

MINUTES

SPECIAL COUNCIL MEETING

COUNCIL CHAMBER
241 ROKEBY ROAD, SUBIACO

TUESDAY 14 NOVEMBER 2017

COMMENCEMENT: 5.30PM
CLOSURE: 8.18PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The presiding member declared the meeting open at 5.30pm and welcomed councillors, the media and members of the public and staff. Mayor Taylor also acknowledged on behalf of the city the Nyungah people as the traditional custodians of the area and recognised the continuing cultural connection of the Nyungah people with the land and waterways of Subiaco.

2. ATTENDANCE / LEAVE OF ABSENCE / APOLOGIES

Elected Members

Mayor Taylor	
Cr Gederó	Central Ward
Cr Mansfield	Central Ward
Cr Mummery	Central Ward
Cr Davis	East Ward
Cr Matheson	East Ward
Cr Rowe	East Ward
Cr McAllister	North Ward
Cr Nash	North Ward
Cr Stroud	North Ward
Cr McMullen	South Ward
Cr Richardson	South Ward

Staff Members

Don Burnett	Chief Executive Officer
Kathy Bonus	Director Community and Development Services
Scott Hawkins	Director Corporate Services
Alan Millard	Director Technical Services
Shane Asmus	Manager Transport and Development
Sandi Found	Minutes Secretary

Approved Leave of Absence

Nil

Apologies

Public gallery present

Members of the public	18
Members of the press	2

2.1 Leave Of Absence – Cr Gedero

COUNCIL DECISION

Moved Cr Matheson/seconded Cr Mummery

That Councillor Gedero be granted leave of absence for all meetings of Council from 6 December 2017 to 31 January 2018.

CARRIED 12/0
5.32pm

3. DISCLOSURE OF INTEREST

SC3 Town Planning Scheme No. 4 Amendment No. 35 – Development Provisions for the Lots Zoned Commercial/Residential on the Western Side of Rokeby Road Between Hamersley And Nicholson Roads, Subiaco – Initiation and Request to Advertise

Cr Rowe declared an indirect financial interest in item SC3 as one of the interested parties who has involvement in property in the area is his landlord on another property.

4. PUBLIC QUESTION TIME

Parking – Violet Grove And Hilda Street

Alicia Hanson, 28 Hilda Street, Shenton Park asked

Can Council revert parking regulations on Hilda Street and Violet Grove to 2 hours parking limit until it is able to conduct its own survey of all residents views on desired parking regulations in the two streets, as outlined in Section 8.1 of Subiaco's Policy Outline?

The Director Community and Development Services advised:

Council cannot revoke its previous decision (made through an Elected Members Motion in September 2017) as this has been implemented; however Council can make a new decision on the matter if it chooses to do so.

The Petition dated 25 January 2017 stated:

"We the residents and ratepayers of the City of Subiaco, within the South Ward of the City (and specifically Hilda and Violet Grove) do request that the Council gazette these streets as Resident and Visitor Parking Only at all times.

Summary of reasons for the request: People in Violet Grove and Hilda Street want easy access to our home, garages and carports. We want safe vision when exiting from driveways, we want safe vision for children crossing streets. We want resident only parking at all times, regardless of what may be recommended by the Rosalie Parking Plan and that parking in these streets be for residents and family, friends, visitors and tradesmen at all time."

The petition was signed by Ms Alicia Hanson of 28 Hilda Street on 16 December 2016.

5. PUBLIC STATEMENTS

SC1 RAR - 375 Roberts Road & 10 Rokeby Road (DA 7.2017.130.1)

Angela Hamersley, 29 Gloster Street, Subiaco submitted and read a statement against the proposed extension of time.

Ines Janca, 28 Catherine Street, Subiaco submitted and read a statement against the proposed extension of time.

Linda Rogers, 152 Park Street, Subiaco submitted and read a statement against the proposed extension of time.

SC2 NO. 26 (Lot 51) Violet Grove Shenton Park – Alterations And Two Storey Addition To Existing Dwelling (DA 7.2017.82.1)

Ian Hart, 26 Violet Grove, Shenton Park submitted and read a statement in support of the application.

Russell Corr on behalf of Sky and Wolfgang Ritter, 24 Violet Grove, Shenton Park submitted and read a statement against the application.

SC6 Selby Street and Nash Street Intersection Upgrade By Landcorp

Mark Riddell, Pritchard Francis and Miriam Yaqub from Landcorp made a statement supporting the installation of a roundabout.

6. PETITIONS AND APPROVED DEPUTATIONS

6.1 16-20 York Street, Subiaco

COUNCIL DECISION

Moved Cr McAllister/seconded Cr Matheson

That the petition tabled by Mayor Taylor from Gillian Anderson, 109 Roberts Road, Subiaco containing 301 signatures stating as below be received.

“Requirement:

Revocation of the elected members’ motion C11.3 passed on 23 May 2017, providing for the continuance of the expired nonconforming use exemption at 16-20 York Street Subiaco.”

CARRIED 11/1
CR RICHARDSON VOTED AGAINST
6.07pm

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.1 Paint Subi

Mayor Taylor encouraged all elected members to take a walk around the town centre and check out the new murals painted by local and international artists transforming four prominent walls in the town centre.

The calibre of artists attracted and the work by city staff have contributed to making Subiaco a more vibrant destination. There is already an incredible sense of pride in the community about these artworks.

8. EMPLOYEE REPORTS

SC1 RAR - 375 ROBERTS ROAD & 10 ROKEBY ROAD (DA 7.2017.130.1)

Form 2 - Responsible Authority Report (Regulation 17)

Property Location:	No. 375 (Lot 19) Roberts Road, Subiaco and No. 10 (Lot 22) Rokeby Road, Subiaco
Development Description:	Demolition of Existing Buildings and Construction of Restaurants, Fast food outlets, Shops, Small Bar, Roof Top Bar, Car Parking, Parking Station, Residential Apartments, Resident Amenities, Open Air Cinema & Public Lanes & Arcades
Proposed Amendments:	Extension of approval period until 25 February 2023
DAP Name:	Metro West Joint Development Assessment Panel
Applicant:	Roberts Day
Owner:	Subigate Pty Ltd
Value of Amendment:	Nil
LG Reference:	DA 7.2017.130.1
Responsible Authority:	City of Subiaco
Authorising Officer:	Kathy Bonus
Department of Planning File No:	DAP/14/00680
Report Date:	26 October 2017
Application Receipt Date:	10 October 2017
Application Process Days:	35
Attachment(s):	<ol style="list-style-type: none"> 1. Original Planning Approval dated 25 February 2015 2. Section 31 reconsideration amended Planning Approval dated 4 September 2015 3. Consolidated conditions of planning approval (inc modified condition 1 if supported) 4. Applicants planning report

COUNCIL DECISION

Moved Cr Rowe/seconded Cr Davis

- A. That the Metro West Joint Development Assessment Panel resolves to:**
- 1. Accept that the DAP Application reference DAP/14/00680 as detailed on the DAP Form 2 dated 11 October 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;**
 - 2. Approve the DAP Application reference DAP/14/00680 to extend the period of time within which the development must be substantially commenced for the development approval granted 4 September 2015 for the Demolition of Existing Buildings and Construction of Restaurants, Fast food outlets, Shops, Small Bar, Roof Top Bar, Car Parking, Parking Station, Residential Apartments, Resident Amenities, Open Air Cinema & Public Lanes & Arcades at No. 375 (Lot 19) Roberts Road, Subiaco and No. 10 (Lot 22) Rokeby Road, Subiaco, subject to the following conditions:**
 - (a) All conditions and advice notes detailed on the Joint Development Assessment Panel Approval granted 4 September 2015 and included in Attachment 1 & 2 continue to apply to this approval with the exception of condition 1, which is modified as follows:**
 - 1. The decision constitutes planning approval only and is valid for a period 6 years from the date of approval being 25 February 2015. If the subject development is not substantially commenced within the 6 year period, the approval shall lapse and be of no further effect.**
- B. That, by supporting the two year extension to the term of the approval (to 25 February 2021), Council strongly encourages the landowner to activate the site in the interim period, before development commences and further reaffirms the Chief Executive Officer's recent invitation to work cooperatively to achieve this outcome through demolition of the existing structures, and landscaping for the implementation of interim use/s that would stimulate the use and activation of the site.**

CARRIED 11/1
CR MATHESON VOTED AGAINST

7.04pm

OFFICER RECOMMENDATION:

Moved Cr Rowe/seconded Cr Davis

That the Metro West Joint Development Assessment Panel resolves to:

1. Accept that the DAP Application reference DAP/14/00680 as detailed on the DAP Form 2 dated 11 October 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference DAP/14/00680 to extend the period of time within which the development must be substantially commenced for the development approval granted 4 September 2015 for the Demolition of Existing Buildings and Construction of Restaurants, Fast food outlets, Shops, Small Bar, Roof Top Bar, Car Parking, Parking Station, Residential Apartments, Resident Amenities, Open Air Cinema & Public Lanes & Arcades at No. 375 (Lot 19) Roberts Road, Subiaco and No. 10 (Lot 22) Rokeby Road, Subiaco, subject to the following conditions:

- a) All conditions and advice notes detailed on the Joint Development Assessment Panel Approval granted 4 September 2015 and included in Attachment 1 & 2 continue to apply to this approval with the exception of condition 1, which is modified as follows:
 - 1. The decision constitutes planning approval only and is valid for a period 8 years from the date of approval being 25 February 2015. If the subject development is not substantially commenced within the 8 year period, the approval shall lapse and be of no further effect.

Details: outline of development application

Insert Zoning	MRS:	Urban
	TPS:	Town Centre Development zone
Insert Use Class:		Shop – P Restaurant – P Fast Food Outlet - D Small Bar - D Multiple Dwelling – P Roof top bar (Tavern) - D
Insert Strategy Policy:		City of Subiaco Local Planning Strategy
Insert Development Scheme:		Town Planning Scheme No. 4
Insert Lot Size:		Lot 19 - 1,667m ² Lot 22 - 3,784m ² Total - 5,451m ²
Insert Existing Land Use:		Disused commercial building, two level car park and at-grade parking (Lot 22); and a disused commercial building and at-grade parking (Lot 19)

Approval is sought to extend the period of time in which the approved development application must be substantially commenced, by an additional four (4) years – taking it to an overall eight (8) year period. It is noted that approximately two and a half years have already been utilised. This would require the applicant to substantially commence the development by 25 February 2023.

AMENDMENT 1

Moved Cr Richardson/seconded Cr Matheson

Amend point 2(a) to read:

- a) All conditions and advice notes detailed on the Joint Development Assessment Panel Approval granted 4 September 2015 and included in Attachment 1 & 2 continue to apply to this approval with the exception of condition 1, which is modified as follows:
 - 1. The decision constitutes planning approval only and is valid for a period 6 years from the date of approval being 25 February 2015. If the subject development is not substantially commenced within the 6 year period, the approval shall lapse and be of no further effect.

CARRIED 7/5

MAYOR TAYLOR, CRS NASH, DAVIS, GEDERO AND MANSFIELD VOTED AGAINST

6.29pm

Cr Richardson provided the following reasons:

- 1. *The officer report says the "standard and widely accepted time frame to substantially commence a development is two (2) years"*
- 2. *This development has been before the City since 2008 [? please put year in], when a proposal that fitted within Subiaco local planning policies was approved.*

3. *The Minister's intervention to approve a 16 storey tower resulted in "the reasoning to have the extension sought" (P4 of the Agenda item) and a four (4) year term was provided for the more complex approval.*
4. *A scale back to the development magnitude approved 2008 [? please put year in] would substantially reduce the applicant's complexity to achieve a substantial commencement within four years, as the designs are unchanged.*
5. *The officer report indicates that the planning framework is substantially unchanged (P8), there has been no material change to the site.*

AMENDMENT 2

Moved Cr Matheson/seconded Cr Richardson

Amend Point 2(a) by adding and additional condition to read:

- b. 2. The applicant takes all reasonable steps to:
 - i. make improvements to the site during the extension of time and before the development commences to protect the urban character of the area essentially identified by open space, streetscape, land use and activity, State Planning Policy 3.5, clause 6.3.
 - ii. encourage vibrant and diverse uses of the site to promote the area as part of the Town Centre of Subiaco (ref. TPS4, clause 53(b)) until the approved development commences.
 - iii. revitalises this site known as the Pavilion Markets site, a strategically important site within the Subiaco Town Centre (ref. TPS4, 54B(a)), until the approved development commences.
 - iv. exercise those portions of the DAP Application approved on 4 September 2015 which permit partial or full demolition of the existing buildings are required to take all reasonable steps to protect the urban character of the area.

LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER 6/7
MAYOR TAYOR, CRS NASH, McMULLEN, DAVIS, ROWE AND
MANSFIELD VOTED AGAINST

6.54pm

Cr Matheson provided the following reasons:

- *The site has two development approvals, one in July 2009 for 5 storey and two levels of below ground parking, and the most recent DAP approval in September 2015 for 16 storeys residential/commercial development.*
- *None of the approved developments have commenced.*
- *The Council has been blamed for the lack of activation of the site.*
- *Many business owners have suffered bankruptcy or closure of their business after the markets closed in 2009.*
- *The Town Centre cannot continue to suffer from the ongoing dilapidation of the buildings, the loss of amenity, and neglect until 25 February 2023.*

AMENDMENT 3

Moved Cr Stroud/seconded Cr McAllister

That the additional point B be added to the recommendation:

- B. That, by supporting the two year extension to the term of the approval (to 25 February 2021), Council strongly encourages the landowner to activate the site in the interim period, before development commences and further reaffirms the Chief Executive Officer's recent invitation to work cooperatively to achieve this outcome through demolition of the existing structures, and landscaping for the implementation of interim use/s that would stimulate the use and activation of the site.

CARRIED 12/0
6.57pm

SUBSTANTIVE MOTION

- A. That the Metro West Joint Development Assessment Panel resolves to:
1. Accept that the DAP Application reference DAP/14/00680 as detailed on the DAP Form 2 dated 11 October 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
 2. Approve the DAP Application reference DAP/14/00680 to extend the period of time within which the development must be substantially commenced for the development approval granted 4 September 2015 for the Demolition of Existing Buildings and Construction of Restaurants, Fast food outlets, Shops, Small Bar, Roof Top Bar, Car Parking, Parking Station, Residential Apartments, Resident Amenities, Open Air Cinema & Public Lanes & Arcades at No. 375 (Lot 19) Roberts Road, Subiaco and No. 10 (Lot 22) Rokeby Road, Subiaco, subject to the following conditions:
 - a) All conditions and advice notes detailed on the Joint Development Assessment Panel Approval granted 4 September 2015 and included in Attachment 1 & 2 continue to apply to this approval with the exception of condition 1, which is modified as follows:
 1. The decision constitutes planning approval only and is valid for a period 6 years from the date of approval being 25 February 2015. If the subject development is not substantially commenced within the 6 year period, the approval shall lapse and be of no further effect.
- B. That, by supporting the two year extension to the term of the approval (to 25 February 2021), Council strongly encourages the landowner to activate the site in the interim period, before development commences and further reaffirms the Chief Executive Officer's recent invitation to work cooperatively to achieve this outcome through demolition of the existing structures, and landscaping for the implementation of interim use/s that would stimulate the use and activation of the site.

CARRIED 11/1
CR MATHESON VOTED AGAINST
7.04pm

Background

On 25 February 2015, the Metro West Joint Development Assessment Panel approved DA 7.2014.232.1 (DAP/14/00680) for No. 375 (Lot 19) Roberts Road, Subiaco and No. 10 (Lot 22) Rokeby Road, Subiaco (otherwise known as the Subiaco Pavilion Market site).

The application was for demolition of all existing buildings on site and construction of a 16 storey mixed use development comprising basement parking, restaurants, fast food outlets, small bar, shops, rooftop bar (tavern) and 292 residential apartments.

The development is separated into two components which are connected via a central pedestrian laneway. The western building fronts Rokeby Road and Roberts Road and is 3 storeys at the street frontage with height up to 5 storeys setback from the street. The eastern building fronts Roberts Road and Seddon Street and comprises a 6 to 8 storey podium fronting Roberts Road, a 5 storey podium fronting Seddon Street and a 16 storey tower.

A brief summary of the approved development is provided below:

- 350 car bays;
- 1 level of basement parking incorporating 146 car bays, 106 of which are for the commercial component and will be publically available in line with the local development plan requirements; and
- 204 residential car bays over 5 levels (1st to 6th levels) contained in the central core of the building;
- 2,563m² of ground floor commercial including 880m² of shop, and 1,703m² of food and beverage outlets (1,241m² restaurant, 293m² fast food outlets and 149m² small bar);
- A 470m² roof top bar (tavern) on the western building. This tenancy is intended to have an ancillary use as an open air cinema; and
- 292 residential apartments (48 studio apartments, 154 one bedroom apartments, 75 two bedroom apartments and 15 three bedroom apartments).

This approval included condition no. 1 which would cause the approval to lapse four (4) years from the date of this approval, being the 25 February 2019.

The applicant subsequently lodged an application for review with the State Administrative Tribunal (SAT) in March 2015 to either delete or modify a number of conditions (reference DR 92 of 2015). SAT invited JDAP to reconsider their decision pursuant to section 31 of the *State Administrative Tribunal Act 2004*. Accordingly, at its meeting of 4 September 2015, JDAP reconsidered its decision and accompanying conditions of approval resulting in the removal or modification of a number of conditions and accompanying advice notes.

The applicant has provided the following reasoning to have the extension sought, granted:

“As discussed, the current owners (Subigate Pty Ltd) are now in the process of selecting an experienced local development partner, with the intention of commencing the project as soon as possible. One of the key matters and priorities in securing the development partner and ultimate funding of the project, is to gain an extension to the current Development Approval as the remaining 16 months is not sufficient for an incoming partner to have confidence that they could prepare all marketing materials, launch the project for sales and achieve sufficient pre-sales to obtain bank construction funding (approximately 60% of the project) within the remaining 16 month period, given current soft market conditions.”

The issue of extension is not simply a matter of whether or not substantial commencement could be achieved in the available time, rather that the project is simply not able to proceed at all at the moment from a partnering and funding perspective. By agreeing to the extension the project can actually finalise these key matters and development can be brought forward ahead of what would occur if the project is left to seek a fresh approval on the expiry of the current approval.”

For the benefit of clarity, and given the relative complexity of the site’s history and approvals to date, the City has prepared a consolidated list of conditions of planning approval that currently apply (including a modified condition 1 if supported). This is provided for information only as part of **Attachment 3** of this report.

Further background information pertaining to the site and development history is contained in the original Responsible Authority Report (RAR) for the Metro West JDAP meeting of 25 February 2015.

Legislation & policy

Legislation

- *Planning and Development Act 2005 (Act);*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations);*
- *State Planning Policy 3.1 – Residential Design Codes (R-Codes); and*
- *Draft State Planning Policy 7: Design of the Built Environment (SPP 7) & Apartment Design Policy (Design WA).*

Local Policies

- *Local Planning Policy 1.4 Public Consultation for Planning Proposals (LPP 1.4); and*
- *Local Planning Policy 1.7 Amendment and Extension to the Term of Development Approval.*

Public Consultation

In accordance with clause 10.0(b) of Council’s LPP1.4, as the application for an extension of time does not involve any additional exercise of discretion in terms of the Scheme, R-Codes or policy provisions than what has already been exercised, no public consultation was required.

Consultation with other Agencies or Consultants

N/A

Local Planning Scheme

N/A

Planning and Development (Local Planning Schemes) Regulations 2015

In October 2015, the new *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) were introduced to supersede the *Town Planning Regulations 1967*. The LPS Regulations include deemed provisions which are read into

every scheme and introduce a range of matters for consideration that are required to be given due regard by the determining authority. This is considered a significant change to the planning framework affecting development within the City.

Draft Planning Instruments that are 'Seriously Entertained'

Draft State Planning Policy 7: Design of the Built Environment (SPP7)

In 2016, the State Government announced draft State Planning Policy 7: Design of the Built Environment (SPP7) and the Apartment Design Policy; the submission period closed in December of 2016. SPP7 meets the requirements to be a 'matter to be considered by local government' under clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The State Administrative Tribunal case of *Nicholls vs Western Australian Planning Commission* [WASAT 40/2005] identifies that a 'seriously entertained' planning proposal is one that 'defines, for the present, what the responsible authority see as the orderly and proper planning for the area'. Having regard to this, there are a number of reasons that the draft Apartment Design Policy, as set out by SPP7.3 is considered to be a 'seriously entertained' planning instrument, as follows:

1. The Apartment Design Policy was announced in mid-2016 and advertised for public consultation until December 2016.
2. At its meeting of 24 January 2017, the City of Subiaco endorsed a report as the basis for providing a submission to the WAPC on the Design WA suite of documents. The report that was endorsed by Council was supportive of the increased rigour in apartment design generated by SPP7.3 and the Design WA package, but outlined a number of comments to improve the proposed new framework.
3. At its meeting of 24 January 2017, the City of Subiaco formally updated its terms of reference for the City of Subiaco Design Review Panel (DRP) so that the assessment of the panel was fundamentally based on various requirements and considerations outlined in the Apartment Design Policy.

In light of the above and under ordinary circumstances, SPP7 (Design of the Built Environment) is considered to define, for the present, what the city sees as the orderly and proper planning for the area, and is therefore considered to be a 'seriously entertained' planning instrument. This being said, *Nicholls vs Western Australian Planning Commission* also notes there are other cases that "identify the four principal criteria which should be utilised to determine the weight which should appropriately be given to a draft planning instrument or policy or a draft amendment to such an instrument or policy in a planning assessment or appeal. These criteria are:

- 1) *The degree to which the draft addresses the specific application.*
- 2) *The degree to which the draft is based on sound town planning principles.*
- 3) *The degree to which its ultimate approval could be regarded as "certain".*
- 4) *The degree to which its ultimate approval could be regarded as "imminent".*

In relation to points 1 and 2 above, it is considered that the proposal would be directly affected by any provisions of SPP7.3 owing to the residential (multiple dwelling)

component being proposed. In relation to point 3, SPP7.3 is considered reasonably certain to be implemented into the planning framework as a mechanism as part of planning reform. However, its ultimate form and content cannot be known at this point in time. In relation to point 4, it is unknown when SPP7.3 is to be integrated into the planning framework. There has been ongoing discussion regarding its possible adoption, however, it is a complex document with many elements, which the State Government would seek to perfect as far as practicable. Furthermore, a recent change in State Government and therefore Minister for Planning has cast a degree of doubt over SPP7.3 in terms of whether its provisions may be further modified from what was previously advertised for public comment. Therefore, and in the absence of clear direction from the State Government, City officers cannot conclusively state that SPP7.3 is an 'imminent' planning policy. In this regard, it is not considered that SPP7.3 should be considered as a seriously entertained planning instrument for the purpose of this assessment.

Notwithstanding, the approved development is considered to have addressed many of development standards as they are contained within draft SPP7.3 therefore, any reassessment of the proposal against SPP7.3 is considered unlikely to create any further significant planning issues.

Subiaco Activity Centre Plan (SACP)

The SACP is a considered to be a seriously entertained planning instrument. The heights and development standards for the subject site as outlined in the SACP are consistent with those contained within the LDP as contained within TPS4. In this regard, the proposal is consistent with the SACP.

Local Planning Policy 1.7 Amendment and Extension to the Term of Development Approval (LPP 1.7)

LPP 1.7 establishes the City's exercise of discretion when giving consideration to an application to extend the term of an approval and provides the following matters for consideration:

- a) Whether or not the planning framework has changed substantially since the development application to which the extension application relates was granted; and
- b) Whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and
- c) Whether the approved development would likely receive approval today; and
- d) Whether the applicant has actively and relatively conscientiously pursued implementation of the approval development: and
- e) Whether a material change has occurred to either the site to which the development approval relates or the surrounding locality since the development approval was granted.

Additionally, LPP 1.7 indicates that where an application to extend the term of a development approval is approved, a further period of two years will be granted unless otherwise determined by the determining authority. As detailed earlier in this report, it is considered appropriate to extend the term of this planning approval by an additional four

(4) years, owing to the complexity of the planning issues as well as the significance of both the site and the proposed building itself.

Officer Comments

The applicant is seeking approval for an extension of time to substantially commence the development pursuant to clause 77(1)(a) of the LPS Regulations.

The City's LPP1.7 provides guidance for the exercise of discretion when considering an application for an extension to a term of approval. The policy is based on several State Administrative Tribunal (SAT) decisions that relate to extensions of time and what considerations should be given when determining these applications. In the decision of *Claymont Westcapital Pty Ltd and East Perth Redevelopment Authority* [WASAT 77/2008], SAT identified three key considerations, namely whether the:

- planning framework has changed substantially since development approval was granted;
- development would likely receive approval now; and
- holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

1. Has the planning framework 'substantially' changed?

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted in October 2015 which altered the matters to be considered by local government when considering a development application. However, there has been no change to the city's Town Planning Scheme No. 4 affecting the subject site.

2. Would the development likely received approval now?

In terms of fundamental planning discretions, nothing in the current planning framework has substantially changed that would affect assessment of the proposal. The discretions associated with the proposal have already been considered and determined under the existing scheme provisions.

3. Has the applicant actively pursued the development approval?

The holder of the development approval has actively pursued the development approval, however, due to unforeseen and uncontrollable circumstances, has not been able to acquire funding to substantially commence the development. The applicant has outlined their clear intention to progress further but requires the proposed extension to pursue these options.

The applicant has already met, or is in the process of meeting, relevant conditions of the planning approval including but not limited to legal agreements and submission of specialised reports. This is considered to also represent a commitment from the applicant to actively pursue the realisation of their approval.

It is also considered that, by seeking an extension just over halfway through their current four year period to substantially commence is, in and of itself a proactive approach by the applicant to facilitate the development. It is common for most such requests to be made when approvals are about to lapse, and is often done just to keep the approval 'live'. In this regard, the current request is considered to represent out an

intention to undertake the development as it is necessary to secure the necessary funding.

The City's LPP 1.7 outlines two additional matters for consideration as follows:

1. Whether in granting the planning approval, discretion was exercised in relation to the Scheme or policy requirements?

In granting the previous development approval, the JDAP exercised their discretion in relation to the following matters:

- Land Use – fast food outlets, small bar and Rooftop bar (Tavern) (LDP);
- Licensed Premises (Clause 27A);
- Height fronting Rokeby Road and balcony setback fronting Seddon Street (LDP);
- Lot Boundary Setbacks (R Codes);
- Sightlines (R Codes); and
- Public Realm and Landscaping (LDP and R Codes).

The proposed extension to term of planning approval does not introduce nor exacerbate existing approved discretions.

2. Whether a material change has occurred to either the site to which the development approval relates or the surrounding locality since the development approval was granted?

There has been no material change to the site; however there have been a number of new developments in the immediate and wider locality that are of significance, including a nine (9) storey building approximately 130m west-south-west of the subject site (located at No. 500 Hay Street).

Options/Alternatives

The applicant is seeking approval for an extension of time to substantially commence the development pursuant to clause 77(1)(a) of the LPS Regulations.

The standard and widely accepted timeframe to substantially commence a development is two (2) years, which is granted to an applicant by default where no timeframe is outlined in any relevant approval. In this case, the development was initially afforded a four (4) year approval. Significant developments such as this are often subject to more governing factors and considerations than smaller ones and typically require a longer period of time to get underway. Such factors and considerations include, but are not limited to:

- relevant market conditions;
- securing of finances;
- securing of commercial tenants;
- preparation of working drawings;

- compliance with various conditions of approval; and
- need to comply with numerous legislative requirements (other than planning).

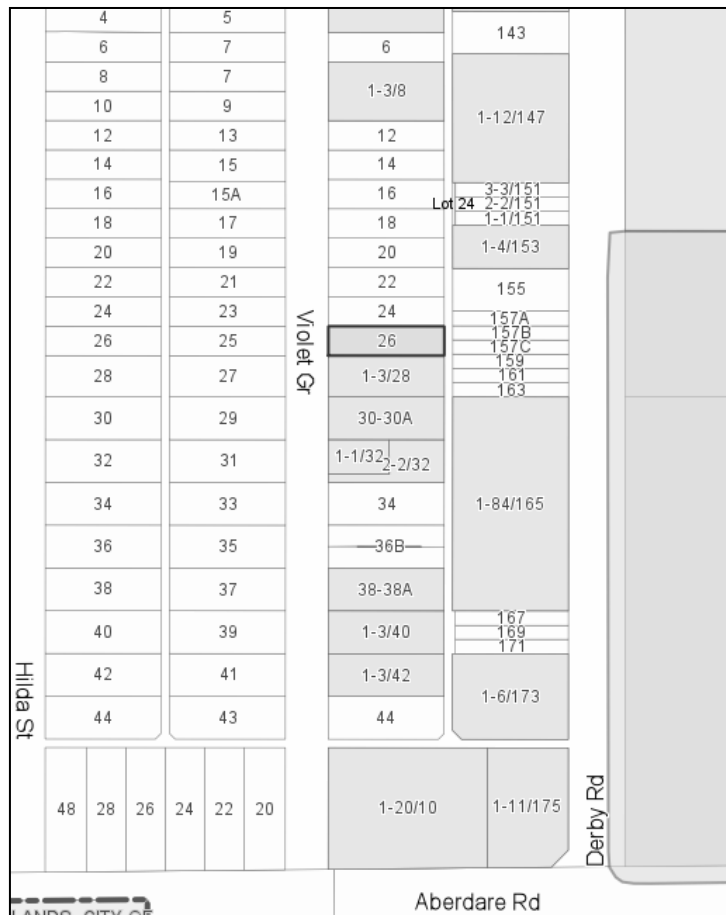
On this occasion, the applicant has applied for an additional four (4) years, which would take the permitted period to substantially commence the development to a total of eight (8) years.

Accordingly, taking into account the reasons behind the request and having regard to the current planning framework, the proposed extension to the term of planning approval for an additional four (4) year period is supported.

SC2 NO. 26 (LOT 51) VIOLET GROVE SHENTON PARK – ALTERATIONS AND TWO STOREY ADDITION TO EXISTING DWELLING (DA 7.2017.82.1)

REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES

Author: Zo Kruger, Planning Officer
Date: 25 October 2017
File Reference: PE/12605
Voting Requirements: Simple - more than half elected members present required to vote in favour



The application was presented to the Council meeting of 10 October 2017 where, at the request of the applicant, Council deferred the item to the November Development Services Committee.

COUNCIL DECISION

Moved Cr Nash/seconded Cr Davis

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by Ian Hart and Fiona Walker-Hart date stamped 27 June 2017 for Alterations and Two Storey Addition to Existing Dwelling at No. 26 (Lot: 51 D/P: 524) Violet Grove, Shenton Park as shown on plans date stamped 27 June 2017 (Plan 1-3 of 3), be APPROVED subject to the following conditions:

- 1. The development is to be carried out in accordance with the plans, drawings and documentation dated 27 June 2017 (Plan 1-3 of 3) included with the application for development approval. The development shall be substantially commenced within two (2) years of the date of this decision. Should the development not be substantially commenced within this time, the approval shall lapse and be of no further effect.**
- 2. Prior to issue of a Building Permit, the applicant shall submit an amended streetscape (western) elevation that is more sympathetic with the streetscape in terms materials, colours, finishes and textures, to the satisfaction of the Chief Executive Officer, City of Subiaco.**
- 3. All stormwater generated on site is to be retained on site. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.**
- 4. All external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street, to the satisfaction of the City of Subiaco.**

Advice Notes

- 1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.**
- 2. A building permit is required to be obtained from the City for the works.**
- 3. In relation to condition 4, the exterior fixture associated with any air-conditioning unit or hot water system is considered an appropriate location where it is positioned:**
 - outside of balcony/verandah areas (if applicable); and below the height of a standard dividing fence within a side or rear setback area; or**
 - within a screened rooftop plant area or nook.**

CARRIED 12/0
7.05pm

OFFICER RECOMMENDATION

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by Ian Hart and Fiona Walker-Hart date stamped 27 June 2017 for Alterations and Two Storey Addition to Existing Dwelling at No. 26 (Lot: 51 D/P: 524) Violet Grove, Shenton Park as shown on plans date stamped 27 June 2017 (Plan 1-3 of 3), be REFUSED for the following reasons:

1. The proposal does not satisfy Clause 42 of the City of Subiaco Town Planning Scheme 4.
2. The proposal is inconsistent with the aims and objectives of the Residential Zone (objective c), f) and g)) of the City of Subiaco Town Planning Scheme No. 4.
3. The proposal is inconsistent with the requirements of the Residential Design Codes in respect to Element 5.1.2 Street Setback.
4. The proposal is inconsistent with the City of Subiaco Local Planning Policy 4.10 'Shenton Park Precinct' in respect to Element 5.1.2 Street setback: C2.5, C2.6 and C2.8.
5. The proposal is inconsistent with the aims and objectives of the Residential zone of the City of Subiaco Town Planning Scheme No. 4 objectives c), f) and g), the provisions of Local Planning Policy 4.10 'Shenton Park Precinct', is incompatible with development on adjoining land and in the locality, and is inconsistent with the character of the locality, under clause 67(a), (g), (m) and (n) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

THERE WAS NO MOVER AND SECONDER FOR THE
OFFICER RECOMMENDATION

MOTION

Moved Cr Nash/seconded Cr Davis

That in accordance with the provisions of Town Planning Scheme No. 4 and the Metropolitan Region Scheme, the application submitted by Ian Hart and Fiona Walker-Hart date stamped 27 June 2017 for Alterations and Two Storey Addition to Existing Dwelling at No. 26 (Lot: 51 D/P: 524) Violet Grove, Shenton Park as shown on plans date stamped 27 June 2017 (Plan 1-3 of 3), be APPROVED subject to the following conditions:

1. The development is to be carried out in accordance with the plans, drawings and documentation dated 27 June 2017 (Plan 1-3 of 3) included with the application for development approval. The development shall be substantially commenced within two (2) years of the date of this decision. Should the development not be substantially commenced within this time, the approval shall lapse and be of no further effect.
2. Prior to issue of a Building Permit, the applicant shall submit an amended streetscape (western) elevation that is more sympathetic with the streetscape in terms materials, colours, finishes and textures, to the satisfaction of the Chief Executive Officer, City of Subiaco.
3. All stormwater generated on site is to be retained on site. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
4. All external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street, to the satisfaction of the City of Subiaco.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
2. A building permit is required to be obtained from the City for the works.
3. In relation to condition 4, the exterior fixture associated with any air-conditioning unit or hot water system is considered an appropriate location where it is positioned:
 - outside of balcony/verandah areas (if applicable); and below the height of a standard dividing fence within a side or rear setback area; or
 - within a screened rooftop plant area or nook.

CARRIED 12/0
7.05pm

Cr Nash provided the following reasons:

1. *The application meets the discretionary scope of Council, recognising it “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 . . .”*
2. *Wall height, which Council can approve a variation if it is satisfied there is no undue adverse impact on adjoining residential properties. The Officer report indicates:*
 - a. *One objection from the north regarding overshadowing is not relevant*
 - b. *No other objections from neighbours*
 - c. *The upper-floor location minimises overlooking to the north, and*
 - d. *Overshadowing of the south is “considered to satisfy the design principles”.*
3. *Front setback of upper floor is a result of minimising impact on immediate neighbours and recognising their amenity, while recycling an otherwise ‘ugly duckling’ of Violet Grove.*
3. *Consistency with established streetscape is clearly addressed by the applicant’s comprehensive review in the attachment, separately viewing the east and west of Violet Grove. The west is preserved, and the east is enhanced by No. 26 renovation and its view from the street.*
5. *In seeking discretion for the variations, the applicants have ‘given back’ to the community and streetscape in fair share.*
6. *That the applicant be advised to revisit the treatment and appearance of the street (west) elevation to the satisfaction of the City.*

Executive Summary

The application seeks development approval for alterations and a two storey addition to an existing dwelling at 26 Violet Grove, Shenton Park. The application is being presented to Council for consideration as the application presents a number of variations to the city’s planning framework.

The key issues of this application are:

- Height
- Streetscape (upper floor setback from the street)
- Upper floor roof form
- Upper floor area

Background

Landowner:	Fiona Walker-Hart & Ian Hart
Applicant:	Ian Hart
Application Date:	27/06/2017
DA Reference:	DA 7.2017.82.1
Lot size:	432 m ²
TPS Zoning:	Residential R20
TPS Precinct:	Shenton Park Precinct Sub-Precinct 1A
Land Use:	Single Dwelling
Land Use Permissibility:	P
Existing Development:	Single Dwelling
Heritage Listing:	Not listed

Site Context and Development History

- The subject site is located on the eastern side of Violet Grove, within the block bound by Onslow Road to the north, Derby Road to the east, Aberdare Road to the south and Violet Grove to the west.
- The subject site is improved with an existing rendered brick and tile dwelling and swimming pool.

Comment

The proposal involves the addition of an upper floor to an existing single dwelling, comprising two bedrooms, study and bathroom. 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 Local Planning Policy 4.10 'Shenton Park Precinct Policy' (LPP4.10).

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 following key issues outlined below. Where the deemed to apply criteria has not been met, assessment has been undertaken against the relevant design principles.

The application was originally presented to the October Ordinary Council Meeting held on Tuesday 10 October 2017. At that meeting, Council deferred their consideration of the matter to the November Development Services Committee Meeting following the request of the applicant. The applicant subsequently provided additional information in support of their application to the City on 23 October 2017, comprising a response to the City's report to the October Ordinary Council Meeting, a streetscape view of the proposal noting design features, a 'permitted built form envelope' street elevation of the proposal, and justification for the proposal based on the definition of 'established neighbourhood character' in LPP4.10.

The applicant's main argument centres on Council's consideration of the established neighbourhood character on the eastern side of Violet Grove, rather than an assessment of the 'surrounding area' as required and defined by LPP4.10. The information submitted by the applicant does not include any matters that change the original assessment of the proposal, and therefore, the same assessment is presented in this report. The information provided by the applicant is included as Attachment 2 to this report for the reference of Councillors.

Key Issues of Assessment

Town Planning Scheme No. 4

Clause 42

	Required	Proposed	Variation sought
Clause 42(1)(a)	Wall height 3.6m	Ground floor – 3-3.2m Upper floor – 7m	Variation of 3.4m to upper floor wall height
	Overall height 6.5m	Ground floor – 3-3.2m Upper floor – 7.92m	Variation of 1.42m to upper floor overall height

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 variations 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 LPP4.10). The surrounding area includes 21 properties, 6 of which comprise two storey development, consisting of 5 single dwellings (Nos. 16, 17, 20, 24 and 36A Violet Grove) and 1 grouped dwelling property (No. 28). Given that only 28% of dwellings are two storey, this is not considered to be the predominant height in the surrounding area. The proposal is not compatible with development in the surrounding area, which predominantly comprises single storey single dwellings.
- The proposed wall and overall heights are not consistent with two storey development within the surrounding area. A review of plans held in the city's records indicates that the wall and overall heights of the two storey development in the surrounding area are as presented below. As evidenced, the 7 metre wall height and 7.92 metre overall height of the proposal exceeds that of two storey development in the surrounding area.

Property address	Wall height	Overall height
16 Violet Grove	6.1m	7.8m
17 Violet Grove	4m	6.6m to hexagonal roof section, 4.9m to remainder of upper floor
20 Violet Grove	5.4m	7.1m
24 Violet Grove	4.9m	6.8m
28 Violet Grove	Plans not available	
36A Violet Grove	Plans not available	

- The proposal does not satisfy the provisions of Part 4.1 Street Setback of LPP4.10 in relation to the setback of the upper floor, roof form and upper floor size. This is discussed in further detail later in this report.

Residential Design Codes

Element 5.1.2 Street Setback

Required	Proposed	Difference
C2.5 The upper floors of buildings to be set back from the primary street ground floor façade as follows: i. So as to be contained within the line of sight; or ii. So as to be wholly contained within the roof space.	Upper floor located outside the line of sight and is not contained within the roof space. The upper floor is located in line	Refer to 'required' criteria.

	with the ground floor, at a distance of 7.6m from the street lot boundary.	
C2.6 Where applicable, the upper floor of development is not to exceed 15% of the site area where the wall height is proposed to be increased.	Upper floor comprises 18.5% of the site area. <u>Calculations:</u> Area of the upper floor = 80m ² Site area = 432m ²	Variation of 3.5%
C2.8 Where pitched roofs are the predominant roof form within the surrounding area, the roof pitch of new development as viewed from the primary street and secondary street where applicable, is to be pitched between 30-32 degrees.	The proposal comprises a combination of flat roof and skillion roof forms to the upper floor.	17-32 degrees.
Design Principles:		
<u>Residential Design Codes</u> P2.1 & P2.2		
<u>LPP4.10 Shenton Park Precinct Policy</u> With respect to the application of P2.1, council will have regard to the prevailing street setback for both the primary and secondary street (if any). With respect to the application of P2.2, Council will have regard to the following matters: <i>Upper level of a building</i> <i>Roof Form and Pitch</i> <i>Materials</i> (refer to R-Codes and LPP4.10 for full description of design principles)		

The proposal requires assessment of the proposed difference against the relevant design principles listed above and is not considered acceptable as:

- With regard to design principle P2.1:
The proposal is not consistent with the established streetscape. The 'surrounding area' includes 21 properties. The street setbacks of the surrounding area are presented below, along with the prevailing ground floor street setback.

Property address	Ground floor setback	Upper floor setback
15A	6.2m	-
17	6.6m	6.6m
19	6.2m	-
21	6.3m	-
23	6m	-
25	7.5m	-
27	4.7m	-
29	5.2m	-
31	6.9m	-
33	5.8m	-
35	4.9m	-
16	5.2m	4.4m
18	5.3m	-
20	5.2m	27.6m
22	4.7m	-
24	8.2m	8.5m
28	10.8m	10.8m
30-30A	5m	-
32	5.7m	-
34	6m	-
36A	6.8m	~7.5m
Prevailing street setback (average)	6.2m	9.7m

Of the 21 properties, 6 comprise two storey development. Of these 6 properties containing an upper floor, four dwellings at No. 16, No. 17, No. 24 and No. 36A Violet Grove have a similar (but not necessarily the same) upper floor street setback to that which is proposed on the subject site.

The remaining 15 properties in the surrounding area are largely single storey single dwellings. There is one property containing grouped dwellings; however, the upper floor of these dwellings are set back from the street lot boundary a further distance than that of the subject proposal. They are therefore not able to be considered for the purposes of justifying the setback of the proposed upper floor.

- With regard to design principle P2.2:

It is noted that LPP4.10 defines the term ‘established neighbourhood character’ as: [underlined for emphasis]

“Means the dominant visual characteristics of the surrounding area formed by the interrelationship of built form, vegetation and formed topographic characteristics in both the private and public domains within that area. The elements of the built form that contribute to established neighbourhood character are orientation of buildings, window and door proportions, side setbacks as viewed from the street, roof form and bulk. These elements do not include colours and finishes.”

As detailed earlier in this report, it is considered that given that only 28% of dwellings in the surrounding area are two storeys; then the predominant built form is single storey in nature – therefore, representing the dominant characteristics of the surrounding area. Furthermore, the proposed upper level setback of 7.6m from the street, if approved, would make it the fourth closest two storey dwelling to be setback from the street, within the surrounding area.

The upper floor does not incorporate design features that affect its size and scale, and is not consistent with the established neighbourhood character in terms of height and building bulk.

At its closest setback to the street (7.6m), the upper floor occupies 47% of the lot frontage, gradually increasing to 71% of the lot frontage a further 3.51m towards the rear of the lot. As discretion is sought against Clause 42 of TPS4 in relation to wall height, it is considered that the visual impact and bulk of the proposal as viewed from Violet Grove is significant and is not consistent with development in the surrounding area, which predominantly comprises single storey dwellings as previously described.

Pitched roofs are the predominant roof form within the surrounding area. The pitched roof types in the area are varied, and include gable, Dutch gable, hipped, hipped/valley and one example of a jerkin head roof. The predominant roof pitch of the surrounding area ranges between 25 and 35 degrees. The proposed upper floor comprises flat and skillion roof sections that are not consistent with the predominant roof form or pitch of the surrounding area.

The upper floor size of the proposal comprises 18.5% of the site area, presenting a variation of 3.5% to the maximum deemed-to-comply requirement of 15%. As listed previously, there are six properties in the surrounding area that are two storey developments, comprising five single dwellings (No. 16, 17, 20, 24 and 36A Violet

Grove) and one grouped dwelling property (No. 28 Violet Grove). The size of four of the five upper floors of the single dwellings exceed the maximum 15%, and the upper floors of the grouped dwelling development also exceed this maximum requirement. However, all of the aforementioned properties were constructed in the period preceding the implementation of LPP4.10 (except No. 24 Violet Grove). It is noted that the size of the proposed upper floor is not inconsistent with the upper floor sizes of the six aforementioned properties, however, it is considered that LPP4.10 was adopted by Council to guide and inform new residential development and alterations and additions to existing residential development in Shenton Park. The intent of the provisions of LPP4.10 is to minimise the visual impact and size of two storey development in the locality, given the historic nature of development predominantly comprising single storey single dwellings constructed in between the Federation era and Interwar periods.

The proposed upper floor does not satisfy multiple elements of LPP4.10 and the cumulative impact of these items in conjunction with the discretion sought in relation to the maximum wall height listed in clause 42 of TPS4 are not able to be supported.

Minor Issues of Assessment

Element 5.1.3 Lot boundary setback

Aspect	Floor	Proposed Wall Length	Proposed Wall Height	Major Openings Y/N	Required setback	Proposed Setback	Meets Deemed-to-Comply
North	Upper	12.12m	6.3m	N	1.7m	1.43m	No – variation of 0.27m
Design Principles: P3.1							

The northern lot boundary setback to the upper floor addition is 1.43m which does not meet the deemed-to-comply minimum prescribed setback of 1.7m. However, the variation is minor in nature, and is considered to meet the design principles of P3.1 in so far as:

- The property to the south (No. 28 Violet Grove) comprises a 3 unit development. The three units are staggered from the south lot boundary to north. The proposed upper floor is to be constructed toward the front of the property at 26 Violet Grove and is therefore considered to have less impact in terms of building bulk on the property to the south. The boundary between 26 and 28 Violet Grove is also improved with existing mature vegetation that screens part of the dwelling at 26 Violet Grove.
- The proposed upper floor addition is set back from the north and south lot boundaries to enable adequate ventilation and natural light to the dwelling, and to the neighbouring dwellings to the north and south.

Plans of the proposal indicate that the upper floor extends to a distance of 19.7m from the street boundary. A comparison of the distance of the lounge and kitchen openings to the adjoining property to the north at 24 Violet Grove indicates that they are located within the extent of the proposed upper floor. Some loss of solar access during parts of the day may be expected as a result of the proposal. However, there is no overshadowing anticipated as the dwelling is located to the north of the subject site.

As described, the property to the south comprises three grouped dwellings, with the units staggered from the south lot boundary to the north lot boundary. Overshadowing comprises 25.8% of the site, which is a minor variation to the

maximum 25% deemed-to-comply requirement, and is considered to satisfy the design principles (refer to design principle assessment for Element 5.4.2 Solar access for adjoining sites).

The upper floor does not contain any major openings that result in overlooking and loss of privacy to adjoining properties.

Element 5.2.5 Sightlines

Required	Proposed	Difference
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.	<p>Condition c) of the previous approval granted 12 February 2004 for 'Partial demolitions, alterations and additions to an existing single storey dwelling including new fencing, rear living areas and two front uncovered car parking spaces' at the subject site states:</p> <p><i>"c) All proposed fencing is to conform to the City's Fencing Policy 3.8, unless otherwise approved. All front and side fencing between the front boundary and the building line is to be visually permeable above 900mm from the adjacent ground level in accordance with the City's Fencing Policy 3.8. Details demonstrating conformance of this are to be provided prior to commencement of development to the satisfaction of the Manger Planning Services."</i></p> <p>A review of the City's records indicates that no details demonstrating compliance of the street fence with the referenced policy were submitted prior to the fence being erected. As the constructed fence does not comply with sight line requirements or</p> <p>The constructed portions of front fence/wall adjoining the driveway to the north and south are approximately 1.4-1.5m in height with no truncations.</p>	Does not comply – refer to design principle assessment below.
Design Principles: P5		

The constructed portions of front fence/wall adjoining the driveway to the north and south are considered to satisfy the design principle for the following reasons:

- The portions of fence/wall are not continuous, with a 3.3m opening provided for the vehicle access point and 1m opening for the entry footpath to the dwelling. The section of fence/wall to the south end of the street boundary comprises two 1.5m (approx.) pillars and a lower joining section (approx. 0.2m).
- The open areas between the portions of fence/wall provide adequate sight lines from the vehicle access point to the footpath and street.

Element 5.4.2 Solar access for Adjoining Sites

Required	Proposed	Difference
C2.1 Notwithstanding the lot boundary setbacks in clause 5.1.3, development in climatic zones 4, 5 and 6 of the State shall be so designed that its shadow cast at midday, 21 June onto any other adjoining property does not exceed the following limits: <ul style="list-style-type: none"> • on adjoining properties coded R25 and lower – 25 per cent of the site area 	25.8%	0.8%

Overshadowing of the adjoining property to the south is 25.8%, presenting a variation of 0.8% to the deemed-to-comply requirement. The variation is considered to be minor in nature, and meets the design principles in so far as:

- 28 Violet Grove contains three, two storey grouped dwellings, staggered from the south lot boundary to the north lot boundary. Overshadowing of the property is mainly

limited to the vehicle access and parking areas. It is further noted that the shadow cast by the proposal would directly impact major openings to habitable room windows of unit 1 and unit 2, however both of those dwellings have carports to their northern side and as such would cast shadow onto the openings in question (i.e. already shadow themselves). In this regard, the proposal is not considered to add any further impact than what otherwise exists today.

- The proposal does not overshadow any outdoor living areas.
- Overshadowing of a portion of north facing openings to two units at 28 Violet Grove is anticipated, however, the extent of overshadowing of the openings is limited to a minor area as evidenced in the submitted overshadowing diagram.

Delegation

Officers have elected not to exercise delegated authority for this application, as there are a number of considerations against the design principles relating to the proposed upper floor with specific regard to the provisions of LPP4.10.

Consultation and Referrals

Notice of the application was sent to surrounding land owners and occupiers in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.4 'Public Notification of Planning Proposals'.

Consultation with adjoining neighbours occurred between 8th and 22nd August 2017. At the conclusion of advertising, one submission was received, raising an objection to the proposal.

Submission Received	
Comments Received	Response
<ul style="list-style-type: none"> • Concerns regarding the height of the proposal impacting solar access to submitter's dwelling. 	<ul style="list-style-type: none"> • The subject site is oriented east-west, and the proposal resultantly does not overshadow the submitter's dwelling which is not located to the south of the subject site.
<ul style="list-style-type: none"> • Concerns regarding the visual impact of the proposal and loss of views to the sky. 	<ul style="list-style-type: none"> • The visual impact of the proposal on the streetscape has been considered in this report, and is considered to be incompatible with development in the surrounding area. • Some loss of views to the sky are to be anticipated as a result of the proposal, however, this is not a planning matter that is addressed by the Residential Design Codes or LPP4.10 Shenton Park Precinct Policy.

Internal Referrals

The proposal was referred to relevant internal departments and no major comments were raised that materially impact this application.

Strategic Implications

There are no strategic implications for this report

Statutory and Policy Considerations

There are no statutory and policy considerations for this report.

Risk and Asset Implications

There are no Risk and Asset Implications for this report.

Financial

There are no financial implications for this report.

Social and Environmental Implications

There are no social and environmental implications to this report.

Attachments

1. Development plans (27 June 2017).
2. Additional information provided by applicant (23 October 2017).

For Information

There are no information documents for this report.

Cr Rowe left the chamber at 7.06pm as he had previously declared an indirect financial interest in item SC3.

SC3 TOWN PLANNING SCHEME NO. 4 AMENDMENT NO. 35 – DEVELOPMENT PROVISIONS FOR THE LOTS ZONED COMMERCIAL/RESIDENTIAL ON THE WESTERN SIDE OF ROKEBY ROAD BETWEEN HAMERSLEY AND NICHOLSON ROADS, SUBIACO – INITIATION AND REQUEST TO ADVERTISE

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Author: Anthony Denholm, Coordinator Statutory Planning Services
Date: 24 October 2017
File Reference: A/4774
Voting Requirements: Simple - more than half elected members present required to vote in favour



OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr McAllister/seconded Cr Richardson

That Council resolve pursuant to Section 75 of the *Planning and Development Act 2005*, and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to initiate the proposed amendment to Town Planning Scheme No. 4 to:

1. Insert a new Clause 45(1)(c) as follows:

(c) *The local government may permit a variation to subclause (a) for lots zoned Commercial/ Residential on the western side of Rokeby Road between Hamersley Road and Nicholson Road, and permit buildings with a plot ratio of 3:1 where the building contains residential uses, provided that the floor area of the building in excess of a plot ratio of 2:1 is used solely for those residential uses and not for any other*

Cont'd/

purpose and where the local government is satisfied there would be no significant adverse impact on any adjoining sites, streetscape or the amenity of the locality.

Amend Clause 45(4)(b) as follows:

- (b) The local government may permit a variation to subclause (a) and permit buildings of up to 12 metres overall height and 9 metres wall height on lots fronting Hay Street (except as set out in subclause (c) below), Roberts Road or Rokeby Road (except as set out in subclause (d) below), where local government is satisfied that there is to be no undue adverse impact on the adjoining sites, streetscape or the amenity of the locality in general.*

Insert a new Clause 45(4)(d) as follows:

The local government may permit a variation to subclause (b) for lots zoned Commercial/ Residential on the western side of Rokeby Road between Hamersley Road and Nicholson Road, and permit an overall height of up to 18.5 metres and a wall height of up to 17 metres provided that, in the opinion of the local government, the building has a high quality design, that residential uses are incorporated into the development and that the following criteria are met:

- (i) the height of the building does not exceed 4 storeys;*
 - (ii) those parts of the building, excluding balustrades and balconies with associated roof cover, above 10.5 metres wall height fronting the rear laneway running parallel with Rokeby Road are setback a minimum of 5 metres from the property boundary;*
 - (iii) those parts of the building, excluding balustrades and balconies with associated roof cover, above 14 metres wall height fronting the rear laneway running parallel with Rokeby Road are setback a minimum of 7 metres from the property boundary;*
 - (iv) the building is designed and constructed to a 5 star Green Star rating as accredited by the Australian Green Building Council or an equivalent rating system as agreed by the local government; and*
 - (v) that not less than 80% of the ground floor Rokeby Road frontage and 40% of any secondary street ground floor frontage to comprise active uses such as, but not limited to, shops, restaurants, residential lobbies or office and medical reception areas.*
2. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that the amendment is a complex amendment as it is not consistent with the City of Subiaco Local Planning Strategy.
 3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for consideration prior to advertising the amendment;
 4. Pursuant to Clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, prepare notice of, and advertise, the proposed amendment with a submission period of not less than 60 days.

CARRIED 9/2

CRS MATHESON AND MUMMERY VOTED AGAINST

7.07pm

Executive Summary

The purpose of this report is for Council to consider whether to initiate a proposed amendment to Town Planning Scheme No. 4 (TPS4) to include new development standards for the land zoned 'commercial/residential' on the western side of Rokeby Road, between Hamersley and Nicholson Roads, Subiaco.

Specifically the amendment proposes to introduce provisions that give the City the discretion to approve development:

- With an increased plot ratio of up to 3.0:1 (commercial – 2.0:1 and residential 1.0:1);
- At a height of up to 18.5m overall and 17.0m wall height, subject to transitional height criteria and the satisfaction of a number of other criteria relating to a cap on storeys (4), gradually increasing rear setbacks to the western boundary, environmental sustainability and street activation.

The key issues for consideration are whether the proposal is consistent with the City's Local Planning Strategy (the LPS) and whether the amendment has the potential to impact on the amenity of the surrounding area in the context of the zone objectives of TPS4 and adopted policies.

Officers consider the amendment to respond to the site specific circumstances, particularly how a resultant building will address properties on the Duke and Campbell Street Heritage Areas to the immediate west of the affected land.

The proposed amendment is recommended to be initiated for the purposes of public advertising.

Background

Landowner:	Multiple landowners, various properties
Applicant:	The Planning Group Town Planning, Urban Design and Heritage
Lot size:	Approximately 13,828m ²
TPS Zoning:	Commercial/Residential
TPS Precinct:	Rokeby Road South Precinct
Heritage Listing:	Not listed, adjacent to Duke Street Heritage Area

Subject boundary

The amendment boundary (subject boundary) relates to all lots currently zoned 'Commercial/Residential' located on the western side of Rokeby Road, between Hamersley Road and Nicholson Road, Subiaco.

The area within the proposed amendment boundary comprises thirty-six (36) lots. The existing built form comprises a mix of predominantly single and two storey commercial buildings. The subject area is zoned 'Commercial/Residential' and is located in the 'Rokeby Road South' planning precinct as defined by the TPS4 scheme map.

There are no buildings within the subject area that are on the State Heritage Register or the City's Heritage List, however there are three sites that are on the City's Local Government Inventory, being No. 313 (Lot 13); No. 345 (Lot 7) and No. 399 (Lot 27) Rokeby Road.

There are two Heritage Areas adopted under TPS4 that are immediately west of the subject boundary, being the Duke Street Conservation Area and the Union and Redfern Heritage Area.

A right of way (ROW) ranging in width from 5.0m to 6.0m is located along the western boundary of the area connecting Hamersley Road to Nicholson Road. A Western Power transformer is located near the Nicholson Road side of the ROW and blocks vehicle traffic.

Surrounding development context

The lots fronting Rokeby Road consist predominately of two storey developments (including some single and three storey developments), containing a range of land uses. These are mainly (but not limited to) small scale shop and office uses (see site photos at Attachment 2). The land to the west of the subject area is comprised of predominantly single storey dwellings, with some two storey examples.

History of Proposal

In November 2015 a request was received from representatives of the landowner for consideration of an amendment proposal over No. 385 Rokeby Road to facilitate the future development of a multi-storey, mixed-use building on this site. An indicative redevelopment plan was provided at this time. This request was not a formal submission of an application to amend the scheme.

Following further discussion with city officers over several months and a briefing provided for elected members, the proponent at their own initiative then approached surrounding landowners to discuss the proposal. However, the city was not informed regarding any outcomes of this consultation.

The city wrote to the proponent in June 2016 outlining the following considerations for the amendment request:

- Provisions to widen the ROW to 6.0m, provide for residential uses (only) fronting the ROW and for some vehicle/pedestrian access to the building via the ROW,
- Split the subject site into two portions with two storey residential development over the western half and four storey mixed use development over the eastern half, and,
- Setting back of development on upper floors to Rokeby Road to articulate the predominant two storey scale in this area (note: this does not mean development should be setback to reduce its visibility from the street).

This was intended to provide the proponent with a number of options and encourage engagement with the city regarding the amendment. It is noted that, pursuant to section 76 of the *Planning and Development Act 2005*, the Minister for Planning has the ability to require initiation of amendments to a local planning scheme in certain situations. In that regard, officers (through the abovementioned letter) sought to engage with the proponent to ensure the amendment request responded to potential issues that had been identified but not to indicate support or otherwise for the amendment request.

On 24 June 2016 the city received a formal application to initiate a scheme amendment to TPS4 for the subject site. This application did not address the city's earlier advice and a further letter was sent on 4 July 2016 restating the city's position. The applicant subsequently advised that they wished to proceed on the basis of the amendment request as submitted.

At its meeting of 23 August 2016 (item D1), Council considered a report to initiate an amendment to TPS4. The amendment proposed to:

- Introduce a new clause 45(1)(c) permitting a plot ratio variation in excess of 1.5 up to a maximum of 2.8 for No. 385 (Lots 23, 24, 25 & 26) Rokeby Road,
- Amend clause 45 (4)(b) to enable the introduction of specific development criteria for No. 385 (Lots 23, 24, 25 & 26) Rokeby Road,
- Insert a new clause 45(4)(d) permitting a wall height of 16.0 metres and an overall height of 18.0 metres for No. 385 (Lots 23, 24, 25 & 26), subject to setback, environmental sustainability, access and urban design criteria, and,
- Introduce new Item 22 to Schedule 2 – Additional uses that provides additional permitted uses classes and land use restrictions for No. 385 (Lots 23, 24, 25 & 26) Rokeby Road, Subiaco.

Council resolved not to initiate the proposed scheme amendment for the following reasons:

1. *The proposed amendment in its current form is not considered to satisfy the objectives at clause 44(1) and (2) of Town Planning Scheme No. 4 in so far as:*
 - (a) *The resulting development will be of a scale incompatible with the single storey, single dwelling scale of buildings to the west of the subject site along Duke Street. The proposed amendment provides for a building form that does not transition sufficiently between building forms.*
 - (b) *There is insufficient regard to the prevailing two storey development pattern along Rokeby Road.*
 - (c) *The development provisions are likely to result in a scale of 'Shop' use inconsistent with objective (1), which is to encourage uses ancillary uses in the Commercial/Residential zone, with larger scale uses located in the Town Centre.*
 - (d) *The amendment does not give sufficient regard to the urban design outcomes for the western adjoining right-of-way and a transition between the character of development on Rokeby Road to that on Duke Street.*
2. *The proposed amendment is considered premature in the absence of an agreed planning approach or investigation that considers the whole of the Rokeby Road South precinct. The proposed amendment is inconsistent with proper and orderly planning as a result.*

The applicant sought an order under section 76 of the *Planning and Development Act 2005* (the Act), however the Minister for Planning advised the City in February 2017 that such an order would not be issued.

Subsequent to the Ministers decision, the City has held further discussions with the applicant regarding this matter. In broad terms, there is a preference for:

- an extension of the boundary for the amendment area beyond the immediate site of the original proposal;
- increased upper levels setbacks to the rear interface to residential zoned properties to the west; and
- rationalisation of the proposed retail tenancy (initially indicated at 1,225m² NLA).

Planning comment

To provide some context on what is being sought by this amendment, the following table broadly outlines the current development provisions applicable to the sites subject of this amendment. These development provisions are as per clause 45 of TPS4.

Development standard	Current TPS4 provision
Plot ratio	Up to 1.5 for mixed use*
Storeys	Not specified (approx. 3 storeys)
External wall height	Up to 9m
Building height	Up to 12m
Setback to west	Not specified (R-Codes/LPP's)

*Provided that in any development not more than 25% of the excess floorspace will be used for non-residential purposes

The table below details the changes between the previously considered amendment which was not initiated, and the proposed modifications.

Development standard	Previously considered (not initiated)	Proposed	Change
Plot ratio	2.8 (commercial 1.5 / residential 1.3)	3.0 (commercial 2.0 / residential 1.0)	+0.2 (+0.5 / - 0.3)
Storeys	n/a (likely 4)	4	Nil
External wall height	16m	17m	+1m
Building height	18m	18.5m	+0.5m
Setback to west	Above 12m - 2.5m	Above 10.5m – 5m Above 14m – 7m	Up to 4.5m increase

Proposed amendment

The amendment request includes several modifications to TPS4 which are summarised below:

- Insert a new clause 45(1)(c) resulting in a permitted plot ratio of 3.0, subject to any plot ratio in excess of 1.0 being solely for residential uses;
- Insert the words '*(except as set out in subclause (d) below)*' after the words '*Rokeby Road*' in clause 45(4)(b) to enable a new clause, 45(4)(d); and
- Insert a new clause 45(4)(d) to include new development provisions specific to the proposed amendment boundary (western side of Rokeby Road, between Hamersley and Nicholson Roads) that allows for buildings up to 17.0m wall height and 18.5m overall height, subject to:
 - The height of the building does not exceed 4 storeys;
 - A 5m setback from the western adjoining ROW for buildings above 10.5m in height (excluding balustrading/associated roof cover/balconies etc);
 - A 7m setback from the western adjoining ROW for buildings above 14m in height (excluding balustrading/associated roof cover/balconies etc);
 - Development being design to meet a 5 star Greenstar rating, or equivalent; and
 - The ground floor containing 80% active frontage to Rokeby Road and 40% active frontage to any secondary street.

The key issues for consideration for this amendment relate to the consistency with the City's Local Planning Strategy (LPS), the proposed building height and resultant heritage and bulk considerations and the scale of the proposed non-residential uses. These matters are discussed below.

Local Planning Strategy 2014

Figure 4 of the City's adopted LPS outlines a series of 'targeted growth areas'. The subject site and the rest of the area south of Bagot Road is not depicted as being part of a targeted growth area. The proposed amendment could be considered inconsistent with the LPS as a result.

Notwithstanding the above, Council has recently undertaken a review of the LPS 2014 which was required for the town planning scheme review, and the LPS review identified some required modifications to the 2014 strategy. At its meeting of 8 August 2017, Council adopted the draft Local Planning Strategy 2017. The draft LPS 2017 contemplates an increasing role of the Rokeby Road South Precinct in the broader targeted growth strategy, earmarking this precinct to accommodate approximately 100 new dwellings. Given this is currently a draft, and that advertising of the strategy has not been undertaken (this will occur concurrently with the new draft scheme anticipated in early 2018), it is not considered to be a seriously entertained proposal and therefore the proposed amendment must be considered a 'complex amendment' if Council intends supporting it – notwithstanding that the intent of the amendment is broadly consistent with the draft LPS 2017.

Whilst it is noted that there may be scope for more intense development in the Rokeby Road South area, there have not yet been any detailed investigations as to how density development could be best accommodated in the precinct. It is noted that this proposed amendment takes into account a wider area than the original proposal (which only dealt with four lots) therefore is considered to be more representative of orderly and proper planning by allowing a broader neighbourhood consideration.

Proposed building height

Clause 44 of TPS4 sets out the objectives of the Commercial/Residential zone. Objectives considered relevant by officers include:

- '(1) To development an area with a strong recognisable identity characterised by development of a mixture of high quality commercial and residential accommodation.*
- (2) To encourage small-to-medium scale mixed-use development of a type and character appropriate to Hay Street and Rokeby Road south area.'*

The proposed amendment includes discretionary building height provisions up to a maximum wall height of 17.0m and an overall building height of 18.5m. This will allow for the development of a four storey building on the subject site. It is noted that one of the proposed criterion stipulates a maximum of four storeys.

The proposed height is not considered in itself objectionable in the context of the objectives of the Commercial/Residential zone along Rokeby Road. The indicative drawings submitted by the applicant indicate reduced setbacks for the ground and first floors with 3m setbacks to the second and third floors. Should Council adopt the amendment for advertising, further detailed planning and investigation may be considered to stipulate appropriate setbacks to the Rokeby Street façade. Further discussion regarding height in the context of the western adjoining ROW, as well as Campbell and Duke Streets is contained further in this report.

Scale of Shop use

The previous proposed amendment included indicative plans which outlined possible development outcomes at No. 385 (Lots 23, 24, 25 & 26) Rokeby Road. These plans included a 'shop' of up to 1,225m² NLA, which was considered to be potentially problematic and of a size that would be more appropriate in a zone where larger and more intensive commercial land uses might be reasonably expected to occur, such as the 'Town Centre' zone. The objectives of the 'Commercial/Residential' zone as outlined in clause 44 of TPS4 clearly identify that smaller-to-medium scale uses are appropriate, having regard to existing patterns of land use in this zone.

It is noted that Local Planning Policy 4.6 – Rokeby Road South Precinct (LPP4.6) includes a number of objectives including:

- “(1) *To encourage activities within the Precinct which reinforce its role as ancillary to the traditional Town Centre.*
- (2) *To develop a strong identity and a vibrant mixed use area characterised by commercial and residential development and restricting retail and restaurant uses.”*

Included in the current amendment package are indicative development plans which show possible development at No. 385 (Lots 23, 24, 25 & 26) Rokeby Road. These plans show a ground floor comprised of smaller retail/hospitality tenancies ranging from 85 - 400m². Whilst only indicative, tenancies of this size are considered more in keeping with the small-to-medium scale uses identified for this zone.

It is noted that under the provisions of TPS4, a ‘shop’ land use within the ‘commercial/residential’ zone is a ‘D’ use (a use that is not permitted unless Council has exercised its discretion and approved the use). In this regard, the size (floor area) of a shop would be a relevant planning consideration at the time a development application was submitted. The preservation of the town centre’s role in providing for larger scale commercial land uses (ie larger supermarkets) would be retained regardless, and any application for such a use would be assessed on its merits against the applicable local planning framework at the time.

From an economic perspective, future development of the City has the potential to increase the level of interest and activity in this part of Rokeby Road and would be positive for economic development outcomes.

Interface with Duke & Campbell Streets and adjoining ROW

The proposed amendment will allow for the following to occur:

- A two storey podium built to the right-of-way adjoining the amendment boundary to the west;
- A third storey setback a minimum of 5m (excluding balustrades etc) from the western boundary; and
- A fourth storey setback a minimum of 7.0m (excluding balustrades etc) from the western boundary.

As stated earlier in this report, the close proximity of the subject boundary to the Duke Street Conservation Area and the Union and Redfern Heritage Area (separated by ROW) warrants special consideration with regard to bulk and scale and how that relates to the predominantly single storey bulk and scale within those areas.

Under the previous amendment proposal, there were no provisions to ensure suitable presentation to the ROW and the residential and heritage properties to the west. The current scheme amendment proposal seeks to address this issue by providing an amended interface, which effectively ‘steps’ the development further away from the western adjoining residential and heritage areas the higher it gets is considered to be an improved outcome. It is important to note to achieve the proposed discretionary height development would need to be of a ‘high quality design’. Any future development proposal would be presented to the city’s Design Review Panel for review, whereby site and context are important considerations – including how proposals relate to adjoining sites and other factors including nearby heritage considerations. Development on sites in close proximity to heritage listed properties, or heritage areas would need to ensure that they do not detrimentally impact upon these areas.

The City sought some preliminary advice with regard to potential impacts of the proposed upper level setbacks at the rear (facing laneway), which have increased since the original proposed amendment, on the adjacent heritage areas. This advice focussed on the Campbell Street heritage area, as the applicant had submitted heritage comment in relation to the Duke Street heritage area. The advice provided included the following summary: [underlined for emphasis]

“The residential properties along Campbell Street are predominantly single storey in nature and glimpses of the existing developments to the rear of Campbell Street along Rokeby Road can be seen between some of the properties. The increased height of the proposed developments in the scheme amendment area will therefore be able to be seen from Campbell Street. However, the laneway between the two will serve to reduce the impact of the increased height along Rokeby Road. Adhering to development requirements for upper level setbacks / change in scale between development types will also ensure minimal impact on the integrity and significance of Campbell Street.”

Any development application for this section of Rokeby Road would need to demonstrate that the cultural significance of Campbell Street has been considered and will not be irreparably harmed by the development, reflecting the intent of the Planning Policy for the Union and Redfern Heritage Area.”

It is noted that the above comments are consistent with the applicants' advice relating to the proposed increased upper level setbacks and how they would relate to the Duke Street heritage area. In this regard, officers consider that the proposed removal of bulk away from the western boundary in addition to the laneway is a significant improvement over the previous proposal.

Vehicle access & parking

Most sites within the amendment area have the capacity for rear loading (ie with frontage to Rokeby Road and vehicle access from rear laneway/ROW). In some cases, some sites also have frontages to a third potential vehicle access point. Should Council adopt the amendment for advertising, further detailed planning to determine the suitability of appropriate vehicle access points for car parking will likely need to be undertaken. This would likely be considered concurrently with possible need to widen the ROW's (refer comment below).

Western Power transformer

A Western Power transformer exists at the junction of the ROW adjoining the subject site to the west and another right of way, running westward towards Coolgardie Street. The position of this transformer prevents the movement of vehicles in the ROW between Duke Street and Nicholson Road. Should Council adopt the amendment for advertising, as a service agency Western Power will be informed and specific advice sought on the relocation of the transformer.

Laneway/ROW

Running along the western boundary of the proposed amendment boundary is a laneway / Right of Way (ROW) which ranges in width from 5-6m. It is likely that there may be some requirement for widening to occur in order to accommodate increased traffic and servicing requirements, reflective of the increased intensity of development proposed by this amendment. Should Council adopt the amendment for advertising, further detailed planning to the suitability of the current widths of the ROW would likely be undertaken to determine its suitability.

Consultation and Referrals

Should Council resolve to initiate the proposed Scheme Amendment, and following an appropriate response from the Environmental Protection Authority, the proposed Scheme Amendment is required to be advertised for a period of not less than 60 days (as a complex amendment). In accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*, advertising cannot commence without first obtaining consent from the Western Australian Planning Commission.

At the conclusion of the public consultation period, Council is required to reconsider the proposal having regard to any submissions received. Council is then required to resolve to either adopt the proposal (with or without modifications) or to not adopt the proposal.

Strategic Implications

The proposal considers redevelopment provisions for the western side of Rokeby Road between Hamersley and Nicholson Roads, whereas the previous request was for a single development site. In this regard, the current proposal is a more integrated approach to longer term planning for this section of Rokeby Road as it contemplates less isolated development provisions than what was previously proposed. It is noted that it only provides for increased development potential for the lots on the western side of Rokeby Road between Hamersley and Nicholson Roads; however there may be scope for such provisions to be expanded to the eastern side.

Statutory and Policy Considerations

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

Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the requirements relating to the Scheme amendment process.

Although Council has endorsed draft Local Planning Scheme No. 5, this has not yet been approved by the Western Australian Planning Commission for public advertising. It is anticipated that the draft scheme will be approved for consultation in early 2018 at which time the merits of processing further amendments to TPS4 will need to be reviewed.

Risk and Asset Implications

Should Council initiate the amendment resources, this may require resources to be diverted from the Town Planning Scheme review process. However, it is noted that the amendment proposal is broadly consistent with the draft Local Planning Strategy 2017 adopted by Council in August 2017.

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. Scheme amendment request (28 August 2017)
2. Site photos (30 October 2017)

Cr Rowe returned to the chamber at 7.08pm.

SC4 REVIEW ROSALIE PARK PARKING MANAGEMENT PLAN

Author: Michael Duckett
Date: 27 October 2017
File Reference: A/3990
Voting Requirements: Simple - more than half elected members present required to vote in favour

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Rowe/seconded Cr Stroud

That Council:

1. **Note the update on implementation of the Rosalie Park Parking Management Plan as contained in the attachment to this report.**
2. **Acknowledged, in relation to the proposed kiss-and-drive stopping zone, that the preferred location for this facility is within the Onslow Road reserve rather than the off-street car stations and that implementation of this project is subject to funding within the November 2017 budget review process.**
3. **Note that the outcome of the negotiations with management of the car station within the QEII Campus has not been favourable due to contractual arrangements relating to that parking facility that cannot be resolved by the city and that this option will no longer be pursued.**
4. **As a consequence of point 3 above, deletes the following components, being points 2(p) and (q), of the Rosalie Park Parking Management Plan:**
 - “(p) Commission of a road safety audit be supported but delayed pending the outcome of recommendation no. 2 (o) above.*
 - (q) The upgrade of pedestrian access from QEII car park to Rosalie Park be supported in principle but delayed and reviewed pending outcome of recommendation no. 2 (o) and no. 2 (p) above.”*
5. **Notes that given the recent changes to parking schemes in Hilda Street and Violet Grove, any further parking scheme changes in streets adjacent to Rosalie Park will be addressed through the Shenton Park Precinct Parking Plan, specifically:**
 - **Changes to the parking controls in Onslow Road (between Derby Road and Herbert Road) and Derby Road (between Onslow Road and Keightley Road):**
 - **Review of the current parking schemes that enable cars to be parked on both edges of the carriageway in streets within 400m of the centre of Rosalie Park; and**
 - **Opportunities for adjustments to the parking scheme to improve the availability of weekend parking to users of the Park whilst balancing the needs of the local community.**

CARRIED 10/2

CRS RICHARDSON AND MATHESON VOTED AGAINST

7.48pm

AMENDMENT 1

Moved Cr Richardson/seconded Cr Matheson

Amend Point 5 of the recommendation to achieve the requests of the community by adding dot point four to address the changes to parking schemes as implemented in Hilda Street and Violet Grove:

- issuing street parking permits interim for local residents, for their visitors and trades-people until the precinct parking plan is complete, and to make the issuing process easy to use by residents.

LOST 5/7

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

7.38pm

Cr Richardson provided the following reasons:

1. *The implementation of "Permit Only" has completely eliminated commuter parking as intended by the series of requests over the past year.*
2. *The officer has identified the implementation of parking by permit-only has impacted several of the residents of these streets, removing their access.*
3. *The impact may be readily ameliorated by issuing permits to residents, interim, under amendments to Local Rules while the long delayed Shenton Park Precinct Parking Plan review is finalised (due sometime next year).*
4. *Permit issue and parking restriction to permit-only may then be extended to other streets near the Hospital, interim, should commuters move to those streets.*
5. *The City has unequivocal aspirations in the SCP to protect its residents' amenity.*
6. *Over the past year, what residents have been seeking is clear from a petition, amendments to Council resolutions and resolutions seeking resident-only parking, to regain the amenity and safety in the streets near the Hospital. That amenity was lost as a result of commuters parking all day in the streets nearest the Hospital. The issue has been the subject of residents' requests at City AGMs since 2010.*

AMENDMENT 2

Moved Cr Richardson/seconded Cr Matheson

Add an additional point to read:

6. requires monthly occupancy rates of Car Stations 17 and 18 to be presented to the Council together with a revised proposed fee schedule for the two facilities.

LOST 3/9

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

7.44pm

Cr Richardson provided the following reasons

1. *The Officer report identifies "the legislative framework the CEO cannot be delegated authority to adjust parking fees".*
2. *The Luxmoore consultant's report identifies a "demand responsive pricing and review . . . to ensure occupancy does not exceed 85%". This is reflected at 2(n) of the Implementation Schedule.*

3. *The Implementation Schedule 2(e) identifies that Derby Carpark substantially exceeds 85%, that utilisation and income therefore are both compromised by fees not being adjusted as planned.*
4. *The City has lost income since March this year because of this absence.*

AMENDMENT 3

Moved Cr Richardson

Add and additional point to read:

1. change the operating hours of Car Station 18 off Derby Road such that the need to acquire a ticket is effective 6am to 6pm.

LAPSED FOR WANT OF A SECONDER

Cr Richardson provided the following reasons:

1. *The carpark is occupied predominantly by Hospital commuters who prefer the lower rates of the Derby carpark.*
2. *The Hospital commuters are mainly shift workers who occupy the majority of the bays from 7am to 11pm, with some additional workers 8am to 5pm.*
3. *The present schedule provides one hour free giving approximately 6 hours of fee time; afternoon shift pays no fee.*
4. *The revenue of \$11900 average per month for Carpark 18 approximates to \$0.80 per hour, not the \$1.80 nominated (based on data provided of 6 hrs fee-paying per day).*
5. *Extending the fee time would have provided the revenue to undertake the capital expenditure to be sought under the November 17 Budget Review.*
6. *The revenue at the average rate for the three months of this financial year which would double the City income from this carpark with no impact on users of the Park.*
7. *Including Saturday and Sunday in the Scheme has small effect on sporting bodies, as shift workers from the Hospital currently occupy most of the No 18 Carpark from 7am until 3pm.*

Background

The purpose of this report is to review, as requested by the Council, the progress and outcome of the implementation of the Rosalie Park Parking Management Plan adopted by the Council on the 28 February 2017 as Item D5. Point 4 of the resolution, detailed below, requires a review to be conducted and presented to Council nine months' after adoption (ie November 2017).

1. *That by absolute majority decision the parking fees and operating hours in Onslow Road parking station 17 and Derby Road parking station 18, as outlined in the revised Rosalie Park Parking Management Plan, be implemented as follows:-*

Day	Hours	Off-street
Mon-Fri	9am-4pm	\$0.30 per 9-11 mins, first hour free Daily max \$10 - \$13
Sat-Sun	9am-4pm	\$0.30 per 9-11 mins first three hours free Daily max \$5 - \$8

2. *That the following recommendations, contained within the Rosalie Park Parking Management Plan Officer Recommendation Report 20 January 2017, be endorsed subject, where required, to community consultation:-*
 - (a) *Installation of two ACROD parking bays in the Onslow Road parking station 17.*

- (b) *The City investigates the feasibility of providing and managing a kiss-and-drive stopping zone in either car station 17 and 18 or within the Onslow Road reserve adjacent to the school.*
- (c) *Eliminate time restrictions including ¼P on-street on the condition that the kiss-and-drive stopping zone outlined in recommendation no.2(b) is achievable.*
- (d) *Implement the following changes to the parking controls in Onslow Road (between Rosalie Street and Herbert Road) and Derby Road (between Aberdare Road and Keightley Road):*
 - (i) *Change the existing 2 hour (2P) restrictions to 3 hour (3P) 8am to 5pm Monday to Sunday.*
 - (ii) *The existing 1/4P be converted to operate between 7:30am to 9am and 2:30pm to 4pm school days with a 3 hour (3P) restriction to apply outside of those times 8am to 5pm Monday to Sunday.*
 - (iii) *Subject to the creation of a kiss-and-drive facility on Onslow Road, to service the school, the existing 1/4P parking restrictions be converted to 3 hour (3P) 8am to 5pm Monday to Sunday.*
- (e) *Within six months of implementation of these recommendations, survey the Monday – Friday occupancy and duration of stay of vehicles in parking stations 17 and 18 and if necessary, amend the start/finish times and the fee structure to maintain 85% occupancy at times of peak demand (such as between 4.30pm and 8pm). Surveys to occur annually thereafter.*
- (f) *The City continues to research and invest in parking technology to maximise the allocation of enforcement resources as contained within the Parking Strategy 2012-2016.*
- (g) *The City investigates the feasibility of installing a pedestrian crossing on Derby Road.*
- (h) *The City encourages stakeholders including the school board and P&C and the sports bodies to educate their members and visitors about the need for greater compliance with parking regulations.*
- (i) *The City reviews the current parking schemes that enable cars to be parked on both edges of the carriageway in streets within 400m of the centre of Rosalie Park.*
- (j) *Subject to any statutory approvals, implementation of paid parking in the angled bays opposite the tennis courts as an extension of Onslow Road parking station 17.*
- (k) *The parking fees and regulations for the angled bays opposite the tennis courts be the same as for parking stations 17 and 18.*
- (l) *The City investigates the opportunity for exclusive parking for volunteers on weekends at the Parks Department workshop parking area located behind Rosalie Pavilion.*
- (m) *Redesign of the turning circle at the southern edge of the access road, to Rosalie Park club rooms, is referred to the Rosalie Park Master Plan for consideration.*
- (n) *The CEO be authorised to adjust parking fees, within the range prescribed in the amended fees and charges, following a review every six months based on sales occupancy data with the goal of achieving an average 85% occupancy rate.*
- (o) *Negotiation of weekend use of the QEII Parking supply is supported in principle but delayed until impacts of above initiatives have been reviewed.*
- (p) *Commission of a road safety audit be supported but delayed pending the outcome of recommendation no. 2 (o) above.*

- (q) *The upgrade of pedestrian access from QEII car park to Rosalie Park be supported in principle but delayed and reviewed pending outcome of recommendation no. 2 (o) and no. 2 (p) above.*
- (r) *The City investigates the feasibility of reinvesting a portion of the surplus income from paid parking in the Rosalie Park precinct into improved facilities and amenities within the reserve.*
- (s) *The City encourages the sporting clubs to consider the demand on parking resources when scheduling their events and annual fixtures*
3. *That existing parking schemes in adjacent residential streets be initially retained, and:*
- (a) *Further direct consultation be undertaken with residents in the streets within 400 metres of the centre of Rosalie Park proposing the implementation of a revised standard parking scheme being 3 hours (3P) 8am to 5pm Monday to Sunday to effectively increase the supply of weekend parking to users of the Park;*
- (b) *In conjunction with the consultation outlined in point 3(a), research opportunities to effectively increase the supply of parking to accommodate weekend activities at the Park without requiring access to parking in adjacent residential streets, inclusive of the potential use of on-site parking at the QEII Medical Centre as outlined in point 2(p) of the Committee recommendation; and*
- (c) *A subsequent report be presented to the Council in June 2017 outlining the outcome of the consultation and the additional research.*
4. *That the parking arrangements in this resolution be reviewed and a report on their effectiveness be submitted to Council in 9 month's time.*

Since the Plan was adopted in February 2017 there have been several other decisions made by the Council that directly or indirectly influence implementation of the adopted Plan and need to be considered in conjunction with this review.

These subsequent decisions are as follows:-

- 27 June 2017 (Item C2) – revised fees were adopted for Car Station 17 and 18 in conjunction with adoption of the 2017/18 budget estimates replacing the fees adopted in the February 2017 decision.

- The revised fees are:

Car Station	Day	Hours	Off-street
17	Mon-Fri	9am-4pm	\$1.80 per hour, first hour free Daily max \$10.00
17	Sat-Sun	9am-4pm	\$1.80 per hour, first 3 hours free, Daily max \$5.00
18	Mon-Fri	9am-4pm	\$1.80 per hour, first hour free Daily max \$12.00
18	Sat-Sun	9am-4pm	\$1.80 per hour, first 3 hours free, Daily max \$5.00

- 29 August 2017 (Item D4) – regarding the development of Precinct Parking Plans:
 1. *Endorse the proposed Subiaco East Precinct Parking Plan for the purpose of public consultation and return to Council.*
 2. *Note the proposed sequence of developing other Precinct Parking Plans as contained within the report.*
 3. *With regard to the development of the Shenton Park Parking Precinct Plan endorse the use of Resident Only Parking adjacent Rosalie Park whilst acknowledging the need to provide an adequate supply of valid parking to users on the reserve on weekends.*

The sequence of subsequent precinct plans after Subiaco East was:-

2. Subiaco Town Centre
3. Shenton Park
4. Subi Centro
5. Central Subiaco
6. DalGLISH Jolimont.

- 19 September 2017 (Item C11.2) – specifically dealing with ‘permit parking only’ in Violet Grove and Hilda Street:

That the parking scheme in Violet Grove and Hilda Street be changed as soon as practicable to make both sides of both streets ‘permit only’ parking Monday – Sunday 8.00am to 6.00pm and that the current level of compliance action continue for as long as necessary.

- 19 September 2017 (Item C11.3) – this item was associated with item C11.2 but sought to address parking issues specifically within the hospital site:

That Council resolves to seek support from the Department of Health and the Australian Nursing Federation, Industrial Union of Workers Perth to reduce to cost of parking for hospital staff, patients and visitors at the hospital's parking station.

Correspondence has been sent to the organisations identified in this resolution however, at the date of preparation of this report, no responses had been received.

Comment

Attached to this report is an implementation schedule which reconciles the progress of each component of the original Plan (as adopted in February 2017) and the subsequent resolutions and interventions detailed above. The schedule also contains additional commentary as required to assist the Council understand the progress that has been made.

Typically some components of the Plan have been easier to progress than others resulting in delays. The achievements are:

- Installation of bays for people with a disability have been completed;
- Determination that under the current legislative framework the CEO cannot be delegated authority to adjust parking fees even within a prescribed range;
- Implementation and subsequent adjustment of revised parking fees to address this;
- Trial conducted with sporting clubs using day passes to access parking within the QEII complex on Sunday, more information below;
- Ticket machines acquired and ready to activate in entry road (to Rosalie Park) once approval to extend parking has been received from Department of Planning, Lands and Heritage; and
- Implementation of permit only parking in portions of Hilda and Violet Grove 8am-6pm Monday to Sunday (as per September 2017 resolution) completed.

Further components are subject to achievement of the following:

- Construction of a Kiss-and-Drive facility;
- Negotiation with QEII regarding access to surplus parking on that site on Sundays;
- Approval of Department of Planning, Lands & Heritage as mentioned above; and
- Further consultation with the community which will be integrated with the Shenton Park Precinct parking management planning process.

The kiss-and-drive facility proposed to be constructed within the verge immediately west of the entry road will cost an estimated \$60,500 and is being presented to council for consideration through the November 2017 budget review. Completion of this facility will

allow additional adjustments to parking schemes in Onslow Road to improve parking for users of the reserve and provide a safer option for parents and students.

Initial contact with managers of the parking at QEII revealed that there was no opportunity, due to contractual arrangements with the state, for them to offer discounted parking on Sundays to users of the reserve. As a consequence, and to gauge if reserve users would utilise that supply of parking, a trial was launched with clubs whereby they were offered 120 day parking passes to park within the QEII campus and access Rosalie reserve on Sunday.

For the trial, the clubs were allocated 20 passes each week for six weeks. The city paid full price for the passes and the club members only had to park, walk across to Rosalie and egress the parking facility using the pass.

After the 6 week trial 20 passes were returned unused. Feedback from club members indicated that the facility was too remote and too inconvenient if they had to carry equipment, they had difficulty administering the passes within the clubs and they were not able to extend the opportunity to visiting teams.

This trial indicates that even at no cost to the club members there may be reluctance to utilise that stock of parking to access the reserve and of course designating that parking as supply to provide a level of service to the reserve would trigger the need for Plan components 2(o), 2(p) and 2(q) to be progressed with the distinct possibility that the parking supply at QEII would not be utilised.

The opportunity to negotiate discounted access to these bays is made difficult as the city facilities have always had lower prices Monday to Friday and taken a share of their (QEII) "customers" and more recently the Australian Nursing Federation, Industrial Union of Workers Perth have been requested to intervene and advocate for reduced parking fees on the QEII Campus.

It is consequently recommended that these components of the Plan are deleted for the reasons outlined above.

The recent changes to the parking schemes in Hilda Street and Violet Grove (implemented in accordance with Council resolution of 19 September) has impacted several of the Plan components particularly those related to adjustments to parking schemes in other nearby streets. Although the Council decision was an attempt to address specific concerns raised by residents in these two streets, it is apparent from communication from other residents of these streets that not all share the same concerns. It is recommended that any further changes to the parking scheme in this area are dealt with through the development of the Shenton Park Precinct Parking Plan scheduled for in early 2018, which will be subject to public consultation.

Consultation

There is no consultation proposed in relation to this particular report. The resolution requires consultation with the affected community as implementation is progressed and there will be extensive consultation conducted in conjunction with development of the Shenton Park Precinct Parking Plan.

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.

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 the city manages residential parking permits, policies do not offer particular constraints to the determination of and ongoing implementation of this parking plan.

Risk and Asset Implications

Having placated the residents in Hilda Street and Violet Grove (the introduction of permit only parking) it is recommended that no further interventions be initiated as these ad hoc decisions will impact the forthcoming Shenton Park Precinct Parking review. Community members who wish to provide any comments or raise concerns with regard to parking in this area will be provided with the opportunity to do so through this review.

Financial

There are no specific financial implications arising from the recommendation in this report.

It should be noted that implementation of the Kiss-and-Drive facility, improved parking adjacent the sports pavilions and the improved turning circle (already agreed by Council) will have financial implications and are currently being costed. This will be considered in conjunction with the November 2017 budget review process.

Social and Environmental Implications

The city needs to use its best endeavours to provide a level of parking commensurate with the level of activity occurring within the reserve to prevent visitors having to park unlawfully to gain access to the facility.

Attachments

1. Rosalie Reserve Parking Management Plan Implementation Schedule 2017.

SC5 TENDER A/4738 ELECTRICAL SERVICES FOR COUNCIL FACILITIES AND INFRASTRUCTURE ASSETS

REPORT FROM DIRECTOR TECHNICAL SERVICES

Author: Coordinator Parks Development, Nicholas Rayner
Date: 20 October 2017
File ref: A/4738
Voting requirements: Simple – more than half elected members present required voting in favour

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Mansfield/seconded Cr Mummery

That Council awards tender A/4738 for Electrical Services for Council Facilities and Infrastructure Assets, to OTTO Oliver Pty Ltd trading as Airco for a period of one year with two one-year extension periods based on their tender submission and schedule of rates.

CARRIED 12/0
7.49pm

Background

It is a legislated requirement that electrical maintenance services on city owned assets be carried out by licensed electrical contractors. The city requires ongoing electrical maintenance to the following city owned assets;

- Building lighting;
- Street lighting;
- Laneway lighting;
- Park lighting;
- General building electrical issues;
- Routine RDC and emergency lighting testing.

Comment

The city seeks to appoint, through this tender, the services of a suitably experienced and competent contractor to conduct electrical maintenance and lighting repairs.

On 2 September 2017 the tender for Electrical Services for Council Facilities and Infrastructure Assets was advertised in the West Australian in accordance with the requirements of the *Local Government Act 1995*.

At the close of the tender period on 19 September 2017, six conforming submissions were received from the following companies:

1. AE Hoskins and Sons
2. Airco Electrical
3. Gilmore Global
4. Gilmour Jooste
5. KP Electric
6. Nites WA Pty Ltd

Assessment Criteria

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

Only six of the tenders submitted met the general compliance criteria and conformed to the tender requirements. The companies who did not submit conforming tenders submitted alternative pricing schedules without submitting a conforming price schedule as stated in the contract conditions.

The conforming tenders were each assessed against the following qualitative criteria:

Qualitative Criteria	Weightings
Relevant Experience	35%
Skills and Experience of Key Personnel	20%
Respondent Resources	20%
Demonstrated Understanding of Task	20%
Environmental Questionnaire	5%

The tender evaluation panel, consisting of city officers assessed the conforming submissions against the qualitative criteria, as detailed above. A quantitative assessment was subsequently carried out on the tender prices submitted (confidential attachment: tender qualitative and quantitative assessments).

Following the combined assessment of the qualitative and quantitative criteria, OTTO Oliver Pty Ltd trading as Airco ranked the highest and is recommended as the best value tender to the city.

Consultation

There has been no consultation as part of the request for tender or this report.

Strategic Implications

- 6.1.5 Create organisational and community culture that is underpinned by sustainable practice.
- 6.1.6 Be proactive and innovative in its approach to environmental sustainability and climate change, especially resource conservation, recycling and green energy.

Statutory and Policy Considerations

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

Risk and Asset implications

Failure to have a current electrical tender will result in the city being unable to carry out essential electrical maintenance in an acceptable timeframe.

Financial

The financial implications of this tender relate to the anticipated annual electrical maintenance costs of approximately \$ 450,000 per annum which has been provided for in the current operational maintenance budgets and the Strategic Financial Plan.

Social and Environmental Implications

There are no significant or specific environmental and social implications associated with this report.

Attachment

Confidential attachment: tender qualitative and quantitative assessments.

SC6 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 Matheson/seconded Cr Rowe

Under Standing Order 7.1 (g) that the matter be referred to the next meeting of the Ordinary Council.

CARRIED 10/2
 CRS McALLISTER AND McMULLEN VOTED AGAINST
 7.52pm

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.

PROCEDURAL MOTION

Moved Cr Matheson/seconded Cr Rowe

Under Standing Order 7.1 (g) that the matter be referred to the next meeting of the Ordinary Council.

CARRIED 10/2
 CRS McALLISTER AND McMULLEN VOTED AGAINST
 7.52pm

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.

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 380m² to 560m², 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

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.

Attachment

1. Roundabout design (Drawing No. 14178-C5-R5-11).

Cr Nash left the chamber at 7.53pm and returned at 7.55pm.

Cr Richardson left the chamber at 8.06pm.

SC7 FINANCIAL STATEMENTS AND REPORTS FOR THE MONTH ENDING 30 SEPTEMBER 2017

REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Manager Financial Services, Bianca Jones
Date: 10 October 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 Rowe/seconded Cr Gederro

That the financial reports for the period ending 30 September 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 11/0
8.08pm

Background

The monthly financial reports provide an overview of the City's financial performance. These reports do not represent the final financial position at 30 September for the city as the end of year financials have not yet been audited. The audit of the City of Subiaco financial position commenced in September 2017. Therefore the attached reports represent a snap shot as at 30 September 2017 and a full set of audited financial statements will be presented to council once the audit is complete.

Comment

Financial activity statement report

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

Balance sheet

The City has current assets of \$86,585,928. The major components of which are; cash and investments of \$71,616,315, rates debtors of \$12,266,541, and sundry debtors of \$2,841,356 (including Modified Penalties). There are current liabilities totalling \$8,182,145 and cash backed reserves of \$52,051,509. The City's net current assets equal \$78,403,783 less restricted assets (Reserves) of \$52,051,509 resulting in a net current position of \$26,352,274.

Cash flow statement

Net cash provided by operating activities is \$12,957,588 for the period to date. The net cash used in financing activities is (\$103,668). 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.

Aged trial balance (debtors)

The report provides a listing of outstanding debts payable to the City of Subiaco. The balance of debts outstanding at 30 September is \$2,841,356.

All debts that have been paid or written off after the end of month have been highlighted on the attached report. Payments of \$101,016 were received after 30 September, reducing the balance of debts outstanding to \$2,740,340 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.

The outstanding invoice to Main Roads WA represents their contribution to the installation of a gross pollutant trap to improve the quality of water entering the lake at Mabel Talbot Park. The payment of this invoice is being followed up by the Finance Department.

The outstanding invoice to The Owners of Strata Plan 12758 is for the quarterly payment of the Commercial Car Parking Licence for 563-567 Hay Street. The payment of this invoice is being followed up by the Coordinator Commercial Parking.

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.

Rates reconciliation summary

Total rates, FESA and waste service charges levied for the year are \$31,903,115. The payments received to date total \$19,489,295 which includes pensioner rebates claimed from State Treasury of \$872,076. 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 \$12,413,819 (including Deferred Pensioner Rates).

Summary of cash and investments

The City currently holds financial investments of \$66,358,509.

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

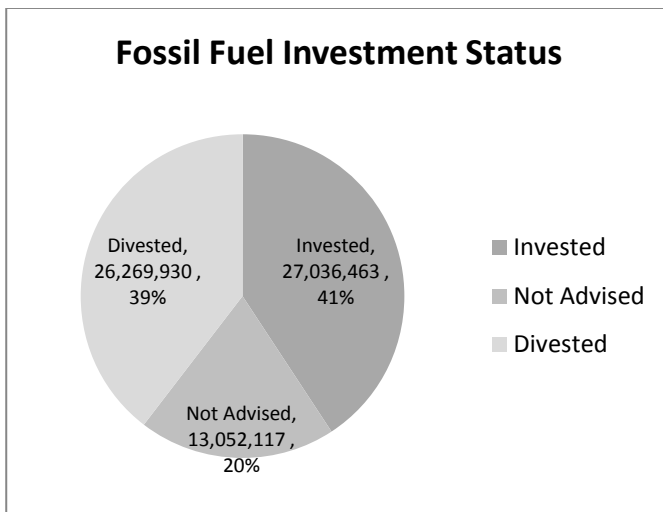
no more than 30% is to be invested with any one institution. The table below shows the current percentage of investments held with each institution.

Institution	Total Investment (Municipal)	Total Investment (Reserves)	Total Investment	%	Fossil Fuels
ANZ	-	6,627,600	6,627,600	10%	Invested
Bankwest	7,000,000	6,052,117	13,052,117	20%	Not Advised
Bendigo	-	9,411,158	9,411,158	14%	Divested
CBA	2,000,000	1,282,663	3,282,663	5%	Invested
NAB	3,307,000	13,819,199	17,126,199	26%	Invested
Suncorp	2,000,000	14,858,771	16,858,771	25%	Divested
	14,307,000	52,051,509	66,358,509	100%	

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+	46,151,946	A-1-	-	56,947,350	86%
A-2	9,411,158	A-2+	-	A-2-	-	9,411,158	14%
						66,358,509	100%

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



Fossil Fuel	Total	%
Invested	27,036,463	41%
Not Advised	13,052,117	20%
Divested	26,269,930	40%
	66,358,509	100%

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 \$4,632,585. Cheques were drawn and electronic fund transfers processed to the value of \$3,680,423 from the municipal fund \$97,497 from the trust fund for payment of creditors. Employee payments, made via electronic funds transfer totalled \$854,665 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 \$8,956. A reconciliation of the credit card transactions is included in the attachments.

Consultation

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

Strategic Implications

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

Statutory and Policy Considerations

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

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

Risk and Asset Implications

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

Financial

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

Social and Environmental Implications

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

Attachments

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

Cr Richardson returned to the chamber at 8.09pm.

9. MEETING CLOSED TO THE PUBLIC

Reasons:

- SC9.1 – (b) the personal affairs of a person
- SC9.2 – (d) legal advice which may be obtained
 - (e) information that has commercial value
 - (f) the matter if disclosed interferes in dealing with matters of law

PROCEDURAL MOTION/COUNCIL DECISION

Moved Cr Richardson/seconded Cr Stroud

That the meeting be closed to the public for the purpose of discussing items SC9.1 and SC9.2 as it is required that these matter be dealt with behind closed doors under section 5.23 (2), (b), (d), (e) and (f) of the *Local Government Act 1995*.

CARRIED 12/0
8.09pm

SC9.1 Service Recognition

10. NEW BUSINESS OF AN URGENT NATURE

SC10.2 Elected Members' Motion – Legal Advice

11. CLOSURE OF MEETING

The presiding member declared the meeting closed at 8.18pm.