

# NOTES

## Council Meeting Agenda Forum

11 October 2022



Bill Parker  
Chief Executive Officer  
14 October 2022

## Information

Council Meeting Agenda Forum are run in accordance with the City of Nedlands Governance Framework Policy. If you have any questions in relation to the agenda, procedural matters, addressing the Council or attending these meetings please contact the Executive Officer on 9273 3500 or [council@nedlands.wa.gov.au](mailto:council@nedlands.wa.gov.au)

## Public Question Time

Public Questions are dealt with at the Ordinary Council Meeting.

## Deputations

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 5 minutes. Members of the public must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

## Disclaimer

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

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## 1. Declaration of Opening

The Presiding Member declared the meeting open at 6.00 pm and drew attention to the disclaimer on page 2.

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

<b>Councillors</b>	Mayor F E M Argyle (Presiding Member)	
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor H Amiry	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor O J Basson	Hollywood Ward
	Councillor O Combes	Hollywood Ward
	Councillor B G Hodsdon (from 6.03pm)	Hollywood Ward

<b>Staff</b>	Mr W R Parker	Chief Executive Officer
	Mr M R Cole	Director Corporate Services
	Mr T G Free	Director Planning & Development
	Mr D Kennedy-Stiff	Acting Director Technical Services
	Mrs N M Ceric	Executive Officer

**Public** There were 6 members of the public present and 1 online.

**Leave of Absence (Previously Approved)** Nil.

**Apologies** Councillor B Brackenridge Melvista Ward

## 3. Public Question Time

Public questions will be dealt with at the Ordinary Council Meeting.

## 4. Deputations

Deputations by members of the public who had completed Public Address Registration Forms.

Miss Sascha Crawford, spoke in opposition to the recommendation for item 16.2 – PD67.10.22 Consideration of Development Application –Single House at 24 Rockton Road, Nedlands.

Councillor Hodsdon joined to the meeting at 6.03 pm.

Mr Nathan Fuller, spoke in support of the recommendation for item 16.2 – PD67.10.22 Consideration of Development Application –Single House at 24 Rockton Road, Nedlands.

## **5. Requests for Leave of Absence**

Any requests from Council Members for leave of absence will be dealt with at the Ordinary Council Meeting.

## **6. Petitions**

Petitions will be dealt with at the Ordinary Council Meeting.

## **7. Disclosures of Financial Interest**

The Presiding Member reminded Council Members 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.

## **8. Disclosures of Interests Affecting Impartiality**

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

Council Members and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

There were no disclosures affecting impartiality.

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

This item will be dealt with at the Ordinary Council Meeting.

## **10. Confirmation of Minutes**

This item will be dealt with at the Ordinary Council Meeting.

**11. Announcements of the Presiding Member without discussion.**

This item will be dealt with at the Ordinary Council Meeting.

**12. Members Announcements without discussion.**

This item will be dealt with at the Ordinary Council Meeting.

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

For the convenience of the public, the following Confidential items are identified to be discussed behind closed doors, as the last items of business at this meeting.

Nil.

**14. En Bloc Items**

This item will be dealt with at the Ordinary Council Meeting.

**15. Minutes of Council Committees and Administrative Liaison Working Groups**

**15.1 Minutes of the following Committee Meetings (in date order) are to be received:**

This is an information item only to receive the minutes of the various meetings held by the Council appointed Committees (N.B. This should not be confused with Council resolving to accept the recommendations of a particular Committee. Committee recommendations that require Council's approval should be presented to Council for resolution via the relevant departmental reports).

This item will be dealt with at the Ordinary Council Meeting.

**16. Divisional Reports - Planning & Development Report No's PD66.10.22 to PD71.10.22**

**16.1 PD66.10.22 Consideration of Development Application – Signage at 47 Aberdare Road, Nedlands**

Questions or Requests for Further Information

Nil.

**16.2 PD67.10.22 Consideration of Development Application –Single House at 24 Rockton Road, Nedlands**

Questions or Requests for Further Information

Councillor Youngman – are the plans viewed by Miss Crawford different from the submitted plans for the Development Application? Can the updated plans be provided to Miss Crawford?

Councillor Mangano – what is the maximum wall height on this application?

**16.3 PD68.10.22 Amendments to Local Planning Policy – Residential Development**

Questions or Requests for Further Information

Nil.

**16.4 PD69.10.22 Statutory Planning Controls for the Conservation of Heritage and Character**

Questions or Requests for Further Information

Nil.

**16.5 PD70.10.22 Adoption for Advertising of Local Planning Policy – Signage and Advertisements**

Questions or Requests for Further Information

Nil.

## **16.6 PD71.10.22 Adoption of the Election Signs Council Policy**

### **Questions or Requests for Further Information**

Councillor Mangano – has the City obtained legal advice?

Councillor Smyth – if someone removes a sign from their verge can they be fined?

Councillor Hodsdon – can we include in the policy a provision for the property owner to be able to provide consent for signs on their verge?

## **17. Divisional Reports - Technical Services Report No's TS21.10.22**

### **17.1 TS21.10.22 Repurposing of Former Tennis Courts at David Cruickshank Reserve, Dalkeith**

#### **Questions or Requests for Further Information**

Councillor Bennett – Can trees be planted instead of bollards and would this be most cost effective?

Councillor Mangano – how much cut and fill is being done?

Councillor Bennett – Can the City work with local friends' groups and school for weed management instead of spraying constantly?



## 18. Divisional Reports - Corporate & Strategy Report No's CPS46.10.22 to CPS49.10.22

### 18.1 CPS46.10.22 New Lease to Dalkeith Nedlands Bowling Club

<b>Meeting &amp; Date</b>	Council Meeting – 25 October 2022
<b>Applicant</b>	Dalkeith Nedlands Bowling Club (inc)
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Peter Scasserra – Coordinator Land and Property
<b>Director/CEO</b>	Michael Cole – Director Corporate Services
<b>Attachments</b>	Nil

#### Purpose

The purpose of this report is for Council to consider a new lease for the Dalkeith Nedlands Bowling Club Inc. for portion of Reserve 1668, 55 Jutland Parade Dalkeith.

#### Recommendation

That Council:

1. approves the disposal of a 13,860 m<sup>2</sup> (approx.) portion of Reserve 1668 (Part Lot 14867 on Deposited Plan 35721) by way of lease to the Dalkeith Nedlands Bowling Club Inc. consistent with the key terms noted within this report;
2. approves an exemption to section 3.58 of the Local Government Act 1995 pursuant to Regulation 30 of the *Local Government (Functions and General) Regulations 1996* for the disposal of a 13,860 m<sup>2</sup> (approx.) portion of Reserve 1668 (Part Lot 14867 on Deposited Plan 35721) by way of lease; and
3. subject to the Minister for Lands' Consent, authorises the Chief Executive Officer and Mayor to execute all documents necessary to give effect to a lease and apply the City's Common Seal.

#### Voting Requirement

Simple Majority

## Background

Reserve 1668 (Reserve) comprises Lot 14867 on Deposited Plan 35721 and is land owned by the State of Western Australia that has been vested to the City of Nedlands (City) by way of a Management Order.

The Management Order for the Reserve provides the City with a statutory right to manage and control the Crown land for the purpose of Recreation with power to lease for any term not exceeding 21 years, subject to consent of the Minister for Lands.

Reserve 1668 currently consists of land utilised by several Sporting Clubs a Day Care Centre and Pre-School. The Sporting Clubs and Pre-School occupy their respective facilities pursuant to either a lease or management licence whilst the Day Care Centre is operated by the City of Nedlands. The management licence agreements provide a source of revenue for the City.

The proposal seeks approval from the City to lease a 13,860 m<sup>2</sup> (approx.) portion of Reserve 1668 for the purpose of lawn bowls and clubrooms to the existing Dalkeith Nedlands Bowling Club.

Considering Reserve 1668 is land classified within the Metropolitan Region Scheme (MRS) area for parks and recreation purposes, a use that is within the definition of “parks and recreation” can be considered.

The Dalkeith Nedlands Bowling Club (Club) was established in 1948, with planting of the first two greens on the then Point Resolution Reserve in September that year. Following the establishment of the adjacent Tennis Club in 1938, the subject land began to establish itself as a Community Recreation Reserve.

The Club’s official opening occurred in November 1950. By the end of the year the Club had affiliated with the Western Australian Bowling Association and was entering teams regularly in pennant competition. A third green with electric lighting was eventually added to the facility to allow for night games.

The clubhouse building was officially opened in 1955 and remained unchanged until 1958 when the architects W.G. Bennet and Associates designed changes to facilitate required upgrades and extensions.

Presently, the facility has five greens in regular use as well as the existing clubhouse that is being occupied by the Club pursuant to a lease with the City. Considering the lease expires on 24 September 2022 with no option for a further term, the Club is seeking Council approval for a new lease to secure tenure and ensure their current operations can continue for a term of 10 years with a further term of 5 years.

## Discussion

Reserve 1668 is located within the locality of Dalkeith and is situated on the corner of Jutland Parade and Victoria Avenue, opposite Point Resolution Reserve. Development within and

surrounding the Reserve comprises Adam Armstrong Pavilion, Point Resolution Child Care Centre, Dalkeith Tennis Club, Dalkeith Pre-School and established single residential dwellings.

The Reserve is Crown land vested to the City by way of a Management Order. A Management Order provides a nominated management body with a statutory right to care, control and manage Crown land in accordance with any conditions on the use and development of the reserve and may grant the management body certain powers to deal with the land, such as power to lease.

The Management Order for Reserve 1668 permits the land to be used for the purpose of 'Recreation' and requires the City to seek the consent of the Minister for Lands prior to formalising any agreement for lease over the Reserve. The Club's proposal does not change the existing land use which is consistent with the MRS reservation and with the Management Order.

Reserve 1668 is also an MRS Reserve classified for parks and recreation purposes. Noting the current use of the site by other recreational and sporting bodies that provide services of benefit to the community, it is considered that a use that is within the definition of "parks and recreation" can continue to operate on the site. The MRS defines "parks and recreation" as "Land of regional significance for ecological, recreation or landscape purposes".

The Dalkeith Nedlands Bowling Club currently has 241 active members (excluding casual bowlers at functions), of which approximately one third are City of Nedlands residents. In addition to delivering sport and recreation for a wide range of community uses, their operations also provide various social and community benefits, particularly for seniors.

The recommendation proposes Council consider approving a lease for the Dalkeith Nedlands Bowling Club for a 13,860 (approx.) portion of Reserve 1668 for the purpose of lawn bowls and clubrooms and uses reasonably ancillary thereto subject to reviewing and being satisfied with the key terms and the inclusion of a redevelopment clause.

### Key Terms and Special Conditions

The Key Terms have been negotiated in accordance with the City's *'Use of Council Facilities for Community Purposes Policy'*.

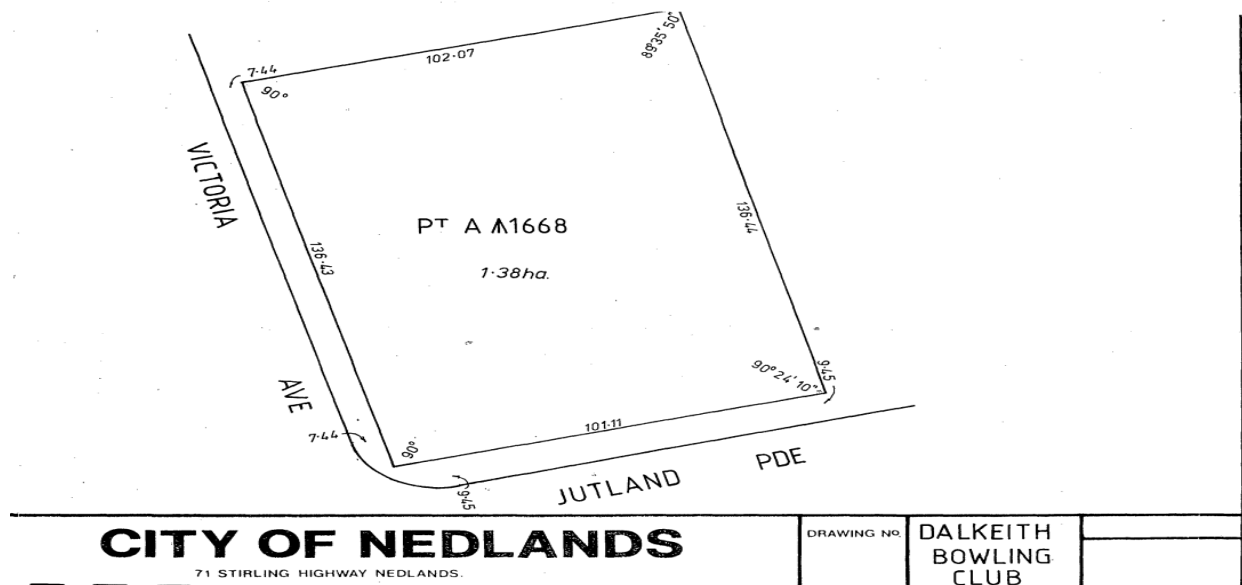
On 18 August 2022, the Dalkeith Nedlands Bowling Club's agreed to all the key terms noted within the report below to facilitate a lease.

<b>Proposed Lease – Dalkeith Nedlands Bowling Club (Inc)</b>	
<b>Key Terms</b>	
<b>Lease Term</b>	<b>Details</b>
Land	Part of Reserve 1668
Lease Area	As per Sketch (TBC)
Landlord	City of Nedlands
Tenant	Dalkeith-Nedlands Bowling Club (Inc)
Commencement Date	Upon execution by both parties
Term of Lease	10 years with an additional 5 year option

Permitted Purpose	Lawn Bowls and Clubrooms and uses reasonably ancillary thereto.
Lease Fee	Peppercorn
Rent Reviews	N/A
Outgoings	All outgoings payable by Lessee
Insurance	<b>Building Insurance</b> - The City will insure its interest in the building and will on-charge a pro-rata premium to the Lessee. <b>Public Liability</b> - The Lessee is responsible for Public Liability, however, the City will continue to hold its policy.
Maintenance	All maintenance obligations to be undertaken by the Lessee, including structural maintenance.
Works and Fit Out	N/A
Signage	With prior written consent from the Lessor and subject to the Lessors conditions.
Special Conditions	1. Subject to City of Nedlands Council approval. 2. Subject to Minister for Lands consent.

### Lease Area Sketch

The current lease area sketch is displayed below.



To identify the lease area more clearly, the following lease area sketch is proposed as an annexure to the lease should Council resolve to approve a new agreement.

### Lease Area – Sketch



Site Plan – Portion of Reserve 1668, 55 Jutland Parade | Dalkeith

#### Lease Area

Part Lot 14867 on Deposited Plan 35721 outlined in red – 13,860 m<sup>2</sup> (approx.)  
Building and Verandah outlined in blue – 872 m<sup>2</sup> (approx.)

## Consultation

Upon receiving the request from the Dalkeith Nedlands Bowling Club for a new lease for portion of Reserve 1668, 55 Jutland Parade Dalkeith, the City carried out the following internal engagement.

### Planning Services

The City's Planning Services Team advised they have no objections to land tenure arrangement, but suggested clauses be included within the agreement to ensure the

Applicant understands no alterations or additions are to be made without statutory approvals being obtained.

### **Community Development**

The City's Community Development Team advised they support Dalkeith Nedlands Bowling Club's request for a new lease. The request is consistent with Council's strategic priority of providing for sport and recreation.

### **Land & Property**

The City's Land & Property Team advised they have no objections to the land tenure arrangement. The proposed lease is consistent with the terms of the current arrangement and the inclusion of the updated survey sketch is of benefit to the City. The Key Terms as proposed within this report mitigate all risk to Council and do not have any cost implications either.

## **Strategic Implications**

This item relates to the following elements from the City's Strategic Community Plan.

### **Values**

#### **Great Governance and Civic Leadership**

We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

## **Budget/Financial Implications**

The lease as proposed would be at no cost to Council.

Should elected members agree to the recommendation as proposed, the new lease would be prepared by a solicitor and full costs would be on-charged to the proponent.

## **Legislative and Policy Implications**

The City is bound by specific conditions under the *Local Government Act 1995* with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction, by way of a public tender process or by giving local public notice of the proposed disposition and following the public consultation process as prescribed by sub-section section 3.58 (3) of the Act. In this context, disposing of a property means to 'sell, lease or otherwise dispose of, whether absolutely or not'.

Considering the Dalkeith Nedlands Bowling Club are an incorporated recreational sporting body, they are eligible for an exemption to section 3.58 of the *Local Government Act 1995* pursuant to Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, therefore the proposed disposal of land is not required to be advertised.



Proposals to lease or licence land for a community/recreational purpose will be subject to the terms of the City's *'Use of Council Facilities for Community Purposes Policy'*.

Crown land reserves vested to the City by way of a Management Order are generally subject to conditions. Consent is required from the Minister for Lands prior to formalising any lease agreement for Reserve 1668.

## **Decision Implications**

Should Council resolve to approve the disposal of a 13,860 m<sup>2</sup> (approx.) portion of Reserve 1668 to the Dalkeith Nedlands Bowling Club by way of lease, Officers will instruct the City's solicitor to prepare a lease in accordance with the key terms contained within this report at the full cost of the Lessee.

If Council do not resolve to approve the disposal of a 13,860 m<sup>2</sup> (approx.) portion of Reserve 1668 to the Dalkeith Nedlands Bowling Club by way of a lease, the proponent will not be able to secure tenure and will have to consider their future within the City. The lease expiry date is 27 September 2022.

## **Conclusion**

The Dalkeith Nedlands Bowling Club have occupied the facility on portion of Reserve 1668 from circa 1950. Their lease will expire on 27 September 2022 and does not provide an option for a further term. To allow their operations to continue, the Dalkeith Nedlands Bowling Club are seeking Council approval to continue using a 13,860 m<sup>2</sup> (approx.) portion of Reserve 1668, 55 Jutland Parade Dalkeith in accordance with a lease for the purpose of lawn bowls and clubrooms and uses reasonably ancillary thereto.

Officers believe this request can be accommodated without significant changes to the current arrangement. Additionally, the proposal presents an opportunity for social engagement contributing to the health and well-being of the community.

## **Further Information**

### **Questions or Requests for Further Information**

Councillor Youngman – Can the bowling club be asked to monitor their water usage as part of the lease agreement?

Councillor Mangano – Can signs be included in lease which firmly identifies how many signs and what types of signs can be displayed?

**18.2 CPS47.10.22 Monthly Financial Report – September 2022**

This item will be dealt with at the Ordinary Council Meeting.

**18.3 CPS48.10.22 Monthly Investment Report – September 2022**

This item will be dealt with at the Ordinary Council Meeting.

**18.4 CPS49.10.22 List of Accounts Paid – September 2022**

This item will be dealt with at the Ordinary Council Meeting.



**19. Council Members Notice of Motions of Which Previous Notice Has Been Given**

This item will be dealt with at the Ordinary Council Meeting.

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

This item will be dealt with at the Ordinary Council Meeting.

**21. Confidential Items**

Confidential items to be discussed at this point.

**22. Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 7.09pm.