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**Minutes**

**Council Committee Meeting**

**8 September 2020**

**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.

**Table of Contents**

[Declaration of Opening 4](#_Toc51612818)

[Present and Apologies and Leave of Absence (Previously Approved) 4](#_Toc51612819)

[1. Public Question Time 5](#_Toc51612820)

[1.1 Ms Glencora Cabras, 89 Victoria Avenue, Dalkeith 5](#_Toc51612821)

[1.2 Ms Helen Stockdale, Nedlands 6](#_Toc51612822)

[2. Addresses By Members of the Public (only for items listed on the agenda) 6](#_Toc51612823)

[3. Disclosures of Financial and/or Proximity Interest 8](#_Toc51612824)

[4. Disclosures of Interests Affecting Impartiality 9](#_Toc51612825)

[4.1 Mayor de Lacy – Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office) 9](#_Toc51612826)

[4.2 Councillor Smyth – Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office) 9](#_Toc51612827)

[4.3 Councillor Wetherall – Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office). 9](#_Toc51612828)

[4.4 Councillor Hodsdon – CPS20.20- Review of Point Resolution Child Care Centre 10](#_Toc51612829)

[4.5 Councillor Bennett – Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office) 10](#_Toc51612830)

[5. Declarations by Members That They Have Not Given Due Consideration to Papers 10](#_Toc51612831)

[6. Confirmation of Minutes 10](#_Toc51612832)

[6.1 Committee Meeting 11 August 2020 10](#_Toc51612833)

[7. Matters for Which the Meeting May Be Closed 10](#_Toc51612834)

[8. Divisional Reports 11](#_Toc51612835)

[8.1 Planning & Development Report No’s PD44.20 to PD45.20 11](#_Toc51612836)

[PD44.20 No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation) 11](#_Toc51612837)

[PD45.20 Establishment of a Design Review Panel 15](#_Toc51612838)

[8.2 Technical Services Report No’s TS15.20 18](#_Toc51612839)

[TS15.20 Allen Park Cottage 18](#_Toc51612840)

[8.3 Corporate & Strategy Report No’s CPS18.20 to CPS21.20 20](#_Toc51612841)

[CPS18.20 List of Accounts Paid – July 2020 20](#_Toc51612842)

[CPS19.20 Ongoing Implications of COVID-19 on the City’s Tenancy Portfolio 21](#_Toc51612843)

[CPS20.20 Review of Point Resolution Child Care Centre 23](#_Toc51612844)

[CPS21.20 Sale of 64-66 Melvista Avenue, Dalkeith 25](#_Toc51612845)

[9. Reports by the Chief Executive Officer 27](#_Toc51612846)

[9.1 Melvista Aged Care Facility – 16 & 18 Betty Street and 73 & 75 Doonan Road - Submissions 27](#_Toc51612847)

[9.2 Department of Transport’s Draft Long Term Cycle Network 29](#_Toc51612848)

[9.3 Shared Services 37](#_Toc51612849)

[9.4 Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office) 42](#_Toc51612850)

[10. Urgent Business Approved By the Presiding Member or By Decision 47](#_Toc51612851)

[11. Confidential Items 47](#_Toc51612852)

[Declaration of Closure 47](#_Toc51612853)

**City of Nedlands**

**Minutes of a meeting of the Council Committee held online via Teams and livestreamed for the public and onsite in the Council Chambers, 71 Stirling Highway, Nedlands (Councillors Only) on Tuesday 8 September 2020 at 6 pm.**

# Declaration of Opening

The Presiding Member declared the meeting open at 6.05 pm and drew attention to the disclaimer below.

# Present and Apologies and Leave of Absence (Previously Approved)

**Councillors** Her Worship the Mayor, C M de Lacy (Presiding Member)

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Councillor P N Poliwka Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor G A R Hay Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

**Staff** Mr M A Goodlet Chief Executive Officer

Mrs L M Driscoll Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr J Duff Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Public** A maximum of 28 persons logged into the live stream of the proceedings and 12 members of the public attended for the public address session only.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Nil.

**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.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

# Public Question Time

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

## Ms Glencora Cabras, 89 Victoria Avenue, Dalkeith

Question 1

I have two children at Point Resolution Child Care Centre, and I am concerned that the proposal will leave our family and many other families without childcare, many of whom are essential workers and health professionals. If Point Resolution Child Care Centre is to close, it would put undue hardship on my family and my community, including the families desperately awaiting positions as the council will be aware of the long waitlist at this child care facility and other child care facilities in the area. Has the committee ensured that there is adequate capacity to accommodate childcare demand at the other childcare centres in Dalkeith?

Answer 1

The report stems from Council's instructions to the CEO targeting savings, the current service’s inability to breakeven and subsequent ratepayer subsidisation and the potential lack of harmony with the Local Government Act. Council have the option to approve the CEO to call for Expressions of Interest (EOI) for an external childcare provider to undertake childcare services at the site with a proviso that children currently registered are included in the transition. Should an external childcare provider be secured, it would ensure the ongoing service for the community.

Question 2

Further, if the land is sold out from under Kidz Galore, does that risk there being no childcare services in Dalkeith?

Answer 2

Dependant on the potential purchaser, the sale of the premises at 64-66 Melvista Avenue, Dalkeith may result in a loss of service at the site. Council does have the option to choose to sell the site to a childcare provider.

Question 3

Regarding the P&L statements, can further clarification be provided for the costs grouped under 28827 - Finance - PRCC?

Answer 3

The costs under this line item are attributed to the overhead administrative costs which support the service. In this instance, the costs include HR, Financial Management and IT Services.

## Ms Helen Stockdale, Nedlands

Question 1

In relation to the suggestion that Point Resolution Day Care Centre be closed. The 2018 Strategic Community Plan identifies the provision of community infrastructure as one of the key priorities of the City. It also identifies that 19.8% of the City’s residents are aged between 0 and 14, and that this figure is above average. In those circumstances, why is the City looking to close the Point Resolution Day Care Centre as a means of saving costs and decreasing headcount when those outcomes could be achieved in other ways that do not result in the removal of an entire piece of community infrastructure which is critical to the day to day functionality of numerous families in the City and the lives of many of its youngest residents.

Answer 1

The proposal in CPS20.20, "Review of Point Resolution Child Care Centre", recommends retaining the childcare service, though outsourcing its operation. Reasons for this recommendation are detailed in the report.

Question 2

Will the Council commit to looking for alternatives rather than simply removing this critical piece of community infrastructure which it provides?

Answer 2

Yes, the report suggests retention of childcare, though run by others.

# Addresses By Members of the Public (only for items listed on the agenda)

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made at this point.

Mrs Lesley Shaw, 9 Greenville Street, Swanbourne TS15.20

(spoke in opposition to the recommendation)

Mr Peter Bibby, 88 Wood Street, Swanbourne TS15.20

(spoke in opposition to the recommendation)

Mr Johnson Kitto, 49 Stanley Street, Nedlands CPS20.20

(spoke in opposition to the recommendation)

Ms Susan Stevens, 65 Melvista Avenue, Nedlands CPS21.20

(spoke in opposition to the recommendation)

Councillor Hay left the meeting at 6.45 pm.

Mr Alex Hemsley, 168 Stirling Highway, Nedlands CPS21.20

(spoke in opposition to the recommendation)

Councillor Hay returned to the meeting at 6.47 pm.

Moved – Councillor Mangano

Seconded – Councillor Poliwka

**That Council allows the following additional speaker against item CPS21.20.**

**CARRIED UNANIMOUSLY 13/-**

Mr Paul Starcevich, 168 Stirling Highway, Nedlands CPS21.20

(spoke in opposition to the recommendation)

Mrs Ming-Wen Till, 13 Browne Avenue, Dalkeith CPS20.20

(spoke in opposition to the recommendation)

Councillor Coghlan left the meeting at 7.15 pm.

Ms Diane Sinagra, 46 Jutland Parade, Dalkeith 9.2

(spoke in opposition to the recommendation)

Councillor Wetherall left the meeting at 7.15 pm.

Councillor Coghlan & Councillor Wetherall returned to the meeting at 7.17 pm.

Mr Ken Helsby, 39 Jutland Parade, Dalkeith 9.2

(spoke in opposition to the recommendation)

Councillor Wetherall left the meeting at 7.25 pm and returned at 7.26pm.

Ms Trina Mahon, Nedlands 9.4

(spoke in opposition to the recommendation)

Councillor Mangano left the meeting at 7.36 pm and returned at 7.41 pm.

Mr Tom McVee, 24 Kingsway, Nedlands 9.4

(spoke in opposition to the recommendation)

Moved – Councillor Mangano

Seconded – Councillor Bennett

**That Council allows the following additional speaker against item 9.4.**

**CARRIED 12/1**

**(Against: Cr. Hay)**

Mrs Bronwyn Stuckey, 26 Kingsway, Nedlands 9.4

(spoke in opposition to the recommendation)

# Disclosures of Financial and/or Proximity 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.

# 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*.

## Mayor de Lacy – Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office)

Mayor de Lacy disclosed an impartiality interest in Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office). Mayor de Lacy disclosed that she is a paid member of the MINJDAP that will be considering this item at a meeting scheduled for 14th September. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeod’s released to the local government sector in relation to a recent Supreme Court ruling, Mayor de Lacy declared she leave the room and not participate in the debate, or vote on the matter. Mayor de Lacy advised she would leave the room and request that the Deputy Mayor preside over the meeting for that item.

## Councillor Smyth – Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office)

Councillor Smyth disclosed an impartiality interest in Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office). Councillor Smyth disclosed that she is a paid member of the MINJDAP that will be considering this item at a meeting scheduled for 14th September. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeod’s released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth declared she would leave the room and not participate in the debate, or vote on the matter.

## Councillor Wetherall – Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office).

Councillor Wetherall disclosed an impartiality interest in Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office). Councillor Wetherall disclosed that he is a paid member of the MINJDAP that will be considering this item at a meeting scheduled for 14th September. As a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Wetherall declared that he would consider this matter on its merits and vote accordingly.

## Councillor Hodsdon – CPS20.20- Review of Point Resolution Child Care Centre

Councillor Hodsdon disclosed an impartiality interest in Item CPS20.20 – Review of Point Resolution Child Care Centre. Councillor Hodsdon disclosed that he as a relation who has submitted an objection to the proposal, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon declared that he would consider this matter on its merits and vote accordingly.

## Councillor Bennett – Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office)

Councillor Bennett disclosed an impartiality interest in Item 9.4 - Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office). Councillor Bennett disclosed that he is a paid member of the MINJDAP that will be considering this item at a meeting scheduled for 14th September. As a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Bennett declared that he would consider this matter on its merits and vote accordingly.

# Declarations by Members That They Have Not Given Due Consideration to Papers

Nil.

# Confirmation of Minutes

## Committee Meeting 11 August 2020

Moved – Councillor McManus

Seconded – Councillor Hodsdon

**The Minutes of the Council Committee held 11 August 2020 be confirmed.**

**CARRIED UNANIMOUSLY 13/-**

# Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

Nil.

# 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.

## Planning & Development Report No’s PD44.20 to PD45.20

Planning & Development Report No’s PD44.20 to PD45.20 to be dealt with at this point (copy attached yellow cover sheet).

|  |  |
| --- | --- |
| **PD44.20** **No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)** | |
|  | |
| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Applicant** | David Joseph |
| **Landowner** | David Joseph and Christine Joseph |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA20/48595 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Applicant’s Justification Report |
| **Confidential Attachments** | 1. Plans 2. Management Plan 3. Submissions 4. Assessment |

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

Moved – Councillor McManus

Seconded – Councillor Smyth

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

(Printed below for ease of reference)

**CARRIED 11/2**

**(Against: Crs. Bennett & Mangano)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:**

1. **This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.**
2. **The approval period for the Holiday House is limited to 12 months (1 year) from the date of this decision letter.**
3. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
4. **The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).**
5. **A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.**
6. **Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.**
7. **A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)**
8. **The Management Plan forms part of this approval and is to be complied with at all times to the City’s satisfaction.**
9. **All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.**

**Advice Notes specific to this proposal:**

1. **With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:**

**‘Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast’.**

1. **In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City’s Planning Department for assessment prior to the completion of the 12 month temporary approval period. The applicant is advised to contact the City’s Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application.**
2. **A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.**
3. **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.**
4. **This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or ensumbrances are adhered to.**
5. **Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997.***
6. **Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).**
7. **The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.**
8. **The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.**
9. **All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbours (in accordance with City requirements).**
10. **No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.**
11. **Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).**
12. **Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will requirement reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017.***
13. **Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.**

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| **PD45.20 Establishment of a Design Review Panel** | |
|  | |
| **Committee** | 11 September 2020 |
| **Council** | 22 September 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Reference** | Nil |
| **Previous Item** | Item PD14.19 Ordinary Council Meeting - 23 April 2019  Item 16.1 Ordinary Council Meeting - 17 December 2019  Item 7 Special Council Meeting - 30 January 2020  Item 14.4 Ordinary Council Meeting - 30 March 2020 Item 14.1 Ordinary Council Meeting - 28 July 2020 |
| **Attachment** | 1. 1. Draft Design Review Panel Local Planning Policy 2. 2. Draft Design Review Panel Terms of Reference 3. 3. Design Review Guide 4. 4. Design Principles to be considered by the Design Review Panel |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – The Committee wished to provide further clarity regarding the terms of reference.**

Moved – Councillor Smyth

Seconded – Councillor Wetherall

**That the Recommendation to Committee be adopted subject to:**

* + - 1. **at the end of Clause 1 add the words “including in the TOR an additional paragraph ‘Code of Conduct - All panel members are required to abide by the local government’s Code of Conduct.”;**
      2. **amend the TOR by adding an additional clause 2.11 to read “A chair and deputy chair will be appointed by the election of the panel.”;**
      3. **amends clause 4.2 of the TOR to remove the words “as nominated by the Director of Planning & Development”;**
      4. **in clause 3 remove the words “six (6) and (2) specialist members”;**
      5. **in clause 2.7 of the TOR the word “preferably” be added to after the word “shall”; and**
      6. **in the policy remove headings under 4.0.**

Councillor Hodsdon left the meeting at 8.20 pm and returned at 8.22 pm.

Councillor Hodsdon left the meeting at 8.25 pm and returned at 8.26 pm.

**CARRIED8/5**

**(Against: Crs. Bennett Youngman Mangano Poliwka & Hay)**

**Committee Recommendation**

**That Council:**

* + - 1. **adopts the City of Nedlands Draft Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals subject to the following amendments:**
      2. **at the end of Clause 1 add the words “including in the TOR an additional paragraph ‘Code of Conduct - All panel members are required to abide by the local government’s Code of Conduct.”;**
      3. **amend the TOR by adding an additional clause 2.11 to read “A chair and deputy chair will be appointed by the election of the panel.”;**
      4. **amends clause 4.2 of the TOR to remove the words “as nominated by the Director of Planning & Development”;**
      5. **in clause 2.7 of the TOR the word “preferably” be added to after the word “shall”; and**
      6. **advertises the Draft Design Review Panel Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4 subject to the removal of headings under 4.0;**
      7. **instructs the Chief Executive Officer to call for expressions of interest for the City of Nedlands Design Review Panel, with appointment to the Panel to be made by Council upon its adoption of the Design Review Panel Local Planning Policy; and**
      8. **notes that a budget amount of $20,500 is to be set aside in the mid-year Review to allow for the operation of the Design Review Panel, for strategic matters, for the remainder of the financial year up to June 2021 inclusive.**

Recommendation to Committee

That Council:

1. adopts the City of Nedlands Draft Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals;

2. advertises the Draft Design Review Panel Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4;

3. instructs the Chief Executive Officer to call for expressions of interest for six (6) panel members and (2) specialist members for the City of Nedlands Design Review Panel, with appointment to the Panel to be made by Council upon its adoption of the Design Review Panel Local Planning Policy; and

4. notes that a budget amount of $20,500 is to be set aside in the mid-year Review to allow for the operation of the Design Review Panel, for strategic matters, for the remainder of the financial year up to June 2021 inclusive.

## Technical Services Report No’s TS15.20

Technical Services Report No’s TS15.20 to be dealt with at this point (copy attached blue cover sheet).

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| **TS15.20 Allen Park Cottage** |

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| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Hodge Collard Preston Architectural Report dated 30 June 2019 2. Bushfire Management Report dated 24 January 2020 |

Councillor Bennett left the room at 8.55 pm and returned at 8.56 pm.

**Regulation 11(da) – The Committee wished to evaluate the options for saving the existing cottage at a reduced cost, on the basis of a non-habitable building.**

Moved – Councillor Horley

Seconded – Councillor McManus

**Committee Recommendation**

**That Administration review the options to undertake basic remediation to the fabric of the building up to the value of $150, 000 in order for the building to be retained as a non-habitable facility.**

Councillor Mangano left the meeting at 9.18 pm and returned at 9.20 pm.

**CARRIED 7/6**

**(Against: Crs. Mangano Youngman Hodsdon**

**Poliwka Wetherall & Coghlan)**

Recommendation to Committee

That Council:

1. approve the use of the $150,000 budget to construct a custom-built extension to the rear of the Allen Park Pavilion Building that incorporates a meeting room, small kitchen and storage for equipment. An extension to the Pavilion Building also provides for the (FOAPBG) to have access to shower, changeroom and toilet facilities;
2. allow the (FOAPBG) to continue to use the Allan Park Cottage as a meeting venue during the construction of the extension to the building; and
3. direct the CEO to repurpose or demolish the building and restore the area through a revegetation program.

## Corporate & Strategy Report No’s CPS18.20 to CPS21.20

Report No’s CPS18.20 to CPS21.20 to be dealt with at this point (copy attached green cover sheet).

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| **CPS18.20 List of Accounts Paid – July 2020** |

|  |  |
| --- | --- |
| **Committee** | 8 September2020 |
| **Council** | 22 September2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing – July 2020 2. Credit Card and Purchasing Card Payments – July 2020 (29 June – 29 Jul 2020) |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor McManus

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

Councillor Smyth left the meeting at 9.34 pm and returned at 9.36 pm.

**CARRIED 12/1**

**(Against: Cr. Coghlan)**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of July 2020 as per attachments.**

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| **CPS19.20 Ongoing Implications of COVID-19 on the City’s Tenancy Portfolio** |

|  |  |
| --- | --- |
| **Committee** | 8 September2020 |
| **Council** | 22 September2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Hardship Provisions Policy |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor McManus

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

Councillor Wetherall left the meeting at 9.37 pm and returned at 9.38 pm.

**CARRIED UNANIMOUSLY 13/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **authorises the Chief Executive Officer to:**
2. **recommence ‘normal’, pre-COVID-19 Hardship Provisions, management of the City’s Tenancy Portfolio in line with obligations under each agreement, including charging rent as of 1 July 2020; and**
3. **removal of Clauses 3, 5(c) and 5(d) of the Hardship Provisions Policy to reflect this decision; and**
4. **requests a further item be presented to Council, should the State suffer the effects of a ‘second-wave’ of infection and government restrictions on human movement and interactions are re-tightened to Phase 3, 2 or 1.**

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| **CPS20.20 Review of Point Resolution Child Care Centre** |

|  |  |
| --- | --- |
| **Committee** | 8 September2020 |
| **Council** | 22 September2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. PRCC Profit and Loss Statements 2. Map of Surrounding Childcare Businesses |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – The Committee wished to understand long-term needs for childcare south of Stirling Hwy and to engage the community.**

Moved – Mayor de Lacy

Seconded – Councillor McManus

**Committee Recommendation**

**That this item be deferred to the March 2021 round of meetings in order to review the long-term needs for Child Care South of Stirling Highway in reference to the City’s land assets and undertake full community consultation with all stakeholders.**

Councillor McManus left the meeting at 9.48 pm returned at 9.50 pm.

**CARRIED 10/2**

**(Against: Crs. Smyth & Wetherall)**

Recommendation to Committee

Council:

1. with respect to current City childcare services:
2. agrees to cease operations of the Point Resolution Child Care Centre at 53 Jutland Parade, Dalkeith at the earliest opportunity within the 2020/21 financial year;
3. instructs the CEO to commence the transitional arrangements for Point Resolution Child Care Centre staff; and
4. approves an increase to the budget for the Point Resolution Child Care Centre Employee Costs by $85,000 of municipal funds. The funds will be required to enable the payment of the due transitional costs;
5. instructs the CEO to seek a valuation of the Point Resolution Child Care Centre service for the purposes of valuation of the service as a business;
6. with respect to future childcare services:
7. approves the CEO to call for Expressions of Interest (EOI) for an external childcare provider to undertake childcare services at 53 Jutland Parade, Dalkeith for a term of up to 21-years in accordance with the Management Order, with proviso that current staff and the currently registered children are included in the transition of the service; and
8. instructs the CEO to initiate the requirements for the disposal of the land (leasehold) subject to Section 3.58 of the Local Government Act 1995; and
9. with respect to meeting Council’s CEO key result areas:
10. notes that the resolutions above in part satisfy Council’s instruction to the CEO to reduce employee numbers and staff costs, though the reduction in staff costs will not be realised until the next financial year; and
11. notes that the disposition of the Point Resolution Child Care Centre service may realise a financial return for the City.

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| **CPS21.20 Sale of 64-66 Melvista Avenue, Dalkeith** |

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| --- | --- |
| **Committee** | 8 September2020 |
| **Council** | 22 September2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Valuation of 64-66 Melvista Avenue, Dalkeith – 23 October 2019; 2. Updated Valuation of 64-66 Melvista Avenue, Dalkeith – 10 August 2020; and 3. Excerpt of Section 3.58 and 3.59 of the *Local Government Action 1995.* |
| **Confidential Attachments** | 1. Kidz Galore Confidential Proposal |

**Regulation 11(da) – The Committee wished to understand long-term needs for childcare south of Stirling Hwy and to engage the community.**

Moved – Mayor de Lacy

Seconded – Councillor Mangano

**Committee Recommendation**

**That this item be deferred to the March 2021 round of meetings in order to review the long-term needs for Child Care South of Stirling Highway in reference to the City’s land assets and undertake full community consultation with all stakeholders.**

Councillor Coghlan left the meeting at 10.19 pm.

**CARRIED 9/3**

**(Against: Crs. Smyth Hodsdon & Wetherall)**

Recommendation to Committee

Council:

1. agrees to proceed with the sale of its property at 64-66 Melvista Avenue, Dalkeith via public tender method, based on existing zoning and current planning uses, and in accordance with the requirements of the Local Government Act 1995;
2. requires Administration to report back to Council once terms of a draft agreement for the sale of 64-66 Melvista Avenue, Dalkeith have been reached with the most appropriate purchaser, for review and approval; and
3. requests the Chief Executive Officer to prepare a business plan for the sale of the property, give public notice of the business plan and provide the submissions to Council so that it may decide whether to proceed with the undertaking as proposed or so that it is not significantly different from what is proposed, in accordance with s3.59 of the Local Government Act 1995.

Councillor Coghlan returned to the meeting at 10.20 pm.

# Reports by the Chief Executive Officer

## Melvista Aged Care Facility – 16 & 18 Betty Street and 73 & 75 Doonan Road - Submissions

|  |  |
| --- | --- |
| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson, Director Planning & Development |
| **CEO** | Mark Goodlet |
| **Previous item** | NOM item 14.2 – 25 August 2020 |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Coghlan

Seconded – Councillor Bennett

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 13/-**

**Committee Recommendation / Recommendation to Committee**

**That Council notes that submissions received by the City of Nedlands on the discontinued Melvista Aged Care Facility development application are publicly available.**

**Executive Summary**

At its meeting held 25 August 2020, Council resolved:

That Council instructs the CEO to make publicly available, all public submissions received in response to the advertising of the Development Application – 16 & 18 Betty Street and 73 and 75 Doonan Road, Nedlands – Residential Aged Care Facility (DA) at the 8th September 2020 Council Committee Meeting in accordance with the Council’s Privacy Statement, the submissions via the PDF document (created from Your Voice).

**Discussion/Overview**

A summary of submissions along with copies of all submissions are always provided to Council as part of the assessment of a Development Application. In the case of the Melvista Aged Care Facility the application was withdrawn and therefore Administration had not progressed the provision of submissions to Councillors.

Copies of submissions are public documents and are always available subject to Council’s Privacy Policy, including this application, however no one had requested them from Administration.

In accordance with Council’s resolution all submissions are now available – with identifying information such as names and addresses redacted - on the City’s Your Voice website.

## Department of Transport’s Draft Long Term Cycle Network

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| --- | --- |
| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands on behalf of the Department of Transport |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson |
| **Attachments** | 1. Draft LTCN Map 2. City of Nedlands proposed changes to the draft LTCN and DoT Response, with Agree Recommendations 3. Administration LTCN Assessment |

Councillor Youngman left the meeting at 10.21pm.

**Regulation 11(da) – The Committee wished to support the draft long-term cycle network with certain changes.**

Moved – Councillor Bennett

Seconded – Councillor Mangano

**That Council:**

1. **endorses the current draft Department of Transport Long Term Cycle Network to be advertised for a period of not less than 21 days in accordance with the City of Nedlands Community Engagement Policy, except for the following amendments made prior to advertising (1a, 1b, 1c);**

**Amendments to the draft City of Nedlands LTCN.**

1. **Deletion of any reference to the Three Points Bridge, including deletion of any reference to a Primary (red) or Secondary (blue) cycle route that leads to Point Resolution reserve or through any Nedlands Swan River reserves and foreshore.**
2. **All references to LTCN routes located within the Dalkeith Ward boundary shall be designated as Local (green) community shared paths, shall be no greater than 2m in width, designed to be low impact and consistent with existing footpath infrastructure.**
3. **Addition of the entire length of the Edward Bruce Foreshore Path as a Local (green) community shared path from Broadway to Iris avenue, including an aspiration link into the Sunset Heritage Site adjacent the Iris avenue stairs.**
4. **acknowledges the many benefits of local and state government working together in delivering the aspirational draft LTCN over the longer-term including engagement and consultation with** **local Nedlands stakeholders.**
5. **will work with the Department of Transport and local Nedlands stakeholders to update the draft LTCN on an ongoing basis, particularly to avoid negative impacts relating to safety, amenity, change of neighbourhood character, streetscape modification, tree removals and other environmental values.**
6. **supports a thorough community consultation process, with respect to this draft LTCN, to inform the Council of the current levels of community satisfaction with the existing City of Nedlands cycle network infrastructure, as well as the aspirational routes as illustrated within the draft LTCN. Responses received during this consultation process shall be used;**
7. **to enable consideration of the adoption of a City of Nedlands cycle network, and**
8. **to provide further information to the City and Department of Transport to further update or modify the endorsed draft LTCN to closely reflect the wishes of residents and other local stakeholders.**

Councillor Youngman returned to the meeting at 10.23 pm.

Councillor Horley retired from the meeting at 10.24 pm.

Amendment

Moved - Councillor Smyth

Seconded - Councillor Coghlan

**Change the Route Category from Primary Route (Red) to Secondary Route (Blue) for the section starting at the intersection of Marine Parade and North Street, heading northwards along Marine Parade, then east along Odern Crescent and Clement Street, then north along Kirkwood Road, then east along Wood Street, ending at the intersection with West Coast Highway.**

**The AMENDMENT was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**The Substantive Motion was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation**

**That Council:**

1. **endorses the current draft Department of Transport Long Term Cycle Network to be advertised for a period of not less than 21 days in accordance with the City of Nedlands Community Engagement Policy, except for the following amendments made prior to advertising (1a, 1b, 1c);**

**Amendments to the draft City of Nedlands LTCN.**

1. **Deletion of any reference to the Three Points Bridge, including deletion of any reference to a Primary (red) or Secondary (blue) cycle route that leads to Point Resolution reserve or through any Nedlands Swan River reserves and foreshore;**
2. **All references to LTCN routes located within the Dalkeith Ward boundary shall be designated as Local (green) community shared paths, shall be no greater than 2m in width, designed to be low impact and consistent with existing footpath infrastructure;**
3. **Addition of the entire length of the Edward Bruce Foreshore Path as a Local (green) community shared path from Broadway to Iris avenue, including an aspiration link into the Sunset Heritage Site adjacent the Iris avenue stairs; and**
4. **Change the Route Category from Primary Route (Red) to Secondary Route (Blue) for the section starting at the intersection of Marine Parade and North Street, heading northwards along Marine Parade, then east along Odern Crescent and Clement Street, then north along Kirkwood Road, then east along Wood Street, ending at the intersection with West Coast Highway.**
5. **acknowledges the many benefits of local and state government working together in delivering the aspirational draft LTCN over the longer-term including engagement and consultation with local Nedlands stakeholders.**
6. **will work with the Department of Transport and local Nedlands stakeholders to update the draft LTCN on an ongoing basis, particularly to avoid negative impacts relating to safety, amenity, change of neighbourhood character, streetscape modification, tree removals and other environmental values.**
7. **supports a thorough community consultation process, with respect to this draft LTCN, to inform the Council of the current levels of community satisfaction with the existing City of Nedlands cycle network infrastructure, as well as the aspirational routes as illustrated within the draft LTCN. Responses received during this consultation process shall be used;**
8. **to enable consideration of the adoption of a City of Nedlands cycle network, and**
9. **to provide further information to the City and Department of Transport to further update or modify the endorsed draft LTCN to closely reflect the wishes of residents and other local stakeholders.**

Recommendation to Committee

Council:

1. in regard to Attachment 2, Items 1, 3, 4, 5, 7, 8 and 18, adopts the Department of Transport’s (DoT) draft Long Term Cycle Network (LTCN) as updated with the DoT agreed recommendations, for the purpose of advertising for 21 days;
2. in regard to Attachment 2, Items 6, 10 and 12, adopts Administration’s recommendation to downgrade the Jutland Parade route and Nedlands Foreshore route from a Primary Route to a Secondary Route; and
3. in regard to Attachment 2, Items 2, 9, 11, 13, 14, 15, 16 and 17, does not adopt the proposed LTCN mapping changes.

**1.0 Executive Summary**

The Department of Transport (DoT) drafted a metropolitan Long-Term Cycle Network (LTCN) plan in 2016 to support the Perth and Peel @ 3.5 Million framework. However, it was recognised that the initial draft LTCN did not involve the input of local government, and DoT has subsequently consulted with local government across the region to refine the plan. The DoT is now seeking support from local governments on the revised LTCN (Attachment 1). The LTCN seeks to provide a long-term plan for cycling routes across Perth and Peel and will also link to the annual DoT cycling infrastructure grant process.

The purpose of this report is to consider the draft LTCN, as well as proposed changes by the City, and adopt for the purpose of advertising.

**2.0 Background**

This report was presented to the August 2020 Council Meeting, where Council resolved to defer the item to the September 2020 Council Meeting. Following the August 2020 Council Meeting, further comments on the draft LTCN were received from Councillors, and these were discussed further with DoT.

The LTCN project aims to agree a long-term aspirational bicycle network for 33 local governments across the Perth to Peel region. The vision is for a network of bicycle routes:

* To provide continuous routes along major corridors;
* To establish links between strategic, secondary, district, specialised activity centres and public transport services; and
* To provide connections to schools, education sites and local centres.

The DoT note the LTCN will represent the aspirational (‘ultimate’) cycling network across Perth and Peel. It will not constitute a firm commitment from local governments or DoT to deliver the identified network or identify prioritisation or any particular timelines for the delivery. However, it will inform planning and design, and grant allocation. It should be considered a ‘live’ network and subject to refinements and changes as required.

**3.0 Discussion**

Route hierarchy

The LTCN applies a route hierarchy consisting of:

* Primary routes – high demand corridors connecting major destinations forming the ‘spine’ of the network; fully separated, uninterrupted paths e.g. Principal Shared Paths (PSP).
* Secondary routes – lower demand routes providing connections between Primary routes and shopping/industrial/major health, education, sporting, and civic activities; combination shared paths, protected on and off-road paths.
* Local routes – local residential routes connecting into secondary and primary routes and locations; shared paths, protected bike lanes and low speed and low traffic volume shared streets. May involve Safe Active Street treatment and bike friendly Local Area Traffic Management (LATM) treatments. Can utilise existing quiet local streets and include wider footpaths.

Funding

From July 2020 all WA Bicycle Network Grants will be linked to the adopted aspirational LTCN. Only routes included within the LTCN will then be eligible for grants for the installation, renewal, or upgrade of cycle routes. Further, only local governments with a Council adopted LTCN will remain eligible for such grants.

Changes by the City

The draft LTCN was presented to a Council Briefing on 16 June 2020. Following this meeting, Councillors provided feedback and suggested changes to the LTCN. Councillor and Administration proposed changes and DoT responses to those changes were presented to the July Council Meeting. Following this meeting, further changes were proposed by Council, which were discussed further with DoT.

Subsequent to the 16 June Councillor briefing and with the exception of Items 6 and 10, all matters raised in Attachment 2 were resolved between Administration and DoT to the point where there is now an agreed recommendation.

Item 6 of Attachment 2 relates to the route along Jutland Parade. The draft LTCN shows this route as a Primary Route, which is intended in the future to form part of a route between Fremantle and Perth. Administration’s recommendation to Council is to downgrade this route to a Secondary Route.

Item 10 of Attachment 2 relates to the route along the Nedlands Foreshore (including JH Abrahams Reserve and Matilda Bay reserve in City of Perth. The draft LTCN shows this route as a Primary Route, which is intended in the future to form part of a route between Fremantle and Perth. Administration’s recommendation to Council is to downgrade this route to a Secondary Route.

Further councillor responses have been provided in writing and are detailed in Attachment 2, items 9 to 18. The DOT and Administration comments are provided for each of these responses.

**4.0 Consultation**

If adopted by Council, the draft LTCN will be advertised to the community for a period of 21 days as follows:

* Newspaper notice;
* YourVoice notice;
* Social media update.

As the LTCN is a City-wide proposal, it is not proposed that owners and occupiers are notified in writing by letter. At the close of the advertising period, the draft LTCN will be reconsidered in light of submissions received, before being presented back to Council for adoption.

Once the public consultation is finalized the draft LTCN can then be updated in response to submissions, in consultation with DoT, before being presented back to Council for adoption. Once the LTCN is adopted by Council, DOT will then determine if it is prepared to accept the changes.

**5.0 Strategic Implications**

**How well does it fit with our strategic direction?**

The City’s Local Planning Strategy aims to promote a movement network that foremost enables mobility, and particularly non-car modes. The development of the draft LTCN which is supported by both DoT and the City will help fund improvements to the City’s bicycle network, which would help to promote non-car modes of transport.

**Who benefits?**

The City will benefit from being eligible for funding of bicycle networks, if it adopts an LTCN which is agreed to by DoT.

**Does it involve a tolerable risk?**

Administration is proposing changes to the draft LTCN to address risks of inappropriate route locations and allocations.

**Do we have the information we need?**

Decisions must be based on robust evidence / data and analysis of all options.

**6.0 Budget/Financial Implications**

From July 2020, the Perth Bike Network (PBN) grant funding will only be issued to projects that form part of the agreed LTCN (albeit with potential for minor refinement).

**Can we afford it?**

Consideration and adoption of the LTCN will not bind the City to fund any cycle path but will allow the City to be eligible for State Government funding of cycle routes.

**How does the option impact upon rates?**

If the LTCN is adopted by the City, in agreement with DoT, the City will be eligible for State Government funding of cycle routes. This has the potential to reduce the use of rate funds being spent on cycle infrastructure within the City.

**7.0 Conclusion**

The purpose of this report is to consider the draft LTCN, as well as proposed changes by the City, and adopt it for the purpose of advertising. Following advertising, the LTCN will be presented back to Council for adoption. Local governments with an adopted LTCN, which is agreed to by DoT, will be eligible for State Government funding of cycle routes.

## Shared Services

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| --- | --- |
| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickelson – Director Planning & Development |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. CEO Weekly Update 12 January 2018 |
| **Confidential Attachments** | Nil |

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

Moved – Councillor Senathirajah

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED 11/1**

**(Against: Cr. Mangano)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the continued provision of shared services to other local governments.**

**Executive Summary**

This report is presented to Council to highlight the continued innovation in service delivery within the City that enables the Building Department to provide shared services to other local governments utilizing existing staff. These services provide an additional revenue stream for the City, assists in cost-effective budget control within the City and allows for additional resourcing to be catered for not out of ordinary budget but out of service income thus maintaining staff numbers to the minimum required to provide the service.

The provision of this shared service is at odds with Council’s Chief Executive Officer key results area to “reduce staff numbers to the minimum required to provide services approved by Council and by law”. Council direction on this matter is therefore required.

**Discussion/Overview**

Since August 2014, the City has been partnering with various other local governments to provide shared services for building control matters. The Cities building department has been sharing its expertise and knowledge with the Town and providing services being the assessment of building applications, the creation and management of a swimming pool inspection programs and the investigation of building compliance matters.

The provision of building control matters is possible as building regulations are consistent throughout the state of WA, so the rules are the same for everybody regardless of which local government district they are in.

Building applications that are submitted either at the City or other local governments are subject to the same scrutiny and assessment. Applications for each local government are dealt with at the City and either issued from the City or the relevant local government.

Building control and compliance matters are also dealt with under the same regulations and have the same basic protocol applies to each case. Compliance or prosecution outcomes are investigated by the City initially and referred to each respective local government executive for final approval.

Services are provided on a fee for service with cost recovery being the basis of the charge applied.

A major advantage with the application of shared services is that rate payers and applicants in both local government districts are dealt in the same way improving the consistency of regulation for both local governments, avoiding the complaint about the ever-differing rules applied in different local governments.

For example, a four-yearly rotational swimming pool program has been set up for the Town of Claremont in 2014 and continues each year in the same way that the City’s program operates. The Town’s pool barriers inspections have received the same professional scrutiny and inspection as the City’s own barriers do resulting in improved compliance outcomes.

Having possibly the only fully resourced building department in the western suburbs the City of Nedlands is able to provide technical advice to applicants, rate payers and the public at large regarding building control matters, applications for building approvals, swimming pool inspections, building compliance and general building control related matters.

This advice is transferable anywhere in the state because the *Building Act 2011* and associated legislation is the same throughout the state of WA and the National Construction Code Building Code of Australia is consistent throughout Australia.

This means that the same advice is given out regardless of whether one is an applicant to the City or a partnering local government. This assists in removing the frustration of different interpretations for different local government areas and improving customer confidence.

In this regard the City can extend consistent advice to service partners in the course of normal work as part of our shared services.

The City continues to provide these services and with new innovations and process improvement now, and into the future. New innovations in record keeping and electronic processing are made available to other local governments in the normal course of events, as ongoing improvements.

These technological improvements will maintain compliance with state records keeping requirements and State and Federal statistical reporting to the WA Building Commission and the Australian Bureau of Statistics and maintain the City as lead innovator in these areas.

Shared services and partnership brings significant efficiency and savings outcomes and mutual benefit for each party.

Since 2014 the City has shared its services to other local governments who have found themselves temporarily under resourced or unable to maintain service levels or as a direct partner outsourcing a service. Services provided being the assessment of building permits, technical advice and consultancy, swimming pool barrier inspections and building compliance.

|  |  |
| --- | --- |
| **Services Provided in** | **Local Government Area Assisted** |
| 2014 | Town of Claremont |
| 2015 | Town of Claremont  Shire of Serpentine Jarrahdale |
| 2016 | Town of Claremont  Town of East Fremantle |
| 2017 | Town of Claremont |
| 2018 | Town of Claremont |
| 2019 | Town of Claremont  Shire of Peppermint Grove |
| 2020 | Town of Claremont  Shire of Peppermint Grove |
|  |  |

Administratively the resourcing for the shared service provides capacity flexibility in servicing the City of Nedlands. The service also lifts the capability of the staff, giving them higher level assessment capability and job satisfaction.

**Key Relevant Previous Council Decisions:**

Previously information on the Cities shared services was present in the CEO weekly update for 12 January 2018 (attached) to which this report provides a current update thereto.

**Consultation**

Nil.

**Strategic Implications**

**How well does it fit with our strategic direction?**

The shared services have a direct correlation with the Nedlands 2018-2028 Strategic Community Plan in two areas being within ‘Our Priorities – Working with Neighbouring Councils’ and within the ‘Objective and Strategies – Working with neighbouring local governments to achieve the best outcomes for the western suburbs as a whole’

**Who benefits?**

The Nedlands community - partnering with other local governments to supply services results in better economies of scale, a consistency of applied regulation and process, an increase in safety of pool barriers, consistency in technical advice and compliance and cost saving benefits enabling the provided services to have no adverse impact on rates.

**Does it involve a tolerable risk?**

Services benefits of improved process, innovation in technology, professional inspections regimes and consistency in assessment, advice and compliance all go towards mitigating the risks associated of not having the ability to share knowledge and professionalism between local governments leading to a reducing in associated risk levels for service partners. Risk is then managed through process and procedures utilized in normal activity of the department and extended within the service to other local governments.

**Do we have the information we need?**

Information of the required service available to other local governments is formally agreed upon through mutual negotiation of the terms and conditions of the service being shared or sought. All relevant information is put together and agreed upon through that process prior to final acceptance of agreed services.

**Budget/Financial Implications**

An overall net gain on budget figures adding an ongoing revenue stream.

Services are provided on a fee for service basis with cost recovery being the core of the charge applied.

Current shared services due for financial year 2020-2021.

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| --- | --- | --- |
| **Fee for Services** | **Town of Claremont** | **Shire of Peppermint Grove** |
| Building Permit Approvals | $16,000 | $2,000 |
| Swimming Pool Inspections |
| Compliance Matters |
| Consultancy and Advice |
| **Total (Estimated)** | **$18,000** | |

Received fee for service - Jan 2018 to June 2020.

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| --- | --- | --- |
| **Fee for Services** | **Town of Claremont** | **Shire of Peppermint Grove** |
| Building Permit Approvals | $36,956 | $3,200 |
| Swimming Pool Inspections |
| Compliance Matters |
| Consultancy and Advice |
| **Total** | **$40,156** | |

Received fee for services for - Aug 2014 to Jan 2018.

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| --- | --- | --- | --- |
| **Fee for Services** | **Town of Claremont** | **Shire of Serpentine Jarrahdale** | **Town of East Fremantle** |
| Building Permit Approvals | $315,000 | $82,900 | $2,700 |
| Swimming Pool Inspections |
| Compliance Matters |
| Consultancy and Advice |
| **Total** | **$400,600** | | |

**Can we afford it?**

The service is self-funding beyond the use of existing staff.

**How does the option impact upon rates?**

No rate increase is required for this service.

## Responsible Authority Report – Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands – Mixed Use Development (38 Multiple Dwellings and Office)

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| --- | --- |
| **Council** | 8 September 2020 – Committee Meeting |
| 1B**Applicant** | Element |
| **Landowner** | Andrew Macvie and Kamala Macvie & Premium Custody Services Pty Ltd |
| **Director** | Peter Mickleson - Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Report Type**    **Information Purposes** | Item provided to Council for information purposes. |
| **Reference** | DAP/20/01789 |
| **Previous Item** | Nil |
| **Delegation** | Not applicable – Joint Development Assessment Panel application. |
| **Attachments** | Responsible Authority Report and Attachments – available at: <https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes> |

Councillor Mangano left the meeting at 10.44 pm.

**Mayor de Lacy - Impartiality Interest**

Mayor de Lacy disclosed that she is a paid member of the MINJDAP that will be considering this item at a meeting scheduled for 14th September. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeod’s released to the local government sector in relation to a recent Supreme Court ruling, Mayor de Lacy declared she will not stay in the room and debate the item, or vote on the matter. I will leave the room and request that the Deputy Mayor preside over the meeting for that item.

**Councillor Smyth – Impartiality Interest**

Councillor Smyth disclosed that she is a paid member of the MINJDAP that will be considering this item at a meeting scheduled for 14th September. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeod’s released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth declared she would leave the room and not participate in the debate, or vote on the matter.

Mayor de Lacy & Councillor Smyth left the meeting at 10.45 pm.

Deputy Mayor McManus assumed the chair.

Councillor Mangano returned the meeting at 10.46 pm.

**Regulation 11(da) – The Committee did not support the RAR and wished to provide reasons for its position and nominate councillors to represent Council at the JDAP.**

Moved – Councillor Bennett

Seconded – Councillor Coghlan

**Committee Resolution**

**Council:**

1. **notes the Responsible Authority Report for the proposed Mixed Use Development: 38 multiple dwellings and 1 office on Lot 538 (no. 93) Broadway and Lot 539 (no. 95) Broadway, Nedlands.**
2. **agrees to appoint Councillor Bennett and Councillor Coghlan to coordinate the Council’s submission and presentation to the Metro Inner-North JDAP.**
3. **informs the Development Application Panel in this submission that:**
   1. **Council does not support the RAR recommendation for approval of the development at 93 and 95 Broadway; and**
   2. **reasons for the Council’s alternate position on the findings of the RAR for 93 and 95 Broadway are as follows;** 
      1. **Excessive height, bulk, scale that proposes an allowance for a plot ratio of 2.19, which exceeds the primary control plot ratio of 2.0 permitted for R-AC3.**
      2. **Negative impacts on neighbouring properties including overshadowing, overlooking, loss of privacy and loss of amenity.**
      3. **There has been inadequate consideration of whether the proposed dwellings nearest to 97 Broadway are impacted by the required non-occupation exclusion zones from existing mobile telecommunication equipment located on the roof of 97 Broadway, comprising a telecommunication base station.**
      4. **The proponent has not conducted a cumulative traffic assessment that considers other proposed developments on Broadway as well as the existing restricted traffic flow arrangement in the immediate area.**
      5. **Inconsistency with City of Nedlands LPS3, Scheme Amendment 7, under which the proposed development would be non-compliant with building height limits and plot ratio. Inconsistency with Broadway Interim LPP height and setbacks.**
4. **instructs the CEO to write to the presiding member of MINJDAP by close of business on 9 September 2020 to request that its meeting to consider the development application for 93 to 95 Broadway Nedlands be cancelled to enable the City to obtain advice for the MINJDAP on the public safety impacts from existing mobile telecommunication equipment comprising a base station located on the roof of 97 Broadway and whether the proposed development complies with required non-occupation exclusion zones.**

**CARRIED UNANIMOUSLY 10/-**

Recommendation to Committee

That Council:

1. notes the Responsible Authority Report for the proposed 38 Mixed Use Development comprising of 38 Multiple Dwellings and an Office at Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands;
2. agrees to appoint Councillor …… and Councillor ….. to coordinate the Council’s submission and presentation to the Metro Inner-North JDAP;
3. does / does not (remove one) support approval of the development; and

1. provides the following reasons for the Council’s position on the application:
2. ..

1. **Executive Summary**

In accordance with the Planning and Development (Development Assessment Panels) Regulations 2011, Administration have prepared a Responsible Authority Report (RAR) in relation to the revised plans received on 13 May 2020 for the Metro-Inner North Joint Development Assessment Panel (JDAP) Form 1 Application at Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands. The application proposes the development of a six-storey mixed-use development, comprising of 38 apartments and an office at ground level.

The purpose of this report is to inform Council of Administration’s recommendation to the JDAP.

1. **Background**

On 13 May 2020, the City received a development application for Mixed Use Development Comprising of 38 Multiple Dwellings and an Office at No.93-95 Broadway, Nedlands which is to be determined by the Metro-Inner North Joint Development Assessment Panel. The subject site is zoned ‘Mixed Use’ and has a density coding of R-AC3.

On the 23 January 2020, the City appointed Hassell to undertake the built form modelling for the Nedlands Town Centre, Broadway and Waratah Precincts in which the subject site is located within. As Hassell is the architect on this application, there is a potential for a perception there being a conflict of interest and therefore to the City sought to appoint an independent planning consultant (Altus) to undertake the assessment work and present at the Metro-Inner North Joint Development Assessment Panel.

Altus submitted the RAR on the 4 September 2020, recommending that the JDAP approve the application. A copy of the revised RAR and revised plans are attached to this report for your reference.

1. **Application Details**

Development approval is sought for the construction of a six (6) storey mixed use development comprising 38 residential apartments and an office tenancy located at Lot 538 (No. 93) and Lot 539 (No. 95) Broadway, Nedlands. The proposal can be summarised as follows:

* The proposed dwelling mix include 16 single-bedroom apartments (with 9 containing a study) 14 two-bedroom apartments and 8 three-bedroom apartments
* Six (6) storeys with communal amenities for residents located at the rear of the site with deep soil planting. As measured to the highest point of the development above the corresponding NGL, the six-storey building is approximately 20.2m in height;
* 1 office tenancy comprising of 83.7m2 with a nil setback to Broadway;
* 71 car parking bays, comprising 60 residents’ bays, 6 visitors bays and 5 commercial bays.

1. **Consultation**

The City’s Local Planning Policy – Consultation of Planning Proposals states that the development proposal for multiple dwellings is classified as a “Complex” Application. In accordance with this policy, the application was advertised for a period of 21 days from 19 June 2020 to 11 July 2020. At the conclusion of advertising the City received a total of 128 submissions, 116 of which objected to the proposal, three provided comments and nine raised no objection.

As per the requirements of the City’s Local Planning Policy – Consultation of Planning Proposals, the amended plans received on the 13 August 2020 were not publicly advertised as they proposed no additional impacting modifications to the original plans. However, the plans will be placed on the City’s Your Voice page for the information of interested residents, providing an opportunity for review with comments likely to be presented via deputations to the JDAP.

1. **Amendments to the Development Application Plans**

The applicant submitted revised plans and technical information on 13 August 2020 that differed from the plans as advertised.

1. **Recommendation to JDAP**

Approval, subject to conditions.

1. **Conclusion**

The City received the JDAP application for Lot 531 (No.79) and Lot 532 (No.81) Broadway, Nedlands on 19 May 2020. The subject lot is zoned ‘Mixed Use’ and has a density code of R-AC3. Altus was appointed to prepare a report due to a perceived conflict of interest. The recommendation is for approval.

# Urgent Business Approved By the Presiding Member or By Decision

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 11.07 pm.