



City of Nedlands

# ***Minutes***

## ***Council Committee Meeting***

***14 March 2017***

### **ATTENTION**

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the next Ordinary Meeting of Council following this meeting.

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## City of Nedlands

### Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 14 March 2017 at 7 pm.

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#### Declaration of Opening

The Acting CEO declared the meeting open at 7 pm, and drew attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

Due to the absence of the Mayor & Deputy Mayor the Acting CEO called for nominations for a Presiding Member.

Nominations were received for Councillor Wetherall and Councillor Smyth.

Moved – Councillor McManus  
Seconded – Councillor Binks

**That Councillor Wetherall be appointed as Presiding Member for this meeting.**

**CARRIED 6/3**

*Voting not required for Councillor Smyth as Councillor Wetherall had majority vote.*

Councillor Wetherall assumed the Chair as Presiding Member for the meeting.

**Present and Apologies and Leave Of Absence (Previously Approved)**

<b>Councillors</b>	Councillor J D Wetherall	(Presiding Member)
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward

<b>Staff</b>	Mrs L M Driscoll	Acting Chief Executive Officer
	Mr P L Mickleson	Director Planning & Development
	Mr M Fletcher	Manager Corporate & Strategy Systems
	Mr J Creswell	Manager Infrastructure Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

**Public** There were 14 members of the public present.

**Press** The Post Newspaper representative.

**Leave of Absence (Previously Approved)** His Worship the Mayor, R M C Hipkins

**Apologies** Councillor W R B Hassell Dalkeith Ward

**Absent** Councillor G A R Hay Melvista Ward

**Disclaimer**

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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**1. Public Question Time**

Nil.

**2. Addresses By Members of the Public (only for items listed on the agenda)**

Ms Susan Hayes, 3A Clement Street, Swanbourne PD09.17  
(spoke in support of the recommendation)

Ms Kate McGee, 1 Clement Street Swanbourne PD09.17  
(spoke in support of the recommendation)

Mr Colin Noid, 35 Fourth Avenue, Kensington PD10.17  
(spoke in support of the recommendation)

Mr Samuel Klopper, 19 Waverley Street, Shenton Park PD10.17  
(spoke in support of the recommendation)

Dr Tafere Berhane & Mrs Mehret Tesfay, 1 Leura Street, Nedlands PD11.17  
(spoke in opposition to the recommendation)

Mr Evan Cranston, 7A Alexander Road, Dalkeith PD12.17  
(spoke in opposition to the recommendation)

Mr Matthew Callan & Ms Bianca Mazur, 38 Porter Street, Gwellup PD13.17  
(spoke in opposition to the recommendation)

Mr James Maughmer, 25 Cervantes Loop, Yangebup PD14.17  
(spoke in support of the recommendation)

Mr Bill Hazell, President, Allen Park Tennis Club,  
263 Curtin Avenue, Cottesloe CM01.17  
(spoke in support of the recommendation)

**3. Disclosures of Financial Interest**

The Presiding Member reminded Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

There were no disclosures of financial interest.

**4. Disclosures of Interests Affecting Impartiality**

The Presiding Member reminded Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

**4.1 Councillor James – PD11.17 - Lot 89 (No.1) Leura Street, Nedlands – Proposed Street Boundary Fencing Infill**

Councillor James disclosed an impartiality interest in Item PD11.17 - Lot 89 (No.1) Leura Street, Nedlands – Proposed Street Boundary Fencing Infill. Councillor James disclosed that she knows the applicant, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor James declared that she would consider this matter on its merits and vote accordingly.

**4.2 Councillor McManus – CM01.17 - Community Sport and Recreation Facilities Fund Applications**

Councillor McManus disclosed an impartiality interest in Item CM01.17 – Community Sport and Recreation Facilities Fund Applications. He disclosed he is a life member of the Claremont Nedlands Cricket Club which the Claremont Nedlands Junior Cricket Club is a part of and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus declared that he would consider this matter on its merits and vote accordingly.

**5. Declarations by Members That They Have Not Given Due Consideration to Papers**

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 14 February 2017**

Moved – Councillor Binks  
Seconded – Councillor Hodsdon

**The minutes of the Council Committee held 14 February 2017 be confirmed.**

**CARRIED UNANIMOUSLY 9/-**

**7. Matters for Which the Meeting May Be Closed**

Nil.

**8. Divisional Reports**

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

**8.1 Planning & Development Report No's PD09.17 to PD14.17**

Planning & Development Report No's PD09.17 to PD14.17 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD09.17</b>	<b>(Lot 349) No. 21 North Street, Swanbourne – Proposed Seating Areas</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	J K Le Noury
<b>Landowner</b>	H Osborne
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA2016/378
<b>Previous Item</b>	Nil.
<b>Delegation</b>	In accordance with Clause 6.7.1 of the City's Instrument of Delegation, Council is required to determine the application as discretion exists for Council to approve the variation under the City's Town Planning Scheme No. 2.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Photograph of the property from North Street</li> <li>2. Photograph of the proposed seating area along Walpole Street</li> <li>3. Photograph of the proposed seating area along North Street</li> <li>4. Photographs of the internal layout of the shop</li> </ol>

Ms Susan Hayes, 3A Clement Street, Swanbourne PD09.17  
(spoke in support of the recommendation)

Ms Kate McGee, 1 Clement Street Swanbourne PD09.17  
(spoke in support of the recommendation)



Moved – Councillor Binks  
Seconded – Councillor McManus

**That Ms McGee be granted an extra 3 minutes.**

**CARRIED UNANIMOUSLY 9/-**

Moved – Councillor Shaw  
Seconded – Councillor Argyle

Council approves the development application for the customer seating and tables at (Lot 349) No. 21 North Street, Swanbourne, in accordance with the application received on 7 December 2016 and the amended plans received on 9 December 2016, subject to the following conditions and advice:

1. The development shall at all times comply with the approved plans.
2. Unless otherwise approved by the City, the seating is limited to 20 seats in total
3. No cooked meals are to be available, only pre-packaged items such as wraps, sandwiches, salads and cakes.
4. The shop and restaurant only being permitted to operate daily between 6.00am and 4.00pm.
5. Service and/or delivery vehicles shall not service the premises before 7.00am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays.

Advice Notes specific to this proposal:

1. The applicant is advised that a separate development application is required to be submitted to and approved by the City if they intend on either increasing the seating area and/or seating numbers on the premises.
2. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
3. An Outdoor Dining Licence is required to be obtained from the City prior to the proposed outdoor seating areas being used.
4. The existing parking bays on the portion of the Walpole Street verge which adjoins the property require a retrospective Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Engineering section.

5. A separate Planning application is required to be submitted to and approved by the City prior to the erection/installation of any signage on the lot.
6. Prior to the restaurant component of the business commencing the applicant shall lodge with the City an Application for Food Premises Alteration / Fit-out which demonstrates food safety outcomes to the City's satisfaction.
7. Prior to commencing a Food Business\* a proprietor shall lodge with the City a Food Business Registration / Notification Form.  
\*A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia
8. It is recommended that food handlers complete the City's free online food safety training at [www.nedlands.imalert.com.au](http://www.nedlands.imalert.com.au).
9. Designated storage areas for cleaning chemicals and equipment and personal belongings shall be available and separate from any food preparation or food storage area.
10. Internal water closets without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres/second;
11. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

Lost 3/5

(Against: Crs. Binks Hodsdon Horley McManus & Smyth)  
(Abstained: Cr. Wetherall)

### **Regulation 11(da) – Not Applicable Recommendation Adopted**

Moved – Councillor Hodsdon  
Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

**CARRIED 5/3**  
**(Against: Crs. Shaw James & Argyle)**  
**(Abstained: Cr. Wetherall)**

**Committee Recommendation / Recommendation to Committee**

Council refuses the development application for the customer seating and tables at (Lot 349) No. 21 North Street, Swanbourne, for the following reasons:

1. The proposal is inconsistent with Clause 5.5.1 of the City's Town Planning Scheme No. 2 and Clause 67 (m) (n) (s) (t) and (y) of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as there is inadequate car parking to facilitate the proposal.
2. An insufficient number of car bays are provided for the proposed use, thus potentially creating safety and amenity issues for pedestrians and other road users due to vehicles being illegally parked.

Advice Notes specific to this proposal:

1. The applicant is advised that the premises can only be used as a shop which is defined as being the following under the City's Town Planning Scheme No. 2:

*“means any building wherein goods or services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include:*

*shops for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys and secondhand goods; jewellers, chemists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry-cleaning agencies, barbers and hairdressers; and liquor stores;*

*but shall not include a service office, a general office, a professional office or a market.”*

<b>PD10.17</b>	<b>(Lot 332) No. 12 Baird Avenue, Nedlands – Additions to Dwelling</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	Klopper and Davis Architects
<b>Landowner</b>	J and C Binns
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA2016/398
<b>Previous Item</b>	Nil.
<b>Delegation</b>	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
<b>Attachments</b>	1. Photograph of the subject property from Baird Avenue

Mr Colin Noid, 35 Fourth Avenue, Kensington PD10.17  
(spoke in support of the recommendation)

Mr Samuel Klopper, 19 Waverley Street, Shenton Park PD10.17  
(spoke in support of the recommendation)

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
Seconded – Councillor Hodsdon

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council approves the carport, pool play platform and the garage components of the development application for (Lot 332) No. 12 Baird Avenue, Nedlands, received on 21 December 2016, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. This development approval pertains to the carport, the garage on the southern lot boundary, and the pool play platform only.**
- 3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**

4. All sides of the carport shall remain open and shall not accommodate a door.
5. The garage boundary wall being finished to a professional standard by the landowner within 14 days of the garage's practicable completion, and be maintained thereafter by the landowner, to the City's satisfaction.
6. Obscure 1.6m high screening being installed along the southern edge of the pool play platform, prior to the pool play platform's practicable completion, to the City's satisfaction.

**Advice Notes specific to this approval:**

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.
  - a) Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2<sup>nd</sup> Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.
  - b) Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
3. All street trees on the verge are to be retained and shall not be removed without written approval from the Manager Parks Services.
4. Any construction in the verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Engineering section, prior to construction.
5. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

<b>PD11.17</b>	<b>Lot 89 (No.1) Leura Street, Nedlands – Proposed Street Boundary Fencing Infill</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	T Berhane & M Tesfay
<b>Landowner</b>	T Berhane & M Tesfay
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA2016/348
<b>Previous Item</b>	Nil.
<b>Delegation</b>	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Photograph of the existing fence along Leura Street</li> <li>2. Photograph of the existing fence along the corner truncation (Leura Street and Hardy Road)</li> <li>3. Photograph of the existing fence along Hardy Road</li> </ol>

**Councillor James – Impartiality Interest**

Councillor James disclosed that she knows the applicant, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor James declared that she would consider this matter on its merits and vote accordingly.

Dr Tafere Berhane & Mrs Mehret Tesfay, 1 Leura Street, Nedlands PD11.17  
(spoke in opposition to the recommendation)

**Regulation 11(da) – Council determined that approving the fence would not have a significant impact on the streetscape or set an undesirable precedent.**

Moved – Councillor James  
Seconded – Councillor Argyle

**Subject to the receipt of acceptable plans being submitted to Council:**

**Council approves the development application dated 10 November 2016 to install infill panels with 10mm gaps to an existing street boundary fence at Lot 89 (No.1) Leura Street, Nedlands, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. All footings and structures to retaining walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**

**Advice Notes specific to this proposal:**

- 1. The applicant is required to obtain a building approval for the fencing within the front setback from the City of Nedlands.**
- 2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

**CARRIED 5/1  
(Against: Cr. Shaw)  
(Abstained: Crs. Binks Hodsdon & Wetherall)**

**Committee Recommendation**

**Subject to the receipt of acceptable plans being submitted to Council:**

**Council approves the development application dated 10 November 2016 to install infill panels with 10mm gaps to an existing street boundary fence at Lot 89 (No.1) Leura Street, Nedlands, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. All footings and structures to retaining walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**

**Advice Notes specific to this proposal:**

- 1. The applicant is required to obtain a building approval for the fencing within the front setback from the City of Nedlands.**
- 2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

Recommendation to Committee

Council refuses the development application dated 10 November 2016 to install infill panels with 10mm gaps to an existing street boundary fence at Lot 89 (No.1) Leura Street, Nedlands, for the following reasons

1. The proposal not satisfying the design principles stipulated under clauses 5.2.4 (street walls and fences) of the Residential Design Codes, due to the appearance of the fencing infill not positively contributing to the streetscape.
2. Street boundary fencing infill of less than 50mm wide does not represent the orderly and proper planning of the City, and conflicts with cl. 5.5.1 of Town Planning Scheme No. 2 and provision (m) of the Planning and Development (Local Planning Schemes) Regulations 2015 cl.67. As its location and appearance will set an undesirable precedence for the locality.

Councillor Shaw left the room at 8.09 pm.



<b>PD12.17</b>	<b>(Lot 105) No. 5A Alexander Road, Dalkeith – Two Storey Single House</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	Blane Brackenridge Architects
<b>Landowner</b>	Ms J M La Cava
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA16/295
<b>Previous Item</b>	Nil.
<b>Delegation</b>	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Additional applicant justification</li> <li>2. Photograph facing west</li> <li>3. Photograph facing east</li> <li>4. Photograph facing south</li> </ol>

Mr Evan Cranston, 7A Alexander Road, Dalkeith  
(spoke in opposition to the recommendation)

PD12.17

Councillor Shaw returned to the room at 8.12 pm.

**Regulation 11(da) – Council determined the development would adversely affect the amenity of the property to the south.**

Moved – Councillor James  
Seconded – Councillor Shaw

**Council refuses the development application due to the overshadowing to the neighbouring property.**

Councillor McManus left the room at 8.29 pm and returned at 8.31 pm.

**CARRIED 5/-  
(Abstained: Crs. Binks Wetherall Horley & McManus)**

**Committee Recommendation**

**Council refuses the development application due to the overshadowing to the neighbouring property.**

Recommendation to Committee

Council approves the development application received on the 03 October 2016 for a two storey single house at (Lot 105) No. 5A Alexander Road, with amended plans received 03 January 2017 subject to the following conditions and advice:

1. The development shall at all times comply with the approved plans.
2. This planning approval only pertains to the single house, fencing and associated site works.
3. The parapet walls shall be finished to a professional standard within 21 days of practical completion of the dwelling and be maintained by the landowner thereafter, to the satisfaction of the City.
4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
5. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the Certificate of Title.

Advice Notes specific to this proposal:

1. The existing crossover shall be removed and the verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.
2. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property.
3. Any fencing in the primary street setback area which does not comply with the deemed to comply provisions of the R-Codes requires further development approval from the City.
4. Dividing fences behind the front setback line with a height no greater than 1.8m above approved levels are deemed to comply with the Scheme and do not require further planning approval.
5. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.

6. Stormwater shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
7. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.
8. Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide to prevent noise affecting neighbouring properties.
9. Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.
10. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

<b>PD13.17</b>	<b>(Lot 7) No.50 Lisle Street, Mount Claremont – Additions (Cabana) to Single House</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	Highbury Homes
<b>Landowner</b>	B Mazur
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA16/370
<b>Previous Item</b>	Nil.
<b>Delegation</b>	In accordance with Clause 6.7.1 (d) of the City’s Instrument of Delegation, Council is required to determine the application where discretion exists for Council to approve the variations under the City’s Town Planning Scheme No.2, policies and/ or the Residential Design Codes.
<b>Attachments</b>	1. Photograph of Cabana’s proposed location facing north 2. Photograph of Cabana’s proposed location facing south

Mr Matthew Callan & Ms Bianca Mazur, 38 Porter Street, Gwellup PD13.17  
(spoke in opposition to the recommendation)

**Regulation 11(da) – Council determined that the development would not adversely affect the amenity of the neighbourhood.**

Moved – Councillor McManus  
Seconded – Councillor Shaw

**Council approves the development application dated 28 November 2016 to construct a cabana (Lot 7) No. 50 Lisle Street Mount Claremont, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. This approval only pertains to the cabana.**
- 3. The parapet wall being finished to a professional standard within 14 days from the cabana’s practicable completion and be maintained thereafter by the landowner to the satisfaction of the City.**
- 4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 5. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the Certificate of Title.**

6. The cabana shall not be used as ancillary accommodation.

Advice specific to this approval:

1. Dividing fencing (including fencing to the rear laneway) which is no higher than 1.8m above approved levels is deemed to comply and does not require further planning approval.
2. Stormwater shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.
3. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
4. The landowner is advised that all mechanical equipment (e.g. air-conditioners, swimming pool or the funicular vehicle) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
5. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide to prevent noise affecting neighbouring properties. Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.

6. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
7. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

CARRIED 6/-  
(Abstained: Crs. Wetherall James & Horley)

### **Committee Recommendation**

**Council approves the development application dated 28 November 2016 to construct a cabana (Lot 7) No. 50 Lisle Street Mount Claremont, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. This approval only pertains to the cabana.**
- 3. The parapet wall being finished to a professional standard within 14 days from the cabana's practicable completion and be maintained thereafter by the landowner to the satisfaction of the City.**
- 4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 5. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the Certificate of Title.**
- 6. The cabana shall not be used as ancillary accommodation.**

### **Advice specific to this approval:**

- 1. Dividing fencing (including fencing to the rear laneway) which is no higher than 1.8m above approved levels is deemed to comply and does not require further planning approval.**
- 2. Stormwater shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.**
- 3. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.**
- 4. The landowner is advised that all mechanical equipment (e.g. air-conditioners, swimming pool or the funicular vehicle) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.**
- 5. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.**

**Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide to prevent noise affecting neighbouring properties. Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.**

- 6. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
- 7. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

Recommendation to Committee

Council refuses the application for a cabana at (Lot 7) No. 50 Lisle Street, Mount Claremont, received 28 November 2016, for the following reasons:

1. The proposal not satisfying the Design Principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes due to the proposed nil boundary setback of the cabana not positively contributing to the prevailing development context.
2. The height of the fencing exceeds the permitted height of 1.8m specified within the City's Fill and Fencing Policy and will therefore have a negative impact upon the laneway streetscapes and the amenity of neighbouring properties.
3. The proposal setting an undesirable precedence in terms of a boundary walls being permitted within a low-density zone.
4. The boundary wall in the R10/20 zone does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.
5. Not satisfying Clause 67 (m) and (n) of the Deemed Provisions within the Planning and Development (Local Planning Schemes) Regulations 2015.

Mrs Lorraine Driscoll left the room at 8.49 pm.

<b>PD14.17</b>	<b>No. 12 Draper Street, Floreat – The Scout Association of Australia, Western Australian Branch – Lease Portion of Reserve 36394 and Licence Portion of Reserve 28416</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Landowner</b>	City of Nedlands Reserves 36394 and 28416, Lawler Park Floreat
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Previous Item</b>	D49.09 on 11 August 2009
<b>Attachments</b>	1. Draft Deed of Lease and Licence

Mr James Maughmer, 25 Cervantes Loop, Yangebup  
(spoke in support of the recommendation)

PD14.17

Mrs Lorraine Driscoll returned to the room at 8.52 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor McManus  
Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

**CARRIED 6/-**  
**(Abstained: Crs. Shaw Horley & Smyth)**

**Committee Recommendation / Recommendation to Committee**

**Council**

- 1. Approves and endorses the lease arrangement with The Scout Association of Australia, Western Australian Branch for premises at Reserve 36394 and licence arrangement for portion of Reserve 28416 in the terms contained in Deed of Lease and Licence in Attachment 1 (Lease and Licence).**
- 2. Council authorises the Mayor and Chief Executive Officer to execute the Lease and Licence with application of the City’s common seal.**



**8.2 Technical Services Report No's TS02.17 to TS04.17**

Technical Services Report No's TS02.17 to TS04.17 to be dealt with at this point (copy attached blue cover sheet).

<b>TS02.17</b>	<b>City Of Nedlands 2016 Annual Waste Report</b>
<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Chaminda Mendis - Waste Minimisation Coordinator
<b>Director</b>	Martyn Glover - Director Technical Services
<b>Previous Item</b>	Ordinary Meeting of Council 28 February 2017, Item TS01.17

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
 Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**  
 (Printed below for ease of reference)

Councillor Hodsdon left the room at 9.11 pm.

**CARRIED UNANIMOUSLY 8/-**

**Committee Recommendation/ Recommendation to Committee**

**Council receives the City of Nedlands' 2016 Annual Waste Report.**

<b>TS03.17</b>	<b>Tender No. RFT 2016/2017.09 Brockway Road / Brookdale Street / Underwood Avenue - Road Improvement Project</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Nathan Brewer – Purchasing and Tenders Coordinator
<b>Director</b>	Martyn Glover – Director Technical Services
<b>Attachments</b>	1. Final evaluation score sheet (confidential)

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
 Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**  
 (Printed below for ease of reference)

Councillor Hodsdon returned to the room at 9.13 pm.

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council**

1. **Agrees to award RFT 2016/2017.09 Brockway Road / Brookdale Street / Underwood Avenue - Road Improvement Project to Densford Civil Pty Ltd; and**
2. **Authorises the Chief Executive Officer to Sign the acceptance of offers.**

<b>TS04.17</b>	<b>Tender No. RFT 2016/17.10 Railway Road / Guger Street / Loch Street – Federal Black Spot Project</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Nathan Brewer – Purchasing and Tenders Coordinator
<b>Director</b>	Martyn Glover – Director Technical Services
<b>Attachments</b>	1. Final Evaluation Shore Sheet (confidential).

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Binks  
 Seconded – Councillor Shaw

**That the Recommendation to Committee be adopted.**  
 (Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council**

1. **Agrees to award RFT 2016/17.10 Railway Road / Guger Street / Loch Street Intersection Improvement Project to WCP Civil Pty Ltd; and**
2. **Authorises the Chief Executive Officer to Sign the acceptance of offers.**

**8.3 Community Development No's CM01.17**

Report No's CM01.17 to be dealt with at this point (copy attached orange cover sheet).

<b>CM01.17</b>	<b>Community Sport and Recreation Facilities Fund Applications</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Amanda Cronin – Senior Community Development Officer (Recreation) Marion Granich - Manager Community Development
<b>Director</b>	Lorraine Driscoll – Director of Corporate and Strategy
<b>Attachments</b>	1. Site Map and plans – Hit-up wall, Allen Park Tennis Club

Mr Bill Hazell, President, Allen Park Tennis Club,  
263 Curtin Avenue, Cottesloe  
(spoke in support of the recommendation)

CM01.17

**Councillor McManus – Impartiality Interest**

Councillor McManus disclosed he is a life member of the Claremont Nedlands Cricket Club which the Claremont Nedlands Junior Cricket Club is a part of.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
Seconded – Councillor Hodsdon

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. Advises the Department of Sport and Recreation that it has ranked and rated the applications to the Community Sport and recreation Facilities Fund Summer Small Grants round as follows;**
  - a) City of Nedlands Practice nets replacement: Ranking A – well planned and needed by the municipality;**
  - b) Allen Park Tennis Club Hit-up wall and outdoor play area: Ranking A – well planned and needed by the municipality;**
  
- 2. Approves a grant of \$30,908 to Allen Park Tennis Club towards its hit-up wall and outdoor area, subject to the following conditions:**
  - a) Funding approval for the project is also provided by the Department of Sport and Recreation; and**
  - b) The Club obtains all necessary building and planning approvals required.**
  
- 3. Requires the Deed of Lease for Allen Park Tennis Club be amended to include an extension to the lease premises for the hit-up wall development and delegates authority to the Mayor and Chief Executive Officer to execute associated documentation and apply the common seal.**

**8.4 Corporate & Strategy Report No's CPS03.17 to CPS09.17**

Report No's CPS03.17 to CPS09.17 to be dealt with at this point (copy attached green cover sheet).

<b>CPS03.17 List of Accounts Paid – January 2017</b>	
<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Mike Fletcher – Acting Manager Finance
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Creditor Payment Listing January 2017 2. Purchasing Card Payments January 2017 (29 <sup>th</sup> December – 28 <sup>th</sup> January)

Councillor James left the room at 9.25 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw

Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 8/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of January 2017 (refer to attachments).**

<b>CPS04.17</b>	<b>Policy Reviews</b>
<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Pollyanne Fisher – Policy and Projects Officer
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Insurance Policy; 2. Non Grant Financial Support to Community Organisations for Capital Works Policy; 3. Review of Policies Policy; 4. Public Interest Disclosure Policy; and 5. Greenways Policy

Councillor James returned to the room at 9.28 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Horley

Seconded – Councillor McManus

**That the Recommendation to Committee be adopted subject to d) being amended to reinstate 1.3 g Cottesloe Golf Course (Eastern Boundary)**

*The Presiding Member agreed to vote on clauses 1, 2a, 2b, 2c and 2d individually.*

Councillor Binks left the room at 9.30 pm and returned at 9.33 pm.

1. **revoke the Insurance Policy;**

**CARRIED 6/3  
(Against: Crs. McManus Smyth & Argyle)**

2. **adopt the following updated policies;**

- a) **Non Grant Financial Support to Community Organisations for Capital Works Policy;**

**CARRIED UNANIMOUSLY 9/-**

**2. adopt the following updated policies;**

- b) Review of Policies Policy;**

**CARRIED UNANIMOUSLY 9/-**

**2. adopt the following updated policies;**

- c) Public Interest Disclosure Policy; and**

**CARRIED 8/1  
(Against: Cr. Smyth)**

**2. adopt the following updated policies;**

- d) Greenways Policy subject to d) being amended to reinstate 1.3 g  
Cottesloe Golf Course (Eastern Boundary)**

**Lost on the Casting Vote 5/4  
(Against: Crs. Binks Shaw Wetherall & Argyle)  
(Abstained: Cr. McManus)**

**Committee Recommendation**

**Council:**

**1. revoke the Insurance Policy; and**

**2. adopt the following updated policies;**

- a) Non Grant Financial Support to Community Organisations  
for Capital Works Policy;**  
**b) Review of Policies Policy; and**  
**c) Public Interest Disclosure Policy.**

Recommendation to Committee

Council:

1. revoke the Insurance Policy; and

2. adopt the following updated policies;

- a) Non Grant Financial Support to Community Organisations for  
Capital Works Policy;  
b) Review of Policies Policy;  
c) Public Interest Disclosure Policy; and  
d) Greenways Policy.



<b>CPS05.17</b>	<b>Health Local Law 2017</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Pollyanne Fisher – Policy and Projects Officer
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Proposed City of Nedlands Health Local Law 2017

The Presiding Member read aloud the purpose and effect of the proposed local law.

The **PURPOSE** of this local law is to provide a statutory means to effectively control issues that have the ability to adversely impact on the health and well-being of the community.

The **EFFECT** of this local law is to allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
 Seconded – Councillor James

**That the Recommendation to Committee be adopted.**  
 (Printed below for ease of reference)

Amendment  
 Moved - Councillor James  
 Seconded - Councillor Smyth

That under Division 4 – Keeping of Poultry, Pigeons And Miscellaneous Birds 62. Limitation On Number of Poultry And Pigeons be reduced from 12 to 4.

The AMENDMENT was PUT and WAS  
Lost 5/2  
 (Against: Crs. Binks Wetherall Shaw McManus & Argyle)  
 (Abstained: Crs. Hodsdon & Horley)

**The Substantive Motion was PUT and WAS**  
**CARRIED 7/1**  
**(Against: Cr. James)**  
**Abstained: Cr. Smyth)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. makes the proposed City of Nedlands Health Local Law 2017 as detailed in Attachment 1 for the purposes of public advertising;**
- 2. advertises the proposed City of Nedlands Health Local Law 2017 in accordance with section 3.12 (3)(a) of the Local Government Act 1995;**
- 3. forwards a copy of the proposed City of Nedlands Health Local Law 2017 to the Minister for Local Government and Minister for Health in accordance with section 3.12 (3)(b) of the Local Government Act 1995; and**
- 4. requests Administration to prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.**

<b>CPS06.17</b>	<b>Corporate Business Plan – Quarter 2 2016/17</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Pollyanne Fisher – Policy and Projects Officer
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Q2 2016/17 Report

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor McManus  
Seconded – Councillor Shaw

**That the Recommendation to Committee be adopted.**  
(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the Quarter 2 2016/2017 report on progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.**

<b>CPS07.17</b>	<b>2016 Compliance Audit Return</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Pollyanne Fisher – Policy and Projects Officer
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Compliance Audit Return 2016

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Argyle  
 Seconded – Councillor McManus

**That the Recommendation to Committee be adopted.**  
 (Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council adopts the 2016 Compliance Audit Return as per recommendation by the Audit & Risk Committee.**

<b>CPS08.17</b>	<b>Appointment of Auditor</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Vanaja Jayaraman – Coordinator Financial Accounting
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Local Government Amendment (Auditing) Bill 2016 Letter</li> <li>2. Confidential Attachment - Macri Partners Quotation Document – Audit Services 2016 - 2018</li> </ol>

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw

Seconded – Councillor Hodsdon

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council in accordance with the provisions of Section 7.3 of the *Local Government Act 1995*, appoints Macri Partners as the City’s auditor for the years 2016-17 to 2017-18 with the option of annual extensions.**

<b>CPS09.17</b>	<b>Mid-Year Budget Review</b>
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<b>Committee</b>	14 March 2017
<b>Council</b>	28 March 2017
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Nana McIntosh – Coordinator Management Accounting
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Revised Rate Setting Statement for the year ending 30 June 2017</li> <li>2. Listing of Changes Required to the Revised Operating Budget 2016/17</li> <li>3. Listing of Changes Required to the Revised Capital Works &amp; Acquisition Program Budget 2016/17</li> </ol>

Councillor McManus left the room at 10.07 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
 Seconded – Councillor Binks

**That the Recommendation to Committee be adopted.**  
 (Printed below for ease of reference)

**CARRIED UNANIMOUSLY 8/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. receives and adopts, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, the mid-year budget review and the revised Rate Setting Statement for the year ending 30 June 2017;
2. notes the additional brought forward surplus from 2015/2016 Financial Year of \$3,269,404 (Attachment 1);
3. note the budgeted borrowings of \$1.1M are no longer required. (Attachment 1);
4. notes the requested changes to the current 2016/17 Annual Budget listed in Attachments 2 and 3, and summarised in this report;
5. approves the Revised Budget incorporating all the changes listed in Attachments 2 and 3 of this report, providing a estimated net surplus of \$1,596,539 (Attachment 1).

**ABSOLUTE MAJORITY REQUIRED**

Councillor McManus returned to the room at 10.09 pm.

**9. Reports by the Chief Executive Officer**

Nil.

**10. Urgent Business Approved By the Presiding Member or By Decision**

Any urgent business to be considered at this point.

**11. Confidential Items**

Nil.

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 10.10 pm.