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**Minutes**

**Council Committee Meeting**

**14 September 2021**

**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, 71 Stirling Highway, Nedlands on Tuesday 14 September 2021 at 7 pm. The meeting was livestreamed.**

# Declaration of Opening

The Presiding Member declared the meeting open at 7 pm and drew attention to the disclaimer below.

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

**Councillors** Mayor F E M Argyle (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

Vacant Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor B Tyson Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

**Staff** Mr W R Parker Chief Executive Officer

Mr E K Herne Director Corporate & Strategy

Mr T G Free Director Planning & Development

Mr A D Melville Acting Technical Services

Ms M E Granich Executive Manager Community

Mrs N M Ceric Executive Officer

**Public** There were 22 members of the public present and 0 online.

**Press** Nil.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Councillor L J McManus Coastal Districts 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.

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 who had 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 received registrations of interest determined the order of questions.

## Ms Cilla de Lacy, Robinson Street, Nedlands

These questions all relate to the DA for the proposed expansion of the Common Bakery into 29 Carrington Street:

Question 1

The PD report states at part 3 that the approved hours of operation for the shop only include Fridays, Saturdays and Sundays. Yet the Bread In Common shop at 27 Carrington St operates Mondays to Thursdays as well. Please confirm if the business is operating in accordance with its current approval.

Answer 1

Bread In Common at No 27 Carrington Street is operating in accordance with its approval of July 2016. The hours of operation are not restricted via the planning approval.

Question 2

Please explain how the traffic consultants report could conclude that the proposed DA will improve parking impacts in the local area (which are very clearly explained in submissions as being associated with 'customer' parking outside the current Bread in Common and Doggy Day Care on Carrington Street), when this proposal will only add bays to the rear of 29 Carrington St, on Government Road? We expect these new bays are most likely to be used by staff not customers and are very unlikely to be used by customers during the morning peak.

Answer 2

The adjacent business – “Doggy Day Care” currently attracts customers. The proposed change of use to a bakery, does not increase the retail floor space, nor does it involve an increase in the number of employees. Based on this, it is reasonable to conclude that the car parking situation will not be made worse.

Question 3

It is noted that 29 Carrington Street currently has 4 bays on site at the front of the building (not on the City's road reserve land) and these meet the relevant Australian Standard. In practice customers of the Doggy Day Care at 29 Carrington and Bread in Common at 27, use the City's road reserve outside 29 as parking despite it not being demarcated to do so. Will the City consider landscaping the road reserve outside 29 Carrington to stop this dangerous use of parking where cars reverse into a three-way intersection at the bottom of a hill?

Answer 3

The treatment of the Carrington Street car parking is most appropriately handled via a review of the traffic and parking safety of the street with the street being addressed in a holistic manner, rather than seeking to address these matters, via a change of use application.

Question 4

The applicant has indicated they are happy to work with the City to improve parking arrangements on land the City controls, this includes the four bays in the road reserve outside 27 Carrington St which present a significant public safety risk during the morning peak as explained in the submissions. The planning consultant’s report indicates the applicant is happy to look at landscaping arrangements. Would the City consider landscaping two of the four bays (those two being on the western side) to reduce the impact of vehicles reversing into a busy three-way intersection and look at ways to provide two more bays on City land in the vicinity of 27 Carrington to alleviate this dangerous situation?

Answer 4

The City will be developing an Integrated Traffic Strategy over the next 12 months. This will identify and prioritise traffic concerns across the City, inclusive of Carrington Street. Councillors will be involved in this process with the first briefing session scheduled for 25 November.

# 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 as each item relating to their address is discussed by the Committee.

Ms Catherine Evans, Murray Street, Perth PD28.21

(spoke in support of the recommendation)

Ms Cilla de Lacy, Robinson Street, Nedlands PD28.21

(spoke in relation to the parking and safety issues)

Mr Giles Jones, HJ Architect, Subiaco PD29.21

(spoke in support of the recommendation)

Councillor Coghlan left the meeting at 7.25pm and returned at 7.27pm.

Mrs Gisela Birch, Kingsway, Nedlands PD31.21

(spoke in opposition to the recommendation)

Mr Tony Cumace, Gordon Street, Nedlands PD31.21

(spoke in support of the recommendation)

Ms Lisa Engelbrecht, Boscombe Avenue, City Beach PD32.21

(spoke in support of the recommendation)

Mr Brad Girdwood, Parry Street, Claremont CSD10.21

(spoke in support of the recommendation)

Mr Tayne Evershead, Carrington Street, Nedlands PD28.21

(spoke in support of the recommendation)

# Disclosures of Financial and/or Proximity Interest

The Presiding Member reminded Council Members and Employees 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 Council Members and Employees of the requirements of Council’s Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

## Councillor Senathirajah – CSD11.21- Point Resolution Child Care Centre Financial Viability Review

Councillor Senathirajah disclosed an impartiality interest in Item CSD11.21- Point Resolution Child Care Centre Financial Viability Review. Councillor Senathirajah disclosed that his daughter sends her son two days per week, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Senathirajah declared that he would consider this matter on its merits and vote accordingly.

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

Councillor Horley declared that she had not had time to read all the papers.

The Presiding Member permitted the following additional public address:

Carlo Famiano, CF Town Planning, Mulgul Road, Malaga PD33.21

(spoke in support of the recommendation)

# Confirmation of Minutes

## Committee Meeting 10 August 2021

Moved – Councillor Hodsdon

Seconded – Councillor Youngman

**The Minutes of the Council Committee held 10 August 2021 be confirmed.**

**CARRIED UNANIMOUSLY 11/-**

# 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.

Councillors were reminded that should they wish to discuss any content contained in confidential attachments these should be discussed behind closed doors.

# 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 PD28.21 to PD33.21

Planning & Development Report No’s PD28.21 to PD33.21 to be dealt with at this point (copy attached yellow cover sheet).

|  |  |
| --- | --- |
| **PD28.21** | **Consideration of Development Application for a Change of Use from ‘Animal Establishment’ to ‘Industry-Light’ at 29 Carrington Street, Nedlands** |
|  | |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | Hatch Roberts Day |
| **Landowner** | Hamlet Properties Pty Ltd |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **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** | DA21-62959 |
| **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 Cover Letter 2. Summary of Submissions |
| **Confidential Attachments** | 1. Development Plans 2. Business Management Plan 3. Submissions |

**Regulation 11(da) - The Committee considered it important to address the carparking safety along Carrington Street, by clearing separating the private and public parking areas.**

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

Amendment

Moved - Councillor Coghlan

Seconded - Councillor Mangano

**That a condition 10 be added as follows:**

1. **Prior to the issue of a Building Permit the applicant prepare a plan in consultation with the City to formally demarcate via appropriate landscaping treatment, the privately owned land from the City’s road reserve at the front of the current building at 29 Carrington Street, with a view also to line marking parking bays in the City’s road reserve consistent with other parking bays so marked in the City’s road reserve on Carrington Street.**

**The AMENDMENT was PUT and was**

**CARRIED 6/5**

**(Against: Mayor Argyle Crs. Youngman**

**Hodsdon Wetherall & Senathirajah)**

**The Substantive Motion was PUT and**

**CARRIED 10/1**

**(Against: Cr. Wetherall)**

**Committee Recommendation**

**In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 13 April 2021 in accordance with the plans date stamped 23 April 2021 (DA21-62959) for the Change of Use from ‘Animal Establishment’ to ‘Industry-Light’ at Lot 387 (No. 29) Carrington Street, Nedlands, subject to the following conditions:**

1. **This approval is for a ‘Industry-Light’ land use as defined under the City’s Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City of Nedlands.**
2. **A maximum of 10 staff (inclusive) shall be permitted on the premises at any one time.**
3. **Prior to the issue of a Building Permit, the Waste Management Plan dated 28 June 2021, is to be updated in accordance with the City of Nedlands Waste Management Local Planning Policy and Guidelines to include:**
4. **Detailing of waste generation for the bakery premises; and**
5. **Inclusion of the SUEZ agreement and waste truck specifications.**

**The updated Waste Management Plan is to be implemented prior to occupation and maintained at all times, to the satisfaction of the City of Nedlands.**

1. **The bin enclosure location and construction is to comply with the City’s Health Local Laws 2017 and maintained at all times, to the satisfaction of the City of Nedlands.**
2. **The premises is required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times, to the satisfaction of the City of Nedlands.**
3. **All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 to the satisfaction of the City of Nedlands.**
4. **Service and/or delivery vehicles must not service the premises before 7.00am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless prior approval from the City of Nedlands is granted.**
5. **All staff parking bays and deliveries (drop off and pick up) will be serviced from the rear of the site from Government Road at all times, to the satisfaction of the City of Nedlands.**
6. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.**

1. **Prior to the issue of a Building Permit the applicant prepare a plan in consultation with the City to formally demarcate via appropriate landscaping treatment, the privately owned land from the City’s road reserve at the front of the current building at 29 Carrington Street, with a view also to line marking parking bays in the City’s road reserve consistent with other parking bays so marked in the City’s road reserve on Carrington Street.**

Recommendation to Committee

In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 13 April 2021 in accordance with the plans date stamped 23 April 2021 (DA21-62959) for the Change of Use from ‘Animal Establishment’ to ‘Industry-Light’ at Lot 387 (No. 29) Carrington Street, Nedlands, subject to the following conditions:

1. This approval is for a ‘Industry-Light’ land use as defined under the City’s Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City of Nedlands.
2. A maximum of 10 staff (inclusive) shall be permitted on the premises at any one time.
3. Prior to the issue of a Building Permit, the Waste Management Plan dated 28 June 2021, is to be updated in accordance with the City of Nedlands Waste Management Local Planning Policy and Guidelines to include:
4. Detailing of waste generation for the bakery premises; and
5. Inclusion of the SUEZ agreement and waste truck specifications.

The updated Waste Management Plan is to be implemented prior to occupation and maintained at all times, to the satisfaction of the City of Nedlands.

1. The bin enclosure location and construction is to comply with the City’s Health Local Laws 2017 and maintained at all times, to the satisfaction of the City of Nedlands.
2. The premises is required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City of Nedlands.
3. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 to the satisfaction of the City of Nedlands.
4. Service and/or delivery vehicles must not service the premises before 7.00am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless prior approval from the City of Nedlands is granted.
5. All staff parking bays and deliveries (drop off and pick up) will be serviced from the rear of the site from Government Road at all times, to the satisfaction of the City of Nedlands.
6. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.

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| **PD29.21** | **Consideration of Development Application - 6 Grouped Dwellings at 29 Martin Avenue, Nedlands** |
|  | |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | HJ Architect |
| **Landowner** | J. Harden Jones |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **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** | DA21/64480 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the application proposing 6 dwellings. |
| **Attachments** | 1. Aerial Image and Zoning Map 2. Design Review Panel Assessment |
| **Confidential Attachments** | 1. Plans  2. Submissions |

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

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED 7/4**

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

**Committee Recommendation / Recommendation to Committee**

**In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations* 2015, Council approves the development application received on 19 May 2021 in accordance with the plans date stamped 5 August 2021 (DA21/61309) for six (6) grouped dwellings at 29 Martin Avenue, Nedlands, subject to the following conditions:**

1. **This approval is for a ‘Residential’ (Grouped Dwellings) land use and development as defined under the City’s Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
2. **Prior to occupation of the development, a notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared at the expense of the owner and registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land of the following matter(s):**

**“This lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction.”**

1. **Prior to the lodgement of Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.**
2. **Prior to the lodgement of a Building Permit, a detailed Landscaping Plan, prepared by a suitably qualified person, shall be submitted to and approved by the City of Nedlands.**
3. **Prior to the lodgement of a building permit, a Landscape Management Plan, shall be submitted and approved by the City of Nedlands. It shall in addition to include a comprehensive maintenance plan for all proposed landscaping on the site and contingencies for replacement of dead and diseased plants. Landscaping shall be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands.**
4. **Prior to occupation of the development, all communal and private open space areas shall include a water tap for the purpose of irrigation.**
5. **Prior to the commencement of excavation works, a Dilapidation Report prepared by a practising Structural Engineer should be submitted to the City of Nedlands for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:**
6. **Lot 423 (No.27) Martin Avenue, Nedlands;**
7. **Lot 425 (No.31) Martin Avenue, Nedlands;**
8. **Lot 436 (No.20) Broome St, Nedlands;**
9. **Lot 435 (No.22) Broome St, Nedlands;**
10. **Lot 434 (No.24) Broome St, Nedlands;**

**In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Nedlands that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.**

1. **Prior to the lodgement of a Building permit a Sustainability Report prepared by a suitably qualified consultant shall be submitted and approved to the satisfaction of the City. Recommendations contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
2. **All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
3. **Prior to occupation of the development, all visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas, as annotated on the approved plans, shall be screened in accordance with the Residential Design Codes by either:**
4. **Fixed obscure or translucent glass to a height of 1.6 metres above finished floor level;**
5. **Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
6. **A minimum sill height of 1.6 metres as determined from the internal floor level; or**
7. **An alternative method of screening approved by the City.**

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

1. **Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:**
2. **Face brick;**
3. **Painted render;**
4. **Painted brickwork; or**
5. **Other clean material as specified on the approved plans.**

**And maintained thereafter to the satisfaction of the City of Nedlands**

1. **Prior to occupation, the parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004.**
2. **A Waste Management plan shall be submitted to the City prior to the lodgement of a Building Permit. The development shall comply with the approved Waste Management Plan to the satisfaction of the City of Nedlands. Any modification to the approved waste management plan will require further approval by the City.**
3. **All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
4. **Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing ventes and pipes, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
5. **Prior to occupation, each grouped dwelling is to have an adequate area set aside for clothes drying screened so as to not be highly visible from any adjacent public place in accordance with the requirements of the Residential Design Codes to the satisfaction of the City of Nedlands.**
6. **The pergola shall remain with an open-framed roof, permeable to water.**
7. **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.**

|  |  |
| --- | --- |
| **PD30.21** | **Consideration of Development Application - Single House at 67 Dalkeith Road, Nedlands** |
|  | |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | Residential Building WA Pty Ltd |
| **Landowner** | L & D Marshall |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **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** | DA21/62397 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received. |
| **Attachments** | 1. Aerial image and zoning plan |
| **Confidential Attachments** | 1. Plans  2. Submissions |

**Regulation 11(da) - The Committee had concerns with respect to the location of the driveway relative to the road intersection, separately the Committee expressed concerns with the open space provision.**

Moved – Councillor Coghlan

Seconded – Councillor Tyson

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Councillor Bennett left the meeting at 9.01pm and returned at 9.03pm.

Lost 5/6

(Against: Mayor Argyle Crs. Horley Bennett

Mangano Youngman Senathirajah)

Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 29 March 2021 in accordance with amended plans date stamped 20 August 2021 for a Single House at 67 Dalkeith Road, Nedlands, subject to the following conditions:

1. Prior to the lodgement of a Building Permit, a detailed Landscaping Plan, prepared by a suitably qualified person, shall be submitted to and approved by the City of Nedlands.
2. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City. Any modifications to the plans are subject to further approval by the City of Nedlands.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
5. Face brick;
6. Painted render;
7. Painted brickwork; or
8. Other clean material as specified on the approved plans

And maintained thereafter to the satisfaction of the City of Nedlands.

1. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
2. 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.

|  |  |
| --- | --- |
| **PD31.21** | **Consideration of Development Application - Single House at 92 Kingsway, Nedlands** |
|  | |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | R. L. Cumace |
| **Landowner** | Y Qiu |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **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** | DA21/64480 |
| **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. Aerial image and zoning plan |
| **Confidential Attachments** | 1. Plans  2. Submissions |

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

Moved – Councillor Senathirajah

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED 7/4**

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

**Committee Recommendation / Recommendation to Committee**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 17 May 2021 in accordance with amended plans date stamped 27 July 2021 for a Single House at Lot 31 (No.92) Kingsway, Nedlands:**

1. **Prior to the lodgement of a Building Permit, a detailed Landscaping Plan, prepared by a suitably qualified person, shall be submitted to and approved by the City of Nedlands.**
2. **Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City. Any modifications to the plans are subject to further approval by the City of Nedlands.**
3. **All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
4. **Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:**
   1. **Face brick;**
   2. **Painted render;**
   3. **Painted brickwork; or**
   4. **Other clean material as specified on the approved plans**

**And maintained thereafter to the satisfaction of the City of Nedlands.**

1. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
2. **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.**

|  |  |
| --- | --- |
| **PD32.21** | **Consideration of Development Application (Single House) at 20A Vincent Street, Nedlands** |
|  | |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | Broadway Homes Pty Ltd |
| **Landowner** | S Boughton and A Basu |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **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** | DA21/64295 |
| **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. Aerial Image and Zoning Map |
| **Confidential Attachments** | 1. Plans 2. Submissions |

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

Moved – Councillor Tyson

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED 8/3**

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

**Committee Recommendation / Recommendation to Committee**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 13 May 2021 in accordance with amended plans date stamped 13 August 2021 for a Residential - Single House at 20A Vincent Street, Nedlands, subject to the following conditions:**

1. **All footings and structures to retaining walls shall be constructed wholly inside the site boundaries of the subject lot.**
2. **Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:**
3. **Face brick;**
4. **Painted render;**
5. **Painted brickwork; or**
6. **Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.**
7. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
8. **In the event that the windows to the upper storey stairwell and landing are deleted to meet Building Code requirements, an alternative façade treatment that provides visual articulation to the northern boundary wall is to be submitted and approved by the City of Nedlands prior to construction commencing.**
9. **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.**

|  |  |
| --- | --- |
| **PD33.21** | **Consideration of Development Application – 5 Grouped Dwellings at 25 Mountjoy Road, Nedlands** |
|  | |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | CF Town Planning and Development |
| **Landowner** | Willem Investments One Pty Ltd |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia |
| **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** | DA21-65012 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the application proposing 5 dwellings. |
| **Attachments** | 1. Aerial Image & Zoning Map |
| **Confidential Attachments** | 1. Plans |

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

Moved – Councillor Tyson

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

Councillor Smyth left the meeting at 9.56pm and returned at 9.58pm.

**CARRIED 8/3**

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

**Committee Recommendation / Recommendation to Committee**

**In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations* 2015, Council approves the development application received on 4 June 2021 in accordance with the amended plans date stamped 25 August 2021 for five (5) Grouped Dwellings at Lot 225 (No.25) Mountjoy Road, Nedlands, subject to the following conditions:**

1. **Prior to the issue of a Building Permit, a revised Waste Management Plan shall be submitted and approved to satisfaction of the City. The Waste Management Plan shall be complied with at all times to the satisfaction of the City.**
2. **The Acoustic Report dated 6 May 2021 prepared by Lloyd George Acoustics forms part of this development approval and shall be complied with at all times to the satisfaction of the City. Recommendations contained within the acoustic report to achieve compliance with the *Environmental Protection (Noise) Regulations 1997* are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
3. **The Landscaping Plan forms part of this approval. Landscaping shall be installed and maintained in accordance with the approved landscaping plan prepared by Propagule dated 18 August 2021, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
4. **Prior to occupation, the applicant is to install a one (1) x 500 L tree located on Mountjoy Road verge, at the expense of the applicant and to the satisafaction of the City of Nedlands.**
5. **Prior to occupation, the parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS2890.1:2004.**
6. **Prior to the issue of a Demolition Permit or Building Permit, a Demolition and Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.**
7. **All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
8. **All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
9. **Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level located behind the street setback area shall satisfy the deemed to comply criteria of element 5.4.1 of the Residential Design Codes Volume 1. Screening referred to in c1.1(ii) of the Residential Design Codes Volume 1 is to be in the form of;**
10. **Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;**
11. **Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
12. **A minimum sill height of 1.60 metres as determined from the internal floor level; or**
13. **An alternative method of screening approved by the City of Nedlands.**

**The required setbacks and/or screening shall be thereafter maintained to the satisfaction of the City of Nedlands.**

1. **Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:**
2. **Face brick;**
3. **Painted render;**
4. **Painted brickwork; or**
5. **Other clean material as specified on the approved plans.**

**And maintained thereafter to the satisfaction of the City of Nedlands**

1. **Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
2. **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.**

## Community Development Report No’s CSD09.21 to CSD12.21

Community Development Report No’s CSD09.21 to CSD 12.21 to be dealt with at this point (copy attached orange cover sheet).

|  |
| --- |
| **CSD09.21 CSRFF Forward Planning Grants – Peak Trampoline Inc & UWA Sports** |

|  |  |
| --- | --- |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the *Local Government Act 1995*** | Nil. |
| **Officer** | Marion Granich - Executive Manager Community |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Youngman

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **advises Department of Local Government, Sport and Cultural Industries that it has ranked and rated the application to the Community Sport and Recreation Facilities Fund Forward Planning Grant round as follows:**
   1. **Peak Trampoline Inc for construction of the UWA Peak Community Gymsports facility - A Rating: Well-planned and needed by municipality; and**
   2. **UWA Sports for UWA Sports Park western precinct amenities development - A Rating: Well-planned and needed by municipality;**
2. **endorses each of the above applications to Department of Local Government, Sport and Cultural Industries, conditional on the projects receiving the necessary statutory approvals.**

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| --- |
| **CSD10.21 CSRFF Club Night Lights Grant Applications - Collegians Amateur Football Club & UWA Sports** |

|  |  |
| --- | --- |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the *Local Government Act 1995*** | Nil. |
| **Officer** | Marion Granich - Executive Manager Community |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – The Committee does not support the upgrading of lights for the Collegians Football & Sporting Club as they were concerned about the light spill and how it would affect the local residents.**

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

Council:

1. advises Department of Local Government, Sport and Cultural Industries that it has ranked and rated the applications to the Community Sport and Recreation Facilities Fund Club Night Lights Grant round as follows:
   1. Collegians Football & Sporting Club – Upgrade of Lights at David Cruickshank Reserve - A Rating: Well, planned and needed by Municipality; and
2. endorses the application from Collegians Football & Sporting Club to Department of Local Government, Sport and Cultural Industries conditional on:
   1. all necessary statutory approvals being obtained by the applicant; and
   2. the project receives DLGSC funding.

Lost 4/7

(Against: Mayor Argyle Crs. Smyth Bennett Mangano

Youngman Coghlan & Tyson)

Moved – Councillor Tyson

Seconded – Councillor Youngman

1. **advises Department of Local Government, Sport and Cultural Industries that it has ranked and rated the applications to the Community Sport and Recreation Facilities Fund Club Night Lights Grant round as follows:**
   1. **University of WA - Upgrade of Lighting at UWA Sports Park Tennis Centre - A Rating: Well planned and needed by Municipality; and**
2. **endorses the application from UWA to Department of Local Government, Sport and Cultural Industries for its tennis court lighting project, conditional on all necessary approvals being obtained by the applicant.**

**CARRIED UNANIMOUSLY 11/-**

**Committee Recommendation**

**Council:**

1. **advises Department of Local Government, Sport and Cultural Industries that it has ranked and rated the applications to the Community Sport and Recreation Facilities Fund Club Night Lights Grant round as follows:**

* 1. **University of WA - Upgrade of Lighting at UWA Sports Park Tennis Centre - A Rating: Well planned and needed by Municipality; and**

1. **endorses the application from UWA to Department of Local Government, Sport and Cultural Industries for its tennis court lighting project, conditional on all necessary approvals being obtained by the applicant.**

Recommendation to Committee

Council:

1. advises Department of Local Government, Sport and Cultural Industries that it has ranked and rated the applications to the Community Sport and Recreation Facilities Fund Club Night Lights Grant round as follows:
   1. Collegians Football & Sporting Club – Upgrade of Lights at David Cruickshank Reserve - A Rating: Well, planned and needed by Municipality; and
   2. University of WA - Upgrade of Lighting at UWA Sports Park Tennis Centre - A Rating: Well planned and needed by Municipality;
2. endorses the application from Collegians Football & Sporting Club to Department of Local Government, Sport and Cultural Industries conditional on:
   1. all necessary statutory approvals being obtained by the applicant; and
   2. the project receives DLGSC funding; and
3. endorses the application from UWA to Department of Local Government, Sport and Cultural Industries for its tennis court lighting project, conditional on all necessary approvals being obtained by the applicant.

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| --- |
| **CSD11.21 Point Resolution Child Care Centre Financial Viability Review** |

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| --- | --- |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the *Local Government Act 1995*** | Nil. |
| **Director** | Marion Granich – Executive Manager Community |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Youngman

Seconded – Councillor Horley

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Committee Recommendation / Recommendation to Committee**

**Council agrees to the continued provision of childcare services at Point Resolution Child Care Centre.**

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| --- |
| **CSD12.21 Strategic Active Sports Facilities Plan 2020-2050** |

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| --- | --- |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995** | Nil. |
| **Officer** | Marion Granich – Executive Manager Community |
| **Attachments** | Nil. |
| **Confidential Attachments** | Attachment 1 - Draft Strategic Active Sports Facilities Plan 2020 – 2050 |

**Regulation 11(da) - The Committee was concerned that the plan in its current form may raise Community expectations particularly in the absence of a Long Term Financial Plan.**

Moved – Councillor Wetherall

Seconded – Mayor Argyle

That Council:

1. receives the Draft Strategic Active Sports Facilities Plan 2020 – 2050; and

1. resolves to release the Draft Strategic Active Sports Facilities Plan 2020-2050 to be advertised for community comment.

Put Motion

Moved - Councillor Bennett

Seconded - Councillor Tyson

**That the Motion be put.**

**CARRIED UNANIMOUSLY 11/-**

The Motion was PUT and was

Lost 1/10

(Against: Mayor Argyle Crs. Horley Smyth Bennett Mangano Youngman Hodsdon Wetherall Coghlan & Tyson)

Recommendation to Committee

That Council:

1. receives the Draft Strategic Active Sports Facilities Plan 2020 – 2050; and

2. approves the Draft Strategic Active Sports Facilities Plan 2020-2050 to be advertised for community comment.

## Corporate Strategy Report No’s CPS16.21 to CPS17.21

Corporate & Strategy Report No’s CPS16.21 to CPS17.21 to be dealt with at this point (copy attached green cover sheet).

|  |
| --- |
| **CPS16.21 Rate Exemption Approval – Religious Organisation** |

|  |  |
| --- | --- |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Statutory Declaration, Application for Rates Exemption and ATO Endorsement for Charity Tax Concession 2. Financial Statement, Independent Auditor Report and Auditor Declaration 3. Extract of Local Government Act 1995 Section 6.26 (2)(d) |
| **Confidential Attachments** | Nil. |

**Impartiality Interest – Councillor Coghlan**

Councillor Coghlan disclosed that she attends the church from time to time, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Coghlan declared that she would consider this matter on its merits and vote accordingly.

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

Moved – Councillor Wetherall

Seconded – Councillor Tyson

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

(Printed below for ease of reference)

**CARRIED 7/4**

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

**Committee Recommendation / Recommendation to Council**

**That Council approves the rates exemption application by the Perth Diocesan Trustees for 58, Tyrell Street, Nedlands under the Local Government Act 1995 for 2021-22.**

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| --- |
| **CPS17.21 List of Accounts Paid – August 2021** |

|  |  |
| --- | --- |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing – August 2021; and 2. Credit Card and Purchasing Card Payments – August 2021 |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Hodsdon

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

**CARRIED 10/1**

**(Against: Cr. Coghlan)**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of August 2021 as per attachments.**

# Reports by the Chief Executive Officer

## Review of Various Council Policies

|  |  |
| --- | --- |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Officer** | Nicole Ceric, Executive Officer |
| **CEO** | Bill Parker |
| **Attachments** | 1. Record Keeping for Council Members Council Policy 2. Legal Representation for Council Members & Employees Council Policy 3. Council Member Fees, Expenses, Allowances and Other Provisions Council Policy 4. Council Member and CEO Attendance at Events Council Policy 5. Council Member Professional Development Council Policy |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – The Committee wanted more time to consider these policies.**

Moved – Councillor Horley

Seconded – Mayor Argyle

**Committee Recommendation**

**That the item be adjourned to March 2022.**

**CARRIED UNANIMOUSLY 11/-**

Recommendation to Council

That Council:

1. by Simple Majority, adopts the following policies:
2. Record Keeping for Council Members Council Policy (previously named Management of Information for Elected Members Council Policy), as per attachment 1; and
3. Legal Representation for Council Members & Employees Policy, as per attachment 2;
4. by Absolute Majority, adopts the following policies:
5. Council Member Fees, Expenses, Allowances and Other Provisions Policy (previously named Elected Member Expenses and Equipment Council Policy), as per attachment 3;
6. Council Member & CEO Attendance at Events Policy (previously named Council Member and Employee Training and Conference Attendance Council Policy), as attachment 4; and
7. Council Member Professional Development Policy (previously names Council Member and Employee Training and Conference Attendance Council Policy), as per attachment 5.

**Executive Summary**

All Council Policies are required to be reviewed regularly every five years as per Council’s Policy and approved by Council. The purpose of this report is to present five policies which have been reviewed and updated and require formal Council adoption.

**Discussion/Overview**

**Background**

Several Council Policies need to be reviewed and updated, either to reflect new legislative provisions, or contemporary practices.

Regard has been had for the approach taken by other similar Councils (especially those in Band 2 of the SAT) in proposing draft Policies.

All the draft Policies have been canvassed with Council Members over several workshops, and changes made to the drafts to reflect requests for changes at the workshops.

**Record Keeping for Council Members Council Policy**

There is a need to ensure compliance by Council Members with the *State Records Act 2000* and theCity of Nedlands Record Keeping Plan.

The State Records Office policy regarding the records of local government Council Members requires the creation and retention of records of the:

“…communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.”

The Policy describes a range of matters which constitute Council Member’s records, and which must be retained and lodged with the City.

**Legal Representation for Council Members & Employees Council Policy**

The Department of Local Government in 2006 released guidelines to assist Councils in determining the basis on which legal representation might be provided to Council Members and employees.

This Policy sets the parameters and conditions for payment of legal representation for Council Members and employees.

There are four criteria for determining whether the City of Nedlands may pay the legal representation costs of a Council Member or employee. These are:

* the legal representation costs must relate to a matter that arises from the performance, by the Council Member or employee, of his or her functions,
* the legal representation costs must be in respect of legal proceedings that have been, or may be commenced,
* in performing his or her functions, to which the legal representation relates, the Council Member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
* the legal representation costs do not relate to a matter, unrelated to the roles and responsibilities of a Council Member, or employee.

The Policy proposes specific circumstances and processes which would govern consideration of a request for legal representation to be paid by the City and provides for the CEO to be able to approve assistance of up to $10,000, in an urgent situation.

**Council Member Fees, Expenses, Allowances and Other Provisions Council Policy**

This Policy outlines the entitlements of Council Members as per the Salary & Allowance Act 1975 and when and how they are to be paid.

The Policy maintains the prior position of the Council that the Mayor and Councillors will all be paid at 100% of the relevant SAT Band (currently Band 2).

All Council Members will be paid the maximum IT and Communications Allowance of $3,500 pa, no equipment will be provided by the City to Council Members, as per the Salary & Allowances Act 1975.

The Salary & Allowances Tribunal have confirmed that:

Part 9.1(3) outlines the range of factors the Tribunal considered in setting the allowance range. Specifically:

* the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members; and
* the particular practices of local governments in the use of information and communication technology (e.g. laptop computers, iPads).

Therefore, supplying ICT equipment on top of the allowance would contradict the intention of the allowance.

Council Members will be able to purchase whatever specification of equipment that suits them with the allowance provided.

Administration is recommending a significant change to this policy to pay elected members in arrears, not in advance. Payment in advance of work performed is not in keeping with modern accepted business practice. Payment in arrears, while possible, creates problems after an election or resignation of an elected member, since the local government is required to seek reimbursement of unused advanced payment.

The Policy also addresses gifts to retiring, or defeated Council Members, and seating for Council meetings.

**Council Member Attendance at Events Council Policy**

There is a statutory requirement that Council adopt such a Policy (s5.90A LGA 1995) in situations where tickets are not given to the Council Member or CEO by name and specifically.

The Policy proposes a range of “approved events” - attendance at Approved Events are not treated as gifts and do not need to be included on the City’s public Register of Gifts, as they are "excluded gifts" in accordance with section 5.62(1B) of the Act.

Attendance at Approved Events does not trigger a conflict of interest if a matter comes before Council or the CEO for consideration. Where there is a cost for attending an “Approved Event” the City will pay for the ticket or reimburse the case of same.

Where tickets are provided under a sponsorship agreement the CEO will determine the allocation of the tickets.

Proposed attendance at a “non” approved event will require the approval of the CEO, or the Mayor in the case of the CEO.

**Council Member Professional Development Policy**

There is a statutory requirement that Council adopt such a Policy (s5.128 LGA 1995) to describe the entitlements, and process for Council Members to access professional development.

The Policy identifies the mandatory 5 modules that all new Council Members must complete within 12 months of being elected, as well as a range of other training subject matters and service providers to deliver same.

Limits are proposed on the cost and location of such training, where the CEO, in consultation with the Mayor, may approve same. In situations where the cost exceeds $2000 or the training is provided interstate, or overseas, the request will be determined by Council.

**Key Relevant Previous Council Decisions:**

Ordinary Council Meeting 23 February 2021 (extract):

“Council Resolution

Council:

1. refers the following policies to a Councillor workshop:

* Elected Member Fees, Expenses, Allowances and Other Provisions
* Legal Representation for Elected Members and Employees Council Policy
* Management of Information for Elected Members Council Policy
* Professional Development and Attendance at Events.”

**Consultation**

Reviews are done in accordance with Council’s Review of Council Policies Policy.

Consideration has been given to approaches taken by other local governments in guiding drafting of proposed policies.

The listed policies were presented to Council at its Ordinary Meeting of Council on the 23 February 2021 where Council deferred these policies to a workshop.

Council Members workshopped these policies on Tuesday 29 June 2021 and 3 August 2021.

**Strategic Implications**

It is the Role of Council to determine the Local Government’s policies.

Council policies are reviewed periodically to ensure they reflect the strategic direction and responsibilities of Council and are kept up to date.

**Budget/Financial Implications**

No specific financial implications arise from the adoption of the draft Policy; however, care and planning will need to occur in the lead up to local government elections to ensure the Policy is not contravened in relation to types of decisions.

**Conclusion**

It is timely for Council to regularly review Policies for compliance and consistency with contemporary practice.

It is envisaged that additional Policies will be reviewed by Council during future Council meetings.

## Use of the Common Seal and Execution of Documents Council Policy

|  |  |
| --- | --- |
| **Committee** | 14 September 2021 |
| **Council** | 28 September 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Officer** | Nicole Ceric, Executive Officer |
| **CEO** | Bill Parker, Chief Executive Officer |
| **Attachments** | 1. Use of the Common Seal and Execution of Documents Council Policy |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Tyson

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Committee Recommendation / Recommendation to Committee**

**That Council adopt the Use of the City of Nedlands Common Seal and Execution of Documents Council Policy as per attachment 1.**

**Executive Summary**

Local Government Act 1995, section 9.49A – Execution of documents and Part 19 City of Nedlands Standing Orders Local Law 2016 address and envisage a process for authorising the application of the Common Seal of the City of Nedlands, and in relation to the execution of documents, by and on behalf of the City.

A Policy will ensure that separate authority does not need to be sought from Council every time the Seal needs to be applied, or certain documents executed.

The attached Policy seeks to describe the circumstances, and processes in which the Seal of the City of Nedlands is to be applied, and regarding the execution of documents.

**Discussion/Overview**

**Background**

The Local Government Act s9.49A requires documents needing to be sealed, to be witnessed by the Mayor and the CEO and the Policy describes a range of documents that are to be sealed accordingly.

Section 9.49A permits the local government to authorise the CEO, or another employee, or an agent, to sign documents, on behalf of the City.

It is proposed that the CEO and Directors be authorised to sign documents but with certain limits attaching to each authority, detailed within the Policy.

**Key Relevant Previous Council Decisions:**

Part 19 City of Nedlands Standing Orders Local Law 2016 refers to the use of the Common Seal, but only by reference to the Local Government Act.

**Consultation**

Consideration was given to approaches taken by other local governments.

A workshop was held on the 3 August 2021 with Council Members.

**Strategic Implications**

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

The introduction of this Policy aligns with the ‘Great Governance and Civic Leadership’ value as outlined within the Strategic Community Plan.

**Who benefits?**

The City’s customers will benefit from the efficient execution of documentation.

**Does it involve a tolerable risk?**

Most executed documentation is a result of a Council decision. Therefore, minimal risk is associated with the introduction of this policy.

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

A number of local governments have introduced similar policies. The City has reviewed the incorporated elements from other local governments.

**Does this affect any CEO Key Result Areas?**

N/A.

**Budget/Financial Implications**

No specific financial implications arise from the adoption of the draft Policy.

**Conclusion**

Council adopting a Policy on the use of the Common Seal of the City of Nedlands and in relation to the execution of documents, will provide clear guidance about circumstances and conditions which apply and will reduce the number of occasions when formal authority of Council needs to be sought in relation to the execution of documents.

# Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

Nil.

# Confidential Items

Any confidential items to be considered at this point.

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 11.13pm.