-

Car Station	Location	Fee
1	Hamilton Street (adjacent to Mueller Park)	\$2.00 per hr. max. per day \$10.00
2	York Street	\$2.00 per hr. max. per day \$12.00
3	York Street	\$2.00 per hr. max. per day \$12.00
5	Subiaco Road	\$2.00 per hr. max. per day \$8.00
6	West end of Stadium	\$2.00 per hr. max. per day \$10.00
7	Olive/Churchill	\$2.00 per hr. max. per day \$14.00
10	Roberts Rd. (adjacent to Kitchener Park)	\$2.00 per hr. max. per day \$12.00
19	Roberts both sides	\$2.00 per hr. max. per day \$12.00
20	Churchill (near Thomas)	\$2.00 per hr. max. per day \$12.00
63	Roberts Rd south side adjacent existing Hospital	\$2.00 per hr. max. per day \$12.00
64	York (south side)	\$2.00 per hr. max. per day \$14.00

- 9) Approves, to have application after the closure of Princess Margaret Hospital and the introduction of additional short-term paid parking in York Street and Churchill Avenue in accordance with item 5(h) and 5(x) above to be effective 8am-5pm Monday to Friday, parking fees as follows.

Car Station	Location	Fee
TBA	York (south side)	\$1.00 first hr, \$2.00 second hr.
TBA	Churchill Avenue (both sides)	\$1.00 first hr, \$2.00 second hr.

CARRIED 7/4

CRS STROUD, RICHARDSON, MATHESON AND MUMMMERY VOTED AGAINST

7.02pm

#### OFFICER RECOMMENDATION

Moved Cr McAllister/seconded Mayor Taylor

That Council:

- 1) In response to this particular review, not install ticket machines in Hay Street to manage short-term parking supply and request that the CEO investigate and implement parking bay sensors to manage turnover of bays and provide motorists with real time information regarding bay availability.
- 2) Make no changes, except as detailed in points 3 and 4 below, to parking schemes within the Subiaco East Precinct until Princess Margaret Hospital is closed and services have been relocated to the Perth Children's Hospital in Nedlands.

- 3) Notwithstanding item 2 above, remove the requirement to pay for parking on Saturday and Sunday throughout the Subiaco East Precinct to be implemented at the earliest opportunity.
- 4) Notwithstanding item 2 above, remove Subiaco Oval event parking control signs throughout the Precinct to be completed at the earliest opportunity as these signs became redundant effective 19 November 2017.
- 5) Upon closure of Princess Margaret Hospital and relocation of services to the Perth Children's Hospital, approve the following scheme changes to kerbside parking to be implemented at the earliest opportunity and to apply consistently from 8am to 5pm Monday to Friday:
  - a) Bagot Road, north side – Townshend Road to Coghlan Road to Resident Only Parking
  - b) Park Street, north side - Townshend Road to Olive Street to Resident Only Parking
  - c) Park Street, south side – Bedford Avenue to Coghlan Road to Resident Only Parking
  - d) Barker Road, both sides - Townshend Road to Thomas Street to Resident Only Parking
  - e) Bedford Avenue, West side – Barker Road to Bagot Road to Resident Only Parking
  - f) Olive Street, both sides – Hay Street to Churchill Avenue to 1 hour restriction
  - g) Olive Street, both sides – Churchill Avenue to Bagot Road to Resident Only Parking
  - h) Churchill Avenue, both sides – Townshend Road to Thomas Street to 2 hour ticket parking
  - i) Coghlan Road, both sides – Churchill Avenue to Park Street to Resident Only Parking
  - j) Coghlan Road, East side – Park Street to Bagot Road to 1 hour restriction
  - k) Coghlan Road, West side – Park Street to Bagot Road to Resident Only Parking
  - l) Coghlan Road – Both Sides – Subiaco Road north to cul-de-sac to Resident Only Parking.
  - m) Coghlan Road – both sides from Roberts Road to Churchill Avenue to 1 hour restriction
  - n) Court Place – both sides from Subiaco Road north to cul-de-sac to Resident Only Parking
  - o) White Place – both sides from Subiaco Road north to cul-de-sac to Resident Only Parking
  - p) Subiaco Road – South side from Haydn Bunton Drive to Coghlan Road to P Ticket (all day ticket parking)
  - q) Subiaco Road – North side from Haydn Bunton Drive to Coghlan Road to Resident Only Parking
  - r) Subiaco Road – South side from Hamilton Road to Thomas Street to P Ticket (all day ticket parking)
  - s) Subiaco Road – North side from Hamilton Road to Thomas Street to Resident Only Parking
  - t) Hamilton Street – West side from Roberts Road to Hay Street to 1 hour restriction
  - u) Roberts Road – both sides from Townshend Road to Coghlan Road to P Ticket (all day ticket parking)
  - v) Roberts Road – both sides from Hamilton Street to Thomas Road to P Ticket (all day ticket parking)

- w) Townshend Road – both sides from Roberts Road to Churchill Avenue to 1 hour restriction
  - x) York Street – South side from Townshend Road to Coghlan Road to 2 hour ticket parking
  - y) Hay Street – both sides from Townshend Road to Thomas Street to 1 hour restriction
- 6) Unless the need for change is detected and implemented under delegation, the existing shorter term bays, bus zones, taxi bays, loading bays, no parking, no stopping and other intermittent bays be retained as currently designated.
  - 7) Approves paid parking within the Town Centre precinct being adjusted back to have application 8am -5pm Monday to Friday only.
  - 8) Approves, to have application after the closure of Princess Margaret Hospital, the parking fees in the all day ticket parking facilities within the Subiaco East Precinct, to be effective 8am – 5pm Monday to Friday only, as follows:-

Car Station	Location	Fee
1	Hamilton Street (adjacent to Mueller Park)	\$2.00 per hr. max. per day \$10.00
2	York Street	\$2.00 per hr. max. per day \$12.00
3	York Street	\$2.00 per hr. max. per day \$12.00
5	Subiaco Road	\$2.00 per hr. max. per day \$8.00
6	West end of Stadium	\$2.00 per hr. max. per day \$10.00
7	Olive/Churchill	\$2.00 per hr. max. per day \$14.00
10	Roberts Rd. (adjacent to Kitchener Park)	\$2.00 per hr. max. per day \$12.00
19	Roberts both sides	\$2.00 per hr. max. per day \$12.00
20	Churchill (near Thomas)	\$2.00 per hr. max. per day \$12.00
63	Roberts Rd south side adjacent existing Hospital	\$2.00 per hr. max. per day \$12.00
64	York (south side)	\$2.00 per hr. max. per day \$14.00

- 9) Approves, to have application after the closure of Princess Margaret Hospital, the parking fees in the time restricted ticket parking facilities within the Subiaco East Precinct, to be effective 8am–5pm Monday to Friday only, as follows:

Car Station	Location	Fee
TBA	York (south side)	\$1.00 first hr, \$2.00 second hr.
TBA	Churchill Avenue (both sides)	\$1.00 first hr, \$2.00 second hr.

**PROCEDURAL MOTION**

Moved Cr McMullen/seconded Cr McAllister

That under Meeting Procedures Local Law 2013 7.1 (g) the question be referred to the 12 December 2017 Ordinary Council Meeting.

LOST 4/7  
MAYOR TAYLOR, CRS STROUD, NASH, MATHESON, DAVIS, GEDERO AND  
MANSFIELD VOTED AGAINST

6.45pm

**AMENDMENT**

Moved Cr Gedero/seconded Cr Mansfield

That point 5 be amended to read:

5. Advise the Subiaco East Precinct community that, upon closure of Princess Margaret Hospital and relocation of services to the Perth Children's Hospital, it is considering, subject to a further period of consultation for 21 days, implementation of the following scheme changes to kerbside parking to have application between the hours of 8am – 5pm Monday to Friday.

CARRIED 11/0

6.49PM

**AMENDMENT**

Moved Cr Gedero/seconded Cr Mansfield

That point 9 be amended to read:

9. Approves, to have application after the closure of Princess Margaret Hospital and the introduction of additional short-term paid parking in York Street and Churchill Avenue in accordance with item 5(h) and 5(x) above to be effective 8am-5pm Monday to Friday, parking fees as follows.

CARRIED 7/4

CRS STROUD, McMULLEN, MATHESON AND MUMMERY VOTED AGAINST

6.49pm

The amendment forms part of the substantive motion:

**SUBSTANTIVE MOTION**

Moved Cr McAllister/seconded Mayor Taylor

That Council:

- 1) In response to this particular review, not install ticket machines in Hay Street to manage short-term parking supply and request that the CEO investigate and implement parking bay sensors to manage turnover of bays and provide motorists with real time information regarding bay availability.
- 2) Make no changes, except as detailed in points 3 and 4 below, to parking schemes within the Subiaco East Precinct until Princess Margaret Hospital is closed and services have been relocated to the Perth Children's Hospital in Nedlands.
- 3) Notwithstanding item 2 above, remove the requirement to pay for parking on Saturday and Sunday throughout the Subiaco East Precinct to be implemented at the earliest opportunity.
- 4) Notwithstanding item 2 above, remove Subiaco Oval event parking control signs throughout the Precinct to be completed at the earliest opportunity as these signs became redundant effective 19 November 2017.
- 5) Advise the Subiaco East Precinct community that, upon closure of Princess Margaret Hospital and relocation of services to the Perth Children's Hospital, it is considering, subject to a further period of consultation for 21 days, implementation of the following scheme changes to kerbside parking to have application between the hours of 8am – 5pm Monday to Friday.
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  - c) Park Street, south side – Bedford Avenue to Coghlan Road to Resident Only Parking
  - d) Barker Road, both sides - Townshend Road to Thomas Street to Resident Only Parking

- e) Bedford Avenue, West side – Barker Road to Bagot Road to Resident Only Parking
  - f) Olive Street, both sides – Hay Street to Churchill Avenue to 1 hour restriction
  - g) Olive Street, both sides – Churchill Avenue to Bagot Road to Resident Only Parking
  - h) Churchill Avenue, both sides – Townshend Road to Thomas Street to 2 hour ticket parking
  - i) Coghlan Road, both sides – Churchill Avenue to Park Street to Resident Only Parking
  - j) Coghlan Road, East side – Park Street to Bagot Road to 1 hour restriction
  - k) Coghlan Road, West side – Park Street to Bagot Road to Resident Only Parking
  - l) Coghlan Road – Both Sides – Subiaco Road north to cul-de-sac to Resident Only Parking.
  - m) Coghlan Road – both sides from Roberts Road to Churchill Avenue to 1 hour restriction
  - n) Court Place – both sides from Subiaco Road north to cul-de-sac to Resident Only Parking
  - o) White Place – both sides from Subiaco Road north to cul-de-sac to Resident Only Parking
  - p) Subiaco Road – South side from Haydn Bunton Drive to Coghlan Road to P Ticket (all day ticket parking)
  - q) Subiaco Road – North side from Haydn Bunton Drive to Coghlan Road to Resident Only Parking
  - r) Subiaco Road – South side from Hamilton Road to Thomas Street to P Ticket (all day ticket parking)
  - s) Subiaco Road – North side from Hamilton Road to Thomas Street to Resident Only Parking
  - t) Hamilton Street – West side from Roberts Road to Hay Street to 1 hour restriction
  - u) Roberts Road – both sides from Townshend Road to Coghlan Road to P Ticket (all day ticket parking)
  - v) Roberts Road – both sides from Hamilton Street to Thomas Road to P Ticket (all day ticket parking)
  - w) Townshend Road – both sides from Roberts Road to Churchill Avenue to 1 hour restriction
  - x) York Street – South side from Townshend Road to Coghlan Road to 2 hour ticket parking
  - y) Hay Street – both sides from Townshend Road to Thomas Street to 1 hour restriction
- 6) Unless the need for change is detected and implemented under delegation, the existing shorter term bays, bus zones, taxi bays, loading bays, no parking, no stopping and other intermittent bays be retained as currently designated.
- 7) Approves paid parking within the Town Centre precinct being adjusted back to have application 8am -5pm Monday to Friday only.
- 8) Approves, to have application after the closure of Princess Margaret Hospital, the parking fees in the all-day ticket parking facilities within the Subiaco East Precinct, to be effective 8am–5pm Monday to Friday only, as follows:-

Car Station	Location	Fee
1	Hamilton Street (adjacent to Mueller Park)	\$2.00 per hr. max. per day \$10.00

2	York Street	\$2.00 per hr. max. per day \$12.00
3	York Street	\$2.00 per hr. max. per day \$12.00
5	Subiaco Road	\$2.00 per hr. max. per day \$8.00
6	West end of Stadium	\$2.00 per hr. max. per day \$10.00
7	Olive/Churchill	\$2.00 per hr. max. per day \$14.00
10	Roberts Rd. (adjacent to Kitchener Park)	\$2.00 per hr. max. per day \$12.00
19	Roberts both sides	\$2.00 per hr. max. per day \$12.00
20	Churchill (near Thomas)	\$2.00 per hr. max. per day \$12.00
63	Roberts Rd south side adjacent existing Hospital	\$2.00 per hr. max. per day \$12.00
64	York (south side)	\$2.00 per hr. max. per day \$14.00

- 9) Approves, to have application after the closure of Princess Margaret Hospital and the introduction of additional short-term paid parking in York Street and Churchill Avenue in accordance with item 5(h) and 5(x) above to be effective 8am-5pm Monday to Friday, parking fees as follows.

Car Station	Location	Fee
TBA	York (south side)	\$1.00 first hr, \$2.00 second hr.
TBA	Churchill Avenue (both sides)	\$1.00 first hr, \$2.00 second hr.

CARRIED 7/4

CRS STROUD, RICHARDSON, MATHESON AND MUMMMERY VOTED AGAINST

7.02pm

### **Background**

The purpose of this report is to provide the Council with a summation of the feedback received from the community in response to the proposed Subiaco East Parking Precinct Plan and to propose a final Plan for consideration and determination.

### **Comment**

At the meeting of 29 August 2017 (item D4), Council endorsed the draft parking management plan for the Subiaco East Precinct for the purpose of public consultation and subsequent return to the Council for determination.

The process and outcome of the community consultation has been recorded in a comprehensive report for perpetuity and is attached to this report for referral by elected members. The following is a summary of the significant changes that have been made in response to feedback from the Community.

First Draft	Current Draft	Comments
Ticket Parking in Hay Street.	Retains current schemes with the deletion of the Saturday morning restriction. Proposed to be predominantly 1P 8am to 5pm Monday to Friday.	There was very limited support for the need for a ticket to be acquired. Although bay turnover was often cited as important, most businesses considered existing schemes and the rate of churn were adequate for their customers and more convenient than having to acquire and display a ticket. The priority of this parking supply will be preserved by it being the shortest stay option within the precinct rather than by pricing.



First Draft	Current Draft	Comments
		Officers recommend that consideration be given to implementing bay sensors along both edges of Hay Street. These devices measure entry and exit from a bay, indicating real time bay availability to assist understanding occupancy and bay turnover. One implication is the bays would have to be marked and associated capital and recurrent costs, see Financial detail below.
Resident only parking southern edge of Churchill.	Retains a time limit but consistently 2 hours 8am to 5pm Monday to Friday along its length affording visitors to the precinct a longer length of stay than the priority parking supply in Hay Street. Ticket parking has been added to ensure bay turnover and facilitate compliance.	Business along this corridor expressed concern that designating the southern edge of this corridor as Resident Only Parking would diminish the supply of parking to their business and customers. Residents displaying a permit would be exempt from the need to acquire a ticket. Ticket parking will ensure regular turnover of bays, enhance compliance activity, provide revenue for provision of parking services, revenue paid willingly by visitors rather than revenue gained through compliance activity, the source of reputational damage when it comes to parking management in any jurisdiction. Residents displaying a permit will not be required to pay for parking and the Council will retain control of the amount charged.
Roberts Road southern edge – Townshend to Coghlan	Converts time controlled parking to all day ticket parking.	This conversion adds to the supply of all day parking and presents consistently along the length of Roberts Road. Residents, displaying a permit are exempted from the need to acquire a ticket.

Table 1 – Significant changes

The closure of Princess Margaret Hospital and relocation of services to Nedlands will reduce demand for both short and long term parking in this precinct. This presents the City with an opportunity to offer daily commuters, who may be currently parking in residential streets and avoiding detection by moving cars periodically during the day, more affordable all day parking to satisfy this demand. The following table presents detail of existing and proposed additional all day parking with recommended fees. The daily cost should be less the more remote the parking is from the source of demand, being Hay Street and Churchill Avenue.

Car Park	Location	Current fee	Current Ave. occupancy	Proposed fee
1	Hamilton Street (adjacent Mueller Park)	\$2.50 per hr max per day \$18.00	98%	\$2.00 per hr max per day \$10.00
2	York Street	\$2.50 per hr max per day \$15.00	93%	\$2.00 per hr max per day \$12.00
3	York Street	\$2.50 per hr max per day \$17.00	53%	\$2.00 per hr max per day \$12.00

5	Subiaco Road	\$2.50 per hr max per day \$18.00	70%	\$2.00 per hr max per day \$8.00
6	West end of Stadium,	\$2.50 per hr max per day \$10.00	88%	\$2.00 per hr max per day \$10.00
7	Olive	\$2.50 per hr max per day \$15.00	76%	\$2.00 per hr max per day \$14.00
10	Roberts (adjacent Kitchener Park)	\$2.50 per hr max per day \$12.00	97%	\$2.00 per hr max per day \$12.00
19	Roberts both sides (adjacent Mueller Park)	\$2.50 per hr max per day \$18.00	82%	\$2.00 per hr max per day \$12.00
20	Churchill (near Thomas)	\$2.50 per hr max per day \$16.00	56%	\$2.00 per hr max per day \$12.00
63	Roberts RD south side adjacent existing Hospital	\$3.00 per hr limit applies	93%	\$2.00 per hr max per day \$12.00
64	York (south side)	\$2.50 per hr max per day \$17.00	84%	\$2.00 per max per day \$14.00

Table 2 – Proposed fees

Managing commuter parking has always been problematic, the public domain will never have adequate supply to fully satisfy the demand this sector creates however the closure of Princess Margaret Hospital will mitigate demand to some extent. Given the quantity of commuters that prefer to access this precinct by car it is important that the supply that is available is well utilised reducing the need for this sector to manipulate short stay parking facilities to suit their parking needs. The challenge is determining a price point that promotes legitimate use of these facilities whilst encouraging those that can utilise public transport to continue with this option.

It is acknowledged that in the future there will be temporary adjustments required to accommodate construction of the school, decommissioning of the stadium and ultimately the advent of a new secondary school. Further, the redevelopment of the oval and hospital sites will likely trigger the need for further review of the parking schemes in the northern area of this precinct but it is too early to anticipate what may be required at this stage.

The following table shows the current and proposed distribution of parking spaces in the precinct.

Category	Current schemes	Draft One	Proposed schemes
Resident Only 24/7	33	33	33
Resident Only 8am to 5pm Mon – Fri	0	452	374
Free with time restrictions	870	68	186
Paid with time restrictions	24	260	218
Paid all day parking	412	526	528
<b>Totals</b>	<b>1339</b>	<b>1339</b>	<b>1339</b>

Table 3 – Distribution of bay types

As can be seen from Table 3 above the quantum of all day parking has been increased by altering parking adjacent the hospital in Roberts Road and Subiaco Road, previously designed to provide a level of service to visitors to that facility. The change that will impact daily commuters is the reduction in free time controlled parking, the majority of which will be converted to and presented for use by residents only.

The consultation identified significant support for opening up the precinct on the weekend to a new set of visitors to Subiaco post AFL events and, as a consequence, this report recommends immediate removal of the need to pay for parking in car stations within this precinct on weekends and ultimately removal on time restrictions. Although it may predetermine the outcome of the Town Centre Precinct Plan which was to immediately follow this particular Plan, it would be opportune to use this level of support to also initiate removal of the need to pay for parking beyond 5pm Monday to Friday and on weekends within the Town Centre car parks and do so immediately to assist with Christmas trade. The prevailing time limits and the need to display a ticket should be retained for now to ensure adequate turnover of parking spaces to maximise parking supply leading up to Christmas but the need to preserve existing time limits could subsequently be reviewed in conjunction with the Town Centre Precinct Plan as it may support weekend reactivation of the Precinct post major events at Subiaco Oval. There may always be a need for time controls on Rokeby Road but removal of weekend time controls in adjacent streets and off-street car parks may be helpful.

### **Consultation**

Consultation commenced on Thursday 13 October 2017, detail can be located in the attached report together with a summary of responses received by the close of consultation on the 6 November 2017.

### **Strategic Implications**

Parking management transcends many other strategic initiatives from local economic development to residential amenity, traffic congestion and the environment.

The Strategic Community Plan contemplates the development of parking schemes that manage demand and supply and make a positive contribution to the City's economic, social and environmental outcomes.

Dividing the City into Precincts to review parking management options was an initiative under the Parking Strategy 2012-2016 and continues to be a manageable approach to achieve comprehensive reviews across the City in accordance with the strategies adopted within the recently adopted Transport Access and Parking Strategy.

### **Statutory and Policy Considerations**

The authority afforded the City to determine and enforce parking schemes is the City's Parking Facilities Local Law, adopted under the Local Government Act 1995

Council has several policies related to parking management, Policies 8.1, 8.2 and 8.11.

These policies discuss the use of meters, being fair and reasonable in relation to enforcement and how we manage residential parking permits, they offer no constraints to determination of the Subiaco East Parking Precinct Plan.

### **Risk and Asset Implications**

The risk of not addressing the concerns of residents is ongoing reputational damage to the City. A further risk is that any vehicles displaced by proposed scheme changes may 'migrate' to nearby areas, the progressive review and implementation of revised precinct parking plans will address this issue.

## **Financial**

The original proposal to increase the distribution of ticket machines to more effectively manage on-street parking would have increased revenue from fees and was anticipated to reduce revenue from punitive compliance action which is the source of significant reputational damage to the City itself and the locality more generally.

There is adequate provision in the 2017/18 budget estimates for acquisition of the required infrastructure to complete this precinct plan.

A brief financial analysis of income, capital and recurrent costs associated with introduction of additional ticket machines in Churchill Avenue, Roberts Road and York Street can be summarised as follows:-

The following tables outline the change in financial performance of the Precinct Parking management plan from what was initially proposed to what is now recommend based on community feedback:

<b>Description</b>	<b>Original Proposal</b>	<b>Final Draft</b>
Pay by Plate Ticket machine installed	\$8,500	\$8,500
No. Machines required	33	26
Average occupancy (Monday-Friday)	100%	100%
Sign changes required	300	300
Cost per signs	\$75	\$75
Initial Capital Machines	\$280,000	\$221,000
Signs	\$22,500	\$22,500
Recurrent operating costs	\$340,000 per year	\$266,000 per year
Bay Sensors (118 bays)	\$0	\$7,700
Recurrent operating costs	\$0 per year	\$23,000 per year
Project annual revenue	\$1,937,500	\$1,615,800

The anticipated revenue from paid parking will be sufficient to cover the expenses associated with implementation and ongoing management.

The loss of revenue from immediately removing the need to pay for parking in this Precinct and the Town Centre on weekends is difficult to estimate given that a significant portion of this revenue would have been generated by football patrons and it's impossible to isolate these purchases from those made by other weekend visitors to Subiaco.

## **Social and Environmental Implications**

Imminent changes to activity and land use within this precinct presents the City with an opportunity to review the management of parking in this area, including the removal of event parking schemes associated with Subiaco Oval. Closure of Princess Margaret Hospital in due course will reduce the demand for all day commuter parking releasing more supply for that demand and potentially reduce invalid use of kerbside parking.

## **Attachments**

1. Attachment One Subiaco East Precinct Parking Plan November 2017.

## **C6 SELBY STREET AND NASH STREET INTERSECTION UPGRADE BY LANDCORP\***

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

**Author:** Manager Transport and Infrastructure Development, Shane Asmus  
**Date:** 16 October 2017  
**File ref:** R/152  
**Voting requirements:** Simple – more than half elected members present required voting in favour

### **COUNCIL DECISION**

Moved Cr McAllister/seconded Cr McMullen

#### **That Council approves:**

- 1. Landcorp's proposal to construct a roundabout at the intersection of Selby Street and Nash Street to replace the existing traffic control signals as part of the redevelopment of the existing Shenton Park Rehabilitation Hospital.**
- 2. The removal of two existing trees located within the median island on Selby Street to accommodate the roundabout and the installation of 8 mature trees to improve on the tree canopy loss.**
- 3. That Council requests Main Roads WA and Landcorp/MRA to examine broader traffic flows and implications of the Montario Quarter and other Landcorp/MRA projects, incorporating Nash Street, Stubbs Terrace, Railway and Aberdare Roads, including a rail overpass connector from Stubbs Terrace to Railway Road.**

CARRIED 8/3

CRS STROUD, RICHARDSON AND MATHESON VOTED AGAINST

7.42pm

### **OFFICER RECOMMENDATION**

Moved Cr McAllister/seconded Cr McMullen

#### **That Council approves:**

1. Landcorp's proposal to construct a roundabout at the intersection of Selby Street and Nash Street to replace the existing traffic control signals as part of the redevelopment of the existing Shenton Park Rehabilitation Hospital.
2. The removal of two existing trees located within the median island on Selby Street to accommodate the roundabout and the installation of 8 trees to improve on the tree canopy loss.

### **AMENDMENT**

Moved Cr Matheson/seconded Cr Nash

#### **That Council approves:**

1. Landcorp's proposal to construct a roundabout at the intersection of Selby Street and Nash Street to replace the existing traffic control signals as part of the redevelopment of the existing Shenton Park Rehabilitation Hospital.
2. The removal of two existing trees located within the median island on Selby Street to accommodate the roundabout and the installation of 8 mature trees to improve on the tree canopy loss.
3. That Council requests Main Roads WA and Landcorp/MRA to examine broader traffic flows and implications of the Montario Quarter and other Landcorp/MRA

projects, incorporating Nash Street, Stubbs Terrace, Railway and Aberdare Roads, including a rail overpass connector from Stubbs Terrace to Railway Road.

CARRIED 11/0

7.25pm

The amendment becomes the substantive motion:

**SUBSTANTIVE MOTION**

Moved Cr McAllister/seconded Cr McMullen

That Council approves:

1. Landcorp's proposal to construct a roundabout at the intersection of Selby Street and Nash Street to replace the existing traffic control signals as part of the redevelopment of the existing Shenton Park Rehabilitation Hospital.
2. The removal of two existing trees located within the median island on Selby Street to accommodate the roundabout and the installation of 8 mature trees to improve on the tree canopy loss.
3. That Council requests Main Roads WA and Landcorp/MRA to examine broader traffic flows and implications of the Montario Quarter and other Landcorp/MRA projects, incorporating Nash Street, Stubbs Terrace, Railway and Aberdare Roads, including a rail overpass connector from Stubbs Terrace to Railway Road.

CARRIED 8/3

CRS STROUD, RICHARDSON AND MATHESON VOTED AGAINST

7.42pm

**Background**

LandCorp is currently undertaking the redevelopment of the existing Shenton Park Rehabilitation Hospital within the City of Nedlands boundary which is bounded by Lemnos Street, Selby Street and Ellis Griffiths Drive within the City of Subiaco.

As part of the structure planning of the subdivision a new internal road has been approved to provide connection to the existing intersection of Selby Street and Nash Street. The intersection is currently configured as a traffic signal controlled T intersection, however as part of the upgrade this will become a four-way intersection. Both Selby Street and Nash Street are fully within the city of Subiaco's control for maintenance, even though Selby Street is a boundary road with the city of Nedlands. The city of Nedlands have been involved in discussions over this intersection upgrade as the new road extension from the subdivision falls within their municipal boundary.

The purpose of this report is for Council to consider Landcorp's proposal to construct a roundabout at the intersection of Selby Street and Nash Street to replace the existing traffic control signals as part of the redevelopment of the existing Shenton Park Rehabilitation Hospital and associated removal of trees and replacement.

This report was listed on the agenda of the Special Council Meeting held on 14 November 2017 (Item SC6 refers). At that meeting under Standing Order 7.1 (g) that the matter be referred to the next meeting of the Ordinary Council, so that additional information can be provided on the following matters:

1. Concerns over traffic congestion caused by the roundabout
2. Impact on cyclists and pedestrians based on a roundabout
3. Comments raised by the city of Nedlands

The following additional information in italics, is provided in response to these matters:

## 1. Traffic congestion

As outlined in the report item SC6, comprehensive traffic modelling carried out by Landcorp's traffic consultants and checked by city staff confirms significantly less vehicle queuing on all approaches with a four legged roundabout. The following tables show the various approach leg queuing distances with a roundabout and traffic control signals for both AM and PM periods.

### AM

	<b>Roundabout Queuing Length (m)</b>	<b>4 Way Signalised Intersection Queuing Length (m)</b>
Selby St South	16	81
Selby St North	62	232
Nash St	14	62
New Road	16	52

### PM

	<b>Roundabout Queuing Length (m)</b>	<b>4 Way Signalised Intersection Queuing Length (m)</b>
Selby St South	111	143
Selby St North	17	104
Nash St	57	150
New Road	22	49

As the figures show, the differences in queuing is significant. The roundabout offers far greater levels of service and results in less congestion, possible driver frustration and a potential reduction in accidents. Queuing from the traffic signals based on these lengths will also restrict access to adjacent properties, both residential and business due to vehicles blocking cross-overs.

## 2. Impact on cyclists and pedestrians

Pedestrian and cyclist movements were well considered as part of the various design reviews, and included comments from the city. Pedestrian priority has been relocated away from the roundabout with greater refuge created within the new road connecting to the development, including a proposed zebra crossing on this new leg. The existing controlled 'pelican' crossing north of Selby Street will also remain to maintain pedestrian priority. Refuge will also be created on all roundabout median islands in line with MRWA standards for pedestrian crossings.

Cyclists will have multiple paths within the development, adjacent to Selby Street and the roundabout to move off the road network should they choose. Similarly lane widths will be sufficient to provide for all vehicle sizes and cyclists should they chose to remain on the carriageway (A copy of the pedestrian and cyclist movements plans prepared by Landcorp is attached for your information).

Furthermore pedestrian and cyclists safety was not raised as a concern during the final Road Safety Audit undertaken by the independent traffic consultant (A copy of the audit is attached for your information).

### *City of Nedlands concerns*

*The City of Nedlands have advised that the proposal to install a roundabout at this intersection has not been presented/considered by their council at an Ordinary Council meeting, as the roundabout is within the City of Subiaco boundary.*

*However the City of Nedlands administration have advised that in the opinion of city staff , that whilst they accepted that a roundabout is the most likely outcome and have viewed the modelling, they do not support the roundabout. They have concerns regarding queuing through the roundabout during peak times and queuing on both the north leg (turning left into Nash Street) and the south leg (turning right into Nash Street). Whilst they respect the modelling, they cannot reconcile that with the current driver practice and queuing (noting that the current intersection treatment is traffic signals) and in consideration of the new 2,000 person population within the development, they believe the new leg will simply add to the current peak congestion.*

*LandCorp have advised that they are arranging to meet with city of Nedlands staff on Monday 27 November 2017 to further discuss their concerns with the traffic modelling.*

### *Western Australian Planning Commission (WAPC) conditions for the development at 6 Selby Street*

*Since the Special Council meeting on 14 November 2017, further information has been sought from LandCorp in regards to their intended course of action should Council not approve the roundabout. LandCorp have sought advice from Department of Planning Lands and Heritage (DPLH) on this matter and they have advised that the decision on the intersection configuration falls to MRWA, as they are the clearing authority for the subdivision condition relating to the modification of this intersection. Clearance of this condition was granted by MRWA in June 2017 and it is unlikely that they will reverse their position on this as it will be in conflict with their Guidelines for the Selection of Intersection Control.*

*Notwithstanding that MRWA are the clearing authority, staff from the DPLH have advised that they expect that the applicant i.e. LandCorp would negotiate the design of the approved intersection treatment (as required by MRWA) with the relevant local authority to ensure design and safety compliance as far as practical. Should agreement not be obtained for the intersection treatment, or its associated design parameters, WAPC would be approached to intervene to make a determination.*

### *Summary*

*Advice received by the City does indicate that the roundabout will be chosen by MRWA as the intersection treatment based on the clear advantages from a traffic movement point of view. They also have no concerns from a pedestrian and cyclist's perspective. LandCorp have made it clear to the City that they wish to gain the support of the City of Subiaco so that construction can commence during the upcoming Christmas school holidays to minimise disruption to both adjacent residents and road users.*



**Comment**

LandCorp, through their consultants, approached Main Roads Western Australia (MRWA) to modify the existing signals so that the new fourth leg of the intersection could be accommodated. LandCorp were subsequently advised to review and recommend the most appropriate treatment under the MRWA document 'Guidelines for the Selection of Intersection Control'. Following this review and in conjunction with MRWA, it was agreed that a roundabout treatment is the preferred option over traffic signalisation due to increased level of service for vehicles and a resultant reduction in congestion. Extensive traffic modelling was undertaken to determine this preferred intersection treatment from both a traffic safety point of view and intersection network efficiency. The roundabout operates at a greater level of service overall when compared to the current three leg intersection layout or modification to include a fourth leg with traffic signals.

Additional detailed modelling for the roundabout design was also completed, which also demonstrated that there were no adverse impacts for vehicles at nearby intersections.

As part of the review there was due consideration provided to pedestrian and cyclist movements. Pedestrian priority has been relocated away from the roundabout with greater refuge created within the new road connecting to the development and includes a proposed zebra crossing on this leg. The existing controlled 'pelican' crossing north of Selby Street will also remain to maintain pedestrian priority. Refuge will also be created on all roundabout median islands in line with MRWA standards for pedestrian crossings. Cyclists will have multiple paths within the development, adjacent to Selby Street and the roundabout to move off the road network should they choose. Similarly lane widths will be sufficient to provide for all vehicle sizes and cyclists should they chose to remain on the carriageway.

As part of the roundabout design, a design audit was also undertaken by an independent traffic consultant with a number of minor items noted for review. These items were subsequently addressed as part of the final design.

Two existing mature eucalyptus trees will require removal from within the median island of Selby Street to facilitate the positioning of lanes on the approach to the roundabout. The number of replacement trees will exceed those which are to be removed, with 8 new trees to be planted consistent with the city's street tree master plan. Landcorps landscape architects have indicated that the replacement of the 2 trees with 8 new trees will increase the canopy cover from approximately 380m<sup>2</sup> to 560m<sup>2</sup>, which will increase once the new trees further mature. Low level planting will also be installed within the central island of the roundabout to provide for improved streetscaping and appearance.

A copy of the roundabout design is shown as an attachment to this report.

**Consultation**

Consultation has been undertaken with MRWA and technical staff from both the city of Nedlands and Subiaco throughout the assessment process. Road Safety Audits have been completed on 50% and 85% designs with a 100% design review to follow now that the design is complete.

A community engagement and communications plan as well as a consultation summary has been prepared by LandCorp. LandCorp have initiated communications with the

immediate residential properties (along Nash and Lonnie Streets) and the adjacent organisations. A letter was circulated to these stakeholders in mid-October 2017, notifying them of the proposed roundabout and providing expected construction timeframes. All contacted were offered a phone call or meeting to discuss the new intersection treatment. LandCorp has also personally approached the owner of No. 20 Nash Street, which is the most affected property based on their existing cross-over location. This resident has informed Landcorp that they have no objections to the construction of the roundabout. No other objections have been raised.

Construction of the roundabout, should approval be given is expected to commence over the Christmas school holidays and adjacent residents will be informed of construction scope and program prior to commencement.

### **Strategic implications**

Focus area five: An effective and integrated transport system in the Strategic Community Plan. 5.1.1: Manage and plan our road and pedestrian networks to reduce congestion, while incorporating the increasing population and major developments.

### **Statutory and policy considerations**

The intersection has been designed in accordance with Austroads Guidelines for intersection design, namely Part 4B concerning roundabouts. Similarly MRWA guidelines for intersection treatments have been used as a resource.

### **Risk and Asset implications**

There is a risk of increase in traffic congestion and queuing if the roundabout is not approved and traffic signals remain.

Asset implications are in relation to new pavements, drainage, vegetation and other infrastructure assets created as part of the creation of the roundabout.

The city will be responsible for the maintenance of the proposed roundabout and associated infrastructure after a period of two years.

### **Financial implications**

The cost to undertake the upgrade works will be borne fully by the developer. Landscaping provided in the roundabout and adjacent medians will be maintained for a period of 2 years by the developer and will be subsequently handed over to the city who will then be responsible for maintenance at an operational cost of approximately \$4,500 per annum. The city of Subiaco will be responsible for this cost as both Selby Street and Nash Street fall within its municipal boundary.

### **Social and Environmental implications**

There will be short term traffic impact with construction of the intersection expected to take between 3 to 5 months. Traffic management will be undertaken with an approved traffic management plan by the civil contractor.

Two existing eucalyptus trees will require removal from within the median island of Selby Street to facilitate the positioning of lanes on approach to the roundabout. The number of replacement trees will exceed those which are to be removed, with replacement trees to be planted on the Selby Street and Nash Street verges and planting with low lying shrubs in the central island of the roundabout.

**Attachments**

1. Plan of the roundabout design (Drawing No. 14178-C5-R5-11).
2. Landcorp's pedestrian and cycling movement plans.
3. Road Safety Audit completed by an independent traffic consultant.

**C11.1 ELECTED MEMBER'S MOTION – SUBIACO MEN'S SHED\***

Submitted by: Cr Julie Matheson  
 Date: 11 November 2017  
 Voting requirements: Simple - more than half elected members present required to vote in favour.

**ELECTED MEMBER'S MOTION/COUNCIL DECISION**

Moved Cr Matheson/seconded Cr Mummery

**That Council:**

1. **Receives the attached proposal for Subiaco Men's Shed.**
2. **That the matter be dealt with as a priority as part of Subiaco's Strategic Community Plan, Focus Area One and Focus Area Six.**
3. **Provides all relevant assistance to ensure a positive result for the expansion proposal.**
4. **Reports back to Council on the progress of the matter.**

CARRIED 11/0

8.06pm

*Cr Matheson provided the following reasons:*

- *This matter has been with the planning staff since May 2016.*
- *No progress has been made because of some possible development proposed for the site at Tom Dadour Centre, Bagot Road, Subiaco.*
- *No developments have been considered by Subiaco Council for this site.*
- *The expansion proposal includes a non-permanent structure which can be transported to another site should the Council propose a development on the site.*

**AMENDMENT**

Moved Cr McMullen/seconded Cr Nash

**That Council:**

1. Receives the attached proposal for Subiaco Men's Shed.
2. That the matter be dealt with as a priority as part of the Tom Dadour Master Plan and Subiaco's Strategic Community Plan, Focus Area One and Focus Area Six.
3. Provides all relevant assistance to ensure a positive result for the expansion proposal.
4. Reports back to Council on the progress of the Tom Dadour Master Plan and this matter by April 2018.

LOST 3/8

CRS McALLISTER, STROUD, RICHARDSON, MATHESON, DAVIS, GEDERO,  
 MANSFIELD AND MUMMERY VOTED AGAINST

8.05pm

**Officer comment**

Council at the 10 October 2017 meeting received a report on the major City facilities and forward plans. An extract from the report is below. The Men's Shed is included in the overall master planning for the Tom Dadour Centre. It is anticipated that the master plan, which will include consultation with the Men's Shed representatives, will include suitable upgrades to their facility, however it needs to take into consideration the whole precinct. Ad hoc development of the Men's Shed area could compromise the redevelopment. It is anticipated that the master plan for this site will be presented in April/May. It is not recommended that Council pre commit any outcomes at this stage. It is also pointed out that no plans have been submitted for assessment.

*Tom Dadour Community Centre – the City has a focus on asset based community development rather than delivering community services, such as Home and Community Care (HACC). This facility could be redeveloped, housing community development staff in this area, as well as providing space for community groups and organisations who are delivering services to the City. The Men’s Shed is also based in the old garage at this site and their space needs a significant upgrade.*

**COUNCIL DECISION**

Moved Cr McAllister/seconded Cr Davis

**That under Meeting Procedures Local Law 2013 7.1 (c) the meeting now adjourn until 8.12pm.**

CARRIED 10/1  
CR MATHESON VOTED AGAINST  
8.07pm

The meeting reconvened at 8.12pm.

**C3 HERITAGE GRANT APPLICATIONS\*****REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES****Author:** Coordinator Heritage and Projects, Sofia Boranga**Date:** 13 September 2017**File Reference:** A/4022**Voting Requirements:** Simple - more than half elected members present required to vote in favour**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Richardson/seconded Cr Matheson

**That Council:**

1. **Approve funding through the City of Subiaco Heritage Grants Fund for conservation and enhancement works to the following places and owners:**
  - (a) **Peter and Pauline Wright, 6 Kings Road, Subiaco – maximum of \$3,273.26 towards installing a traditional tiled floor to the front verandah/porch.**
  - (b) **Barbara Wolff and James Evans, 201 Railway Road, Subiaco – maximum of \$481.50 towards the repair of tuck-pointing to a section of the front façade.**
  - (c) **Steven Poole and Deborah Flinn, 80 Townshend Road, Subiaco – maximum of \$4,565.91 towards the re-instatement of a wooden verandah floor and the re-instatement of flashing and timber trims to the bullnose verandah roof.**
  - (d) **Gay Eivers, 22 Kings Road, Subiaco – maximum of \$1,650.00 for the construction of a sympathetic front fence.**
  - (e) **Angela Skehan and David McDonald, 15 Kings Road, Subiaco – maximum of \$5,000 for restumping of the front verandah and the replacement of the verandah roof and gutters.**
  - (f) **Gillian and Graham Hannington, 10 Redfern Street, Subiaco – maximum of \$5,000 for repairs to the front verandah.**
  - (g) **Claire Meyerkort and Anton Lavell, 57 Salisbury Street, Subiaco – maximum of \$1,225.00 for roof restoration.**
2. **Advise the grant recipients that, in accordance with the conditions of funding, work must commence within six months and be completed within twelve months of the date of the grant funding being allocated.**
3. **Note that the previous deferral of an application for conservation works at 67 Hamersley Road, Subiaco to this grant round has not resulted in sufficient detail being provided to enable assessment of the application therefore the application is not supported. Should an application be submitted in the future, this will be considered on its merits and assessed against the funding criteria at the time of submission.**

CARRIED 11/0

8.18pm

**Executive Summary**

The purpose of the city's Heritage Grants Fund is to provide financial assistance to property owners for conservation works in the public view that enhance and reveal the heritage significance of a place and/or area and to stimulate the community in managing, conserving and enhancing places and areas of cultural heritage significance.

This is the first of two rounds of grant funding for the 2017/18 financial year. The city has received seven eligible applications.

### **Background**

The purpose of this report is to recommend that Council approve funding through the heritage grants fund for works to the following heritage listed properties:

- 6 Kings Road, Subiaco;
- 201 Railway Road, Subiaco;
- 80 Townshend Road, Subiaco;
- 22 Kings Road, Subiaco;
- 15 Kings Road, Subiaco;
- 10 Redfern Street, Subiaco; and
- 57 Salisbury Street, Subiaco

In August 2013 (Item D16) Council adopted Planning Policy 3.3 'Heritage Incentives' and established the Heritage Grants Scheme Reserve to provide grants for works which contribute to the conservation and enhancement of privately owned places listed on the Town Planning Scheme Heritage List or located within a Heritage Area.

To date the city has undertaken seven rounds of grant funding resulting in noteworthy outcomes which have assisted property owners with works that conserve, reveal and/or enhance the heritage significance of their properties.

### **Comment**

Applications for the current round of funding opened on 7 August 2017 and closed on 22 September 2017. The city sent letters to all eligible property owners and advertised the call for applications on the city's website and through Subi Scene.

As per the requirements all applicants submitted three quotes for the proposed works except in two cases where specialist trade people/suppliers are required and three were unable to be provided. A table summarising the applications is included as Attachment 1 to this report. Full copies of the applications have been included in the 'For Information' section of this report. All applications are eligible for grant funding through the city's heritage grants program.

Should Council adopt the officer recommendation, owners with approved funding will be required to sign and submit the Heritage Grants Conditions of Funding form and the Schedule of Works form. The approved funds will be issued to the property owners on the completion of the works.

#### *6 Kings Road, Subiaco*

No. 6 Kings Road, Subiaco is identified as making considerable contribution to the heritage values of the Kings Road Heritage Area.

The property owners have applied for grant funding for the installation of a traditional tessellated tiled floor to the front verandah/porch, located on the northern side of the front projecting central wing. The owners purchased the property recently and have invested a significant amount of time and resources in enhancing and conserving the house including works to repair the prominent front gable. The proposed works will further enhance the heritage values of the place and its contribution to the Kings Road Heritage Area.

*201 Railway Road, Subiaco*

No. 201 Railway Road, Subiaco, a former store with attached residence, is listed on the city's Town Planning Scheme Heritage List as a place of 'considerable significance' (level 2).

The owners have recently invested a significant amount of time and resources in renovating the place while respecting and conserving its heritage values. These works were all undertaken prior to the Council including the property on the Heritage List. The owners are applying for a grant to assist with repairing a section of the tuck-pointing to the front façade of the residence. Tuck-pointing is an original feature of the building and its restoration will assist in further enhancing and conserving the heritage values of the place.

*80 Townshend Road, Subiaco*

No.80 Townshend Road, Subiaco is listed on the city's Town Planning Scheme Heritage List as a place of 'some significance' (level 3).

The owners have applied for funding in order to re-instate an original timber verandah floor and to replace flashing and timber trims to the bullnose verandah roof. The current verandah floor is a later concrete addition. Original verandahs and their detailing are important features of heritage buildings and the proposed works will assist in conserving and enhancing the heritage values of the place.

*22 Kings Road, Subiaco*

No. 22 Kings Road, Subiaco is a contributory building located in the Kings Road Heritage Area.

The owner has applied for funding in order to re-instate a sympathetic front fence. The current front fence is a solid masonry wall which blocks visibility of the house from the public realm and adversely impacts on the traditional streetscape setting of the house.

Front fencing is a traditional development feature of the Kings Road streetscape and the proposed new post and wire front fence will complement the style of the existing building and the traditional streetscape character. Replacement of the solid masonry wall with a front fence in a traditional and sympathetic style will further enhance the heritage features of the house and the area as a whole.

*15 Kings Road, Subiaco*

No. 15 Kings Road, Subiaco is a contributory building located in the Kings Road Heritage Area.

The owners have applied for grant funding to assist with re-stumping the front verandah and also replacing the roof and guttering to the verandah. The verandah has subsided significantly and is causing the timber detailing to the verandah to move and crack. The verandah roof and gutters are rusted in places causing water ingress.

The proposed works are visible from the streetscape and will assist in conserving the front verandah which is a significant and highly visible original element of the house.

*10 Redfern Street, Subiaco*

No. 10 Redfern Street is a contributory building located in the Union and Redfern Street Heritage Area.



The owners have applied for grant funding to undertake urgent repairs to the front verandah. The works involve repairing and/or replacing rotting timber verandah posts, beams and brackets and installing new guttering. The proposed works will assist in conserving an important element of the house and the streetscape.

*57 Salisbury Street, Subiaco*

No. 57 Salisbury Road, Subiaco is a contributory building located in the Chesters' Subdivision Heritage Area.

The property owners have applied for funding to restore the terracotta roof tiles, replace guttering and to make changes to the existing front fence.

Repairs to the original tiled roof and the replacement of guttering will assist in conserving the house and its contribution to the streetscape. These works are supported and are recommended for grant funding.

It is however not recommended that Council approve grant funding for the replacement of the steel panels to the front fence with timber pickets. The current fence is made up of high masonry piers and high masonry panels topped with steel panels. Both the height of the piers and the masonry panels exceed the front fencing provisions in Local Planning Policy 3.6 'Development guidelines for residential heritage areas'. Despite the proposed changes the fence will remain visually intrusive in the streetscape. The more appropriate alternative, and one that would be considered eligible for funding, would be to remove the fence entirely and replace with a lower fence in a complementary style, such as a picket fence.

*67 Hamersley Road, Subiaco*

At its meeting of 23 May 2017 (item D8), Council resolved to defer consideration of an application from the owners of No. 67 Hamersley Road as insufficient information had been provided with the application and the owners were overseas. Following the May resolution, city officers contacted the owners to discuss the additional information required in order to consider their application. Further information has not been forthcoming thus the application could not be assessed and it is recommended that Council notes this. Should the owners submit an application in the future, this would be considered on its merits and assessed against the funding criteria at the time of submission.

**Consultation**

No consultation was necessary for the purposes of this report.

**Strategic Implications**

The city's Corporate Business Plan 2013-17 (CBP) integrates the community aspirations identified as part of the Think 2030 community visioning process into local government operation and service delivery. Focus Area 4 'The Built Environment' includes strategy 4.1.1 Identify and protect significant heritage buildings. Within this strategy are the actions 'Formulate programmes to raise awareness of built heritage in the city', 'Develop policies to assist landowners in the restoration and preservation of buildings and places' and 'Consider incentives for owners to preserve and restore heritage buildings'.

**Statutory and Policy Considerations**

Section 45 of the Heritage of Western Act 1990 requires that a local government compile and maintain an inventory of buildings (places) within the district which, in its opinion, are or may become of cultural heritage significance.

Schedule 2, Part 3 of the Planning and development (Local Planning Schemes) Regulations 2015 requires the local government to establish and maintain a heritage list to identify places within the scheme area that are of cultural heritage significance and worthy of built heritage conservation and to designate heritage areas.

**Risk and Asset Implications**

There are no risks associated with the recommendation.

**Financial**

Funds to the value of \$50,000 were allocated for the heritage grants fund this financial year with approximately \$25,000 made available for each of the two grant rounds. The total cost of this round is \$21,195.67.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachments**

1. Table summarising Heritage Grant Applications (3 pages)

**For Information**

1. Copies of Grant Applications (77 pages)

**C4 SUBIACO EAST PARKING PRECINCT PUBLIC CONSULTATION\***

This item was dealt with earlier in the meeting. See page 30.

**C5 LORDS MEMBERSHIP INCENTIVES FOR CITY OF SUBIACO RESIDENTS\*****REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES**

**Author:** Manager Recreational Services, Rohan Klemm  
**Date:** 20 November 2017  
**File Reference:** A/2045-02  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Matheson/seconded Cr McAllister

**That Council:**

1. **Continues to offer Lords membership prices that are comparable with other local government recreation facilities;**
2. **Continues to offer Lords membership discounts to groups of four or more, students, concession card holders, seniors, and City of Subiaco residents aged 80 and over.**

CARRIED 7/4

CRS STROUD, RICHARDSON, MATHESON AND MUMMERY VOTED AGAINST

8.36pm

**Executive Summary**

This report has been prepared following a resolution of the 29 August 2017 Council meeting (item C11.2) through an elected members' motion. The resolution requested a report on "*ways to incentivise membership from Subiaco ratepayers and residents to join Lords health and recreation facility.*" The incentives that have been considered include offering a discount or adding extra time to memberships.

Lords currently has approximately 2,020 members, of which 726 are City of Subiaco residents. If Lords was to provide membership incentives for residents there would be a financial impact on the centre in terms of the value of these incentives provided to current members, or any new members, who are residents. Based on known current members this value would be approximately \$45,000 - \$50,000 depending on the type of incentive.

The City has consulted with other local government authorities about the incentives they provide to residents for membership of recreation centres. Whilst it is considered an excellent way to demonstrate good will for the residents of a local government, no evidence was provided to indicate provision of incentives actually increased memberships and participation.

**Background**

Lords offers a full membership to the facility for \$912 per year or a 'day' membership (until 3.30pm only) for \$792 per year. A full membership includes unrestricted access to the gymnasium, group fitness classes and pool. Memberships can be paid up front or under an ongoing direct debit arrangement. Other membership options for shorter periods or for the pool only are also available.

There are discounts provided to some customers:

Groups of four or more	10%
Student & Concession Card holders	15%
Seniors	20%
City of Subiaco residents* aged 80+	100% (ie no charge)

*\* Non-residents aged 80+ who have been a member at Lords for more than five years are also entitled to a 100% discount.*

A membership analysis conducted in September 2017 showed that current membership of Lords is 2,021 with 726 (35.9%) residing within the City of Subiaco. The top six suburbs represented are Subiaco (407), Wembley (241), Floreat (167), Shenton Park (123), Jolimont (106) and Daglish (90). A 'member map' is provided at Attachment 1.

Membership numbers for Lords have fluctuated over the last few years. The centre achieved some high membership numbers around 3,000 in 2014/15 immediately after the facility closure period in 2014 however this dropped off over the following 18 months to 1,800. Membership numbers do fluctuate from month to month depending on expiring, cancelling, renewing and new members however, overall, memberships have been on a slow but steady increase since the start of 2016/17.

### **Comment**

The current pricing structure for Lords memberships provides various opportunities for customers to maximise value for money:

- 1) Membership prices are comparable to other similar facilities in the region;
- 2) Different membership periods, off peak options and direct debit options provide purchasing variety for customers to tailor memberships to their circumstances; and
- 3) Discounts are available for specific customer groups.

A Lords membership is very reasonably priced for the service it offers. The 700sqm fully equipped and staffed gymnasium is larger than most local government run facilities, and the group fitness program provides great variety with over 80 class options per week including the most popular contemporary classes such as RPM and BodyPump. The pool, whilst small in comparison to other local government aquatic facilities, provides lap swimming in a temperature controlled environment.

Cost is often perceived as a barrier for memberships however Lords, like most facilities, offers targeted membership campaigns at specific times each year to attract new customers particularly those who may be sensitive to price. Such campaigns are discrete and only operate for a short period of time to heighten the incentive. As an example, the recently completed '30 days for \$30' campaign which ran in October had 427 new customers sign up to Lords. The intent of these campaigns is to overcome that initial perceived price barrier and then, through excellent customer service and demonstrating value for money, convert them into ongoing members at the normal price.

In general, the main determining factor whether a customer becomes a long term member is not the price, it is more the extent to which they have enjoyed the customer experience. A facility like Lords, which is run by Local Government and is a reputable part of the community, is well positioned to maximise the customer experience and therefore increase the chances of customers choosing to commit long term.

### Incentives for City of Subiaco residents

It is difficult to assess whether offering incentives to City of Subiaco residents would result in a significant increase in Lords member numbers.

Perhaps one benefit of providing a discount for City of Subiaco residents would be the goodwill it creates and acknowledgement that, as residents, the rates they pay help support the operation of Lords.

One option for a membership incentive for residents would be to offer a discount. Whilst it seems logical that a discount for residents will attract more members to the facility, none of the other Local Government facilities consulted about their residents' discount were able to quantify the impact, and anecdotally the feedback was that it did not significantly increase membership numbers.

Conversely, if a discount was introduced Lords would experience a decrease in income from those 726 current members who are City of Subiaco residents. Based on known income from the 2016/17 financial year, the lost income would be approximately \$44,915 for a 10% discount. Lords would need to attract an additional 54 members at full price to make up this shortfall.

A second option for a membership incentive for residents could be to provide additional time on memberships for residents. As an example, if a resident takes out a membership they could get an extra month on the membership. Some conditions could apply to keep it simple, such as only applying the extra month when the resident purchases a full 12 month membership. An extra month could be applied on an annual basis if the resident remains living in the City and maintains their membership.

Providing extra free time to a membership does result in 'lost income' for the centre. Each month of a full membership has a value of \$69, so if all 726 current resident members were eligible for a free month, that would equate to \$50,160 of lost income.

### Consultation

The City has consulted with other local government recreation facilities to understand how many offer discounts for residents and whether this resulted in increased participation or membership levels. In summary, the results showed that:

- 1) Only four of the 13 Local Governments who responded offer a discount to residents;
- 2) The average discount was approximately 10%; and
- 3) None of the Local Governments that offered a discount were able to substantiate that the discount increased participation at their facility.

### Strategic Implications

The operation of Lords, and the memberships provided, is captured in Focus Area One of the City's Strategic Community Plan:

Focus Area	Our Sense of Community.
Objective	A diverse, inclusive community where all members enjoy health and wellbeing, a sense of belonging and feel safe.
Strategy	1.2.1 Facilitate a range of opportunities to foster community health and wellbeing that are accessible and inclusive for everyone. 1.2.2 Ensure a range of recreation opportunities for the community.

**Statutory and Policy Considerations**

If a membership discount for residents was introduced at Lords, Council would need to adopt new fees and charges to reflect the discount. This could be done either through the annual adoption of fees and charges leading into the 2018/19 financial year, or via a separate decision of Council with the appropriate public notification periods.

**Risk and Asset Implications**

There are no risks associated with providing an incentive for City residents to be members at Lords, other than the potential impact on the financial performance of the centre.

**Financial implications**

In 2016/17 Lords recorded \$1,251,109 income from membership sales. The 35.9% of members residing in Subiaco would therefore contribute approximately \$449,148 of this total income. If a discount was provided to these members the annual reduction in income for Lords would be as follows:

10% discount	\$44,915 per annum
20% discount	\$88,830 per annum

At \$912 for a full membership (not including any discounts), Lords would need to attract an additional 54 members to make up the lost income from a 10% discount, or 108 members for a 20% discount.

If Lords was to provide an extra month for free for residents, it would represent a value of \$50,160 per annum for the 726 current resident members.

The net operating result for Lords in 2016/17 was a deficit of \$1,216,130.

All figures in this report do not include GST.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachments**

1. Lords Member Map

**For Information**

There are no information documents for this report.

## **C6 SELBY STREET AND NASH STREET INTERSECTION UPGRADE BY LANDCORP\***

This item was dealt with earlier in the meeting. See page 42.

## **C7 CITY OF PERTH ACT – BRUCE FAMILY TRUST\***

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

**Author:** Luke Willcock, Manager Commercial Services and Economic Development  
**Date:** 15 November 2017  
**File Reference:** A/4491  
**Voting Requirements:** Simple – more than half elected members present required voting in favour

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

Moved Cr Mummery/seconded Cr McAllister

**That Council authorise the CEO to execute the attached Deed between the City of Perth and City of Subiaco that requires both Parties will act in good faith, cooperate, and do everything reasonably necessary to arrange for the Development of a Joint Trustee relationship between Perth and Subiaco for the Crawley Land the subject of the Bruce Family Trust.**

CARRIED 8/3

CRS RICHARDSON, MATHESON AND McMULLEN VOTED AGAINST

9.03pm

### **Background**

Council considered a report at its 23 May 2017 meeting regarding the City of Perth Act financial arrangements and Bruce Family Trust. The outstanding issue being the \$500,000 payment for staff redundancy costs that the CoP was to pay the City of Subiaco (the city) as part of the transitional arrangements emanating out of the City of Perth Act.

Notice was given to the CoP that they pay the outstanding amount of \$500,000 by 30 June 2017. Payment was not received and as per Council's resolution the CEO referred the matter to the Minister for Local Government and Communities requesting the Minister's intervention. The Minister responded to the request of intervention by advising that the two local governments meet again in good faith in order to resolve this matter.

The land in question is commonly known as the Bruce Family Trust land, comprising of lots 1,2,3 and 793 on deposited plan 2948 comprised in Certificate of title Volume 138 Folio 127 was originally called Crawley Land. This land was transferred to and vested in the city by the Bruce family upon trust for the purpose of a reserve and recreation ground under an Indenture dated in 1909. That trust is noted on the title by way of a caveat numbered 171/1909. Under the terms of the trust, the Crawley land must remain under the management and control of the City of Subiaco. Due to the City of Perth Act this land falls within the new boundaries of the City of Perth. This land is adjoining to the JH Abrahams Reserve.

**Comment**

As a result of the Minister's direction the CEO spoke with CoP in relation to the \$500,000 payment. The CoP raised the matter of the Trust land again and proposed a way to resolve the outstanding matters by execution of a Deed of agreement. The City of Perth would like a better structure agreed to for the management of the Bruce Family Trust lots, noting that the CoP would be responsible for the ongoing maintenance of the lots and any liability issues from the public using them but has no technical ownership or tenure over the lots.

The city's position has been that these lots are to be maintain in perpetuity for public access as per the trust. The concern is that should the lots be transferred to the CoP, noting the trust could be varied through the Supreme Court, then at some stage in the future the CoP could sell these, subject to court approval. Similarly the CoP is concerned that at some stage in the future, the City could go down the same path. It was pointed out that neither local government was contemplating this action however a solution needed to be identified to ensure that the public access, status quo, was to be maintained into the future.

Legal advice previously sought proposed the possibility of a both local governments being appointed as joint trustees. This would require the approval of the Supreme Court which would need to be satisfied a joint trustee arrangement could work. The legal advice also stated that the general law duty of a trustee to 'act personally' may present significant challenges for the practical implementation of a joint trustee arrangement in this situation. Whether or not those challenges could be overcome is essentially a management question rather than a legal one and would need to be addressed as part of the submission.

This solution would ensure that both local governments would have to agree to vary the intent of the trust and therefore preserve the status quo.

There would still be a legal process to go through to get a joint trust deed and a management plan developed, however the intent is that the CoP would be responsible for maintenance, insurance and liability matters under these arrangements.

This is seen as a fair and reasonable approach to resolve the matter with the CoP and ensure that the Bruce Family Trust land is protected and maintained for future generations.

**Consultation**

Relevant staff at the City of Perth have been consulted and legal advice sought.

**Strategic Implications**

The joint trust deed protects the city's position in that these lots are to be maintained in perpetuity for public access as per the trust. It would also clearly define both parties mutual obligations and set a process in place.

**Statutory and Policy Considerations**

Based on the legal advice received, the lots covered by the Bruce Family Trust can be covered by a joint trust deed.

The transitional arrangements for the implementation of the City of Perth Act were carried out in accordance with Schedule 2.1 of the Local government Act 1995 and the supporting guidelines.



In the event there is a dispute between the local governments the City can request that the Minister for Local Government intervene. This could result in a Governors Order being issued (clause 9.62) or a direct order being issued by the Minister in accordance with clause 9.63.

### **Risk and Asset Implications**

The asset (land) still remains with the city as outlined in the Bruce Family Trust however will now be in joint Trustee with the CoP. The issues of maintenance, insurance, and liability are addressed through this proposal mitigating risk to the City of Subiaco.

### **Financial**

The shortfall of funds through the non-payment by the City of Perth has impact on the City's capacity to deliver on the 2016/17 budget and may impact on future year's rates.

The CoP will pay for the cost of legal documents associated with development of the joint trust deed and would be responsible for maintenance, insurance and liability matters.

### **Social and Environmental Implications**

The Bruce Family Trust land will be maintained and protected for future generations as part of JH Abrahams Reserve.

### **Attachments**

1. Legal Advice on a joint trust (confidential)
2. Deed between City of Perth and City of Subiaco (confidential)

## C8 FINANCIAL STATEMENTS AND REPORTS FOR THE MONTH ENDING 31 OCTOBER 2017\*

### REPORT FROM DIRECTOR CORPORATE SERVICES

**Author:** Manager Financial Services, Bianca Jones  
**Date:** 4 November 2017  
**File ref:** A/122-08  
**Voting requirements:** Simple - more than half elected members present required to vote in favour

#### OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Richardson/seconded Cr McAllister

**That the financial reports for the period ending 31 October 2017, incorporating the following items, be endorsed:**

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

CARRIED ENBLOC 11/0

6.11pm

#### Background

The monthly financial reports provide an overview of the city's financial performance. These reports represent the financial position at 31 October 2017 for the city and at the time of preparing this report the end of year financials had been audited by the city's external auditors but yet to be received by council. A full set of audited financial statements for the year ending 30 June 2017 have been considered at the Audit and Risk Committee on 20 November 2017 and are presented as a separate item to council as part of this agenda.

#### Comment

##### *Financial activity statement report*

The City's revenues and expenditures are generally in line with budget expectations except as noted. Revenues and expenditures are detailed in the financial statements attached. The report format has been modified so that all amounts are now shown as a positive value to enable more consistent reflection of variances.

##### *Balance sheet*

The City has current assets of \$84,381,795. The major components of which are; cash and investments of \$71,783,541, rates debtors of \$10,377,490, and sundry debtors of \$2,429,471 (including Modified Penalties). There are current liabilities totalling \$7,986,034 and cash backed reserves of \$52,051,509. The City's net current assets equal \$76,395,762 less restricted assets (Reserves) of \$52,051,509 resulting in a net current position of \$24,344,253.

*Cash flow statement*

Net cash provided by operating activities is \$13,609,447 for the period to date. The net cash used in financing activities is (\$203,668). Overall the cash flow statement shows that the city is well placed to meet its budgeted obligations.

*Cash backed reserves summary*

The closing balance of cash backed reserves is \$52,051,509. The reserve summary shows all movements to and from reserve to achieve the expected closing balance. The report provides information on the city's ability to allocate funds for future projects by providing a closing balance comparison to budget. Reserve movements are reconciled and adjusted in December and June each year and where major movements are planned adjustments are also made to reserves in that period. In July 2017 \$13,000,000 was transferred to the Capital Investment Reserve following sale of the Hay Street property and is categorised as Cash and Investments in the Balance Sheet.

*Aged trial balance (debtors)*

The report provides a listing of outstanding debts payable to the City of Subiaco. The balance of debts outstanding at 31 October is \$2,429,471.

All debts that have been paid or written off after the end of month have been highlighted on the attached report. Payments of \$88,701 were received after 31 October, reducing the balance of debts outstanding to \$2,340,770 at the time of preparing the debtors report.

The outstanding invoice to City of Perth relates to negotiations following the City of Perth Act. The Minister for Local Government; Heritage; Culture and the Arts has instructed the City of Subiaco to undertake mediation with the City of Perth to resolve the issues with the one off payment of \$500,000 towards the City of Subiaco's redundancy costs. A separate report will be presented to council on this matter following discussions with the City of Perth.

The credit balance for Edgebrook Nominees relates to a payment made in advance. This is currently being offset against their monthly rental invoices as they are raised.

The outstanding amount of \$194,394 from Home Base Management Pty Ltd relates to the remaining three rates instalments. An amount of \$64,815 was paid after statement date reducing the balance outstanding to \$129,579. The next instalment of \$64,815 is due on 12<sup>th</sup> January 2018.

*Rates reconciliation summary*

Total rates, FESA and waste service charges levied for the year are \$31,901,879. The payments received to date total \$21,377,110 which includes pensioner rebates claimed from State Treasury of \$877,174. A reconciliation of the rates and waste service charges is included in the attachments. These payments and reductions resulted in a balance outstanding for rates and waste service charges of \$10,524,768 (including Deferred Pensioner Rates).

*Summary of cash and investments*

The City currently holds financial investments of \$68,358,509.

The city's investment policy operates with a view to maximising income and capital growth in relation to liquid assets. For short term liquid investment assets the policy

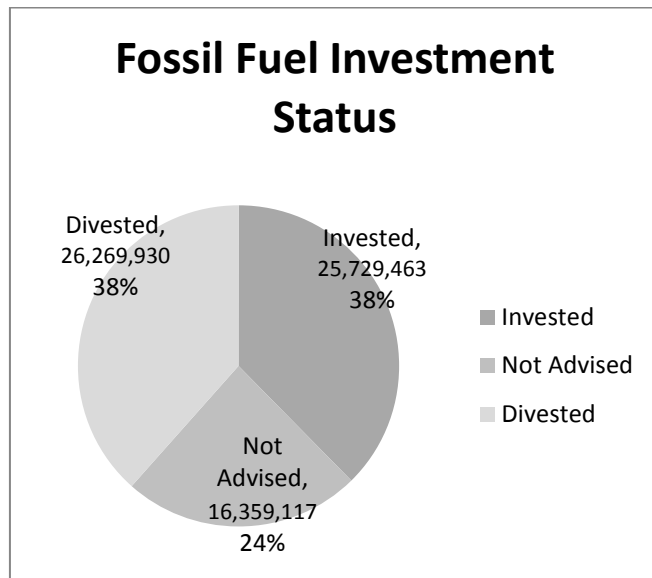
requires that no more than 30% is to be invested with any one institution. The table below shows the current percentage of investments held with each institution.

Institution	Total Investment (Municipal)	Total Investment (Reserves)	Total Investment	%	Fossil Fuels
ANZ	-	6,627,600	6,627,600	10%	Invested
Bankwest	10,307,000	6,052,117	16,359,117	24%	Not Advised
Bendigo	-	9,411,158	9,411,158	14%	Divested
CBA	2,000,000	1,282,663	3,282,663	5%	Invested
NAB	2,000,000	13,819,199	15,819,199	23%	Invested
Suncorp	2,000,000	14,858,771	16,858,771	25%	Divested
	<b>16,307,000</b>	<b>52,051,509</b>	<b>68,358,509</b>	<b>100%</b>	

The policy also sets the requirement of a minimum A-2 rating for any institutions the city invests in short term bank deposits and bank bills. The table below shows the current value of investments held at each credit rating permitted by the policy.

Standard & Poors Short-Term Issue Credit Ratings						Total	%
A-1	10,795,405	A-1+	48,151,946	A-1-	-	58,947,350	86%
A-2	9,411,158	A-2+	-	A-2-	-	9,411,158	14%
						<b>68,358,509</b>	<b>100%</b>

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



Fossil Fuel	Total	%
Invested	25,729,463	38%
Not Advised	16,359,117	24%
Divested	26,269,930	38%
	<b>68,358,509</b>	<b>100%</b>

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

*Payment to creditors*

Payment from the City's accounts for the period totalled \$3,692,686. Cheques were drawn and electronic fund transfers processed to the value of \$2,814,083 from the municipal fund \$6,062 from the trust fund for payment of creditors. Employee payments, made via electronic funds transfer totalled \$872,542 for the period. Payment details for the month are contained in the payments cash book and credit card payments summary attached.

***Credit card payment summary***

Payment for purchases made by the City using the city's corporate credit cards totalled \$13,655. A reconciliation of the credit card transactions is included in the attachments.

**Consultation**

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

**Strategic Implications**

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

**Statutory and Policy Considerations**

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

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

**Risk and Asset Implications**

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

**Financial**

The attachments show that the city's financial performance for 2017/2018 is essentially in line with its budget.

**Social and Environmental Implications**

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

**Attachments**

1. Financial activity statement report (2 pages)
2. Balance Sheet (2 pages)
3. Cash Flow Statement (2 pages)
4. Cash backed reserves summary (1 page)
5. Aged trial balance (debtors ) (1 pages)
6. Rates reconciliation and summary (1 page)
7. Summary of cash and investments (2 pages)
8. Payments cash book and schedule of accounts October 2017 (47 pages)
9. Credit Card payment summary October 2017 (1 page)

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

**Author:** Executive Assistant, Kerry Plantinga  
**Date:** 20 November 2017  
**File Reference:** A/4469  
**Voting Requirements:** Simple - more than half elected members present required to vote in favour

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Richardson/seconded Cr McAllister  
**That Council receive the information in this report.**

CARRIED ENBLOC 11/0  
6.11pm

**Background**

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

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

**Comment**

The following reports are presented to Council at the Ordinary Council meeting of November 2017:

1. October 2017 Monthly Planning Report
2. Building and Health Monthly Statistics – October 2017
3. Lords Report – Quarter 1 2017/18
4. Facebook Stats – 23 October – 19 November 2017
5. Seal Register –October 2017

**Consultation**

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

**Strategic Implications**

There are no strategic implications for this report.

**Statutory and Policy Considerations**

There are no statutory or policy implications for this report.

**Risk and Asset Implications**

There are no risk and asset implications for this report.

**Financial**

There are no financial implications for this report.

**Social and Environmental Implications**

There are no social or environmental implications for this report.

**Attachments**

1. October 2017 Monthly Planning Report
2. Building and Health Monthly Statistics – October 2017
3. Lords Report – Quarter 1 2017/18
4. Facebook Stats – 23 October – 19 November 2017
5. Seal Register – October 2017

**11. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C11.1 ELECTED MEMBER'S MOTION – SUBIACO MEN'S SHED\***

This item was dealt with earlier in the meeting. See page 49.

**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**

Nil

**14. CLOSURE OF MEETING**

The presiding member declared the meeting closed at 9.04pm.