**AGENDA**

**Council Meeting Agenda Forum**

**14 February 2023**

**Notice of Meeting**

**To Mayor & Councillors**

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday, 14 February 2022 in the Council chambers at 71 Stirling Highway Nedlands commencing at 6pm.

This meeting will be livestreamed [Livestreaming Council & Committee Meetings » City of Nedlands](https://www.nedlands.wa.gov.au/council/council-meetings/livestreaming-council-committee-meetings.aspx)



Bill Parker

Chief Executive Officer

9 February 2023

**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](https://www.nedlands.wa.gov.au/public-address-registration-form)

**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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# Declaration of Opening

The Presiding Member will declare the meeting open at 6.00 pm and will draw attention to the disclaimer on page 2 and advise that the meeting will be livestreamed.

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

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** None as at distribution of this agenda.

# Public Question Time

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

# Deputations

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

# Requests for Leave of Absence

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

# Petitions

Petitions will be dealt with at the Ordinary Council Meeting.

# Disclosures of Financial Interest

The Presiding Member to remind 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.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

# Disclosures of Interests Affecting Impartiality

The Presiding Member to remind 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.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x ….. I disclose that I have an association with the applicant (or person seeking a decision). This association is ….. (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

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

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

# Confirmation of Minutes

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

# Announcements of the Presiding Member without discussion.

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

# Members Announcements without discussion.

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

# 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.

22.1 CSD02.02.23 CONFIDENTIAL Request for Financial Assistance

22.2 CSD03.02.23 CONFIDENTIAL Nedlands Community Care

# En Bloc Items

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

# Minutes of Council Committees and Administrative Liaison Working Groups

# 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.

# Divisional Reports - Planning & Development Report No’s PD04.02.23 to PD05.02.23

# PD04.02.23 Section 31 Reconsideration of Development Application – Amendment of Approval Condition at 24 Rockton Road, Nedlands

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 28 February 2023 |
| **Applicant** | Black Pearl Homes |
| **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 involved in the preparation of this report and the proponents or their consultants. |
| **Report Author** | Roy Winslow – Manager Urban Planning |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Applicant’s Statement. 2. CONFIDENTIAL ATTACHMENT - Submissions |

**Purpose**

The purpose of this report is for Council to reconsider its decision to impose a condition of approval relating to a garage wall side boundary setback for a single house at 24 Rockton Road, Nedlands. The reconsideration will be undertaken in accordance with section 31 of the State Administrative Tribunal Act 2004 (SAT Act).

**Recommendation**

**That Council in accordance with clause 77(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, amends the notice of determination for a single house at 24 Rockton Road, Nedlands (DA22-77793) as follows:**

1. **Condition 4 reading “Prior to the issue of a building permit, the plans shall be amended to depict the southern wall of the garage setback a minimum of 100mm from the southern lot boundary” is deleted.**
2. **All other conditions renumbered accordingly.**

**Voting Requirement**

Simple Majority.

This report is of a quasi-judicial nature as it is a matter that directly affects a person’s rights 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 (SAT).

The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and polices applicable to the matter and given such weight in making the decision as the relevant laws and polices permit them to be given.

**Background**

**Land Details**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R12.5 |
| **Land area** | 461m2 |
| **Land Use** | Residential – Single House |
| **Use Class** | ‘P’ – Permitted Use |

The site is located at 24 Rockton Road, Nedlands. The site is on the eastern side of Rockton Road opposite the Western Power Nedlands Substation. The lot is rectangular with a 10m frontage and an area of 461m2. The land is sloping, with a 2m fall from west to east. The lot is currently vacant.

**Previous Decision**

Council considered the initial application at its Ordinary Meeting held on 25 October 2022. At this meeting, Council resolved to approve the development application subject to a number of conditions. Condition 4 states:

Prior to the issue of a building permit, the plans shall be amended to depict the southern wall of the garage setback a minimum of 100mm from the southern lot boundary.

**SAT Application**

Subsequent to Council’s 25 October 2022 decision, the applicant exercised their right for a review of the decision by the SAT.

The applicant has prepared new information for consideration by Council as the initial decision-maker. Reconsideration is enabled by section 31 of the SAT Act (see legislative and policy implications section of this report).

It is noted that the SAT application also sought modification to Condition 5 relating to screening. However, no change to this condition is now being requested.

**Purpose of Reconsideration and New Information**

The purpose of reconsidering the initial decision is to allow a decision-maker to consider an amended proposal and/or to consider new information. In this case, Council is being invited to consider new information.

The new information that has been provided for Council’s consideration is as follows:

* Supplementary explanation regarding the practicality and adverse impact of a 100mm setback for a boundary wall.

This new information is assessed below. All matters considered by Council on 25 October 2022 have not been reproduced below.

**Discussion**

**Supplementary Information**

A statement has been prepared to provide additional information outlining the implications of setting back the garage boundary wall 100mm from the southern side boundary. A copy of the statement is included at **Attachment 1**.

The statement outlines the following details:

* The garage boundary wall is proposed to be setback 34mm (in lieu of 100mm). 34mm provides enough space to attach a Colorbond dividing fence to the garage wall which will sit on the side lot boundary between 24 and 26 Rockton Road, Nedlands.
* A 100mm offset will result in an inaccessible gap between the garage wall and the fence which will collect green matter and other debris. The collection of this material may qualify as a fire risk and could cause corrosion of the fencing panels.
* The footings of the structure shall be contained wholly within the lot boundaries of 24 Rockton Road.

The statement concludes that a 100mm setback for the garage boundary wall from the southern side lot boundary is not required to accommodate a sufficient dividing fence and may indeed have an adverse impact on the dividing fence. The proposed change in setback will have a negligible effect on overlooking or the overall bulk and scale of the development. Consequently, there is no planning purpose for the boundary wall to be setback 100mm over and above the provided 34mm setback.

The 34mm setback is currently shown on the plans as approved by Council. Therefore, removal of Condition 4 and instigation of a 34mm setback does not require changes to the plans as approved or the provision of a replacement condition.

**Consultation**

No additional consultation has occurred since Council’s 25 October 2022 decision. To allow for the submissions from properties affected by this reconsideration to be considered as part of this decision, confidential copies have been included as an attachment.

**Strategic Implications**

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

**Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.

**Values** **Great Natural and Built Environment**

We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**Priority Area** Urban form - protecting our quality living environment

**Budget/Financial Implications**

In the event that this matter is considered at a formal hearing of the SAT, the City may require the services of a planning consultant experienced in SAT representation. Costs associated with a full hearing are anticipated at between $30,000-$50,000, depending on the complexity.

Should Council resolve to amend the development approval to remove Condition 4, no further costs are anticipated.

**Legislative and Policy Implications**

The reconsideration is being conducted in accordance with section 31 of the [SAT Act](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_37049.pdf/$FILE/State%20Administrative%20Tribunal%20Act%202004%20-%20%5B04-d0-01%5D.pdf?OpenElement). This section allows for the SAT to invite a decision-maker to reconsider the initial decision. Upon being invited to reconsider the decision the decision-maker may:

* Affirm the decision
* Vary the decision or
* Set aside the decision and substitute a new decision.

**Decision Implications**

Council is acting as the decision-maker for the purposes of section 31 of the SAT Act. Should Council affirm the original decision and approval conditions, the matter will be subject to further directions. The applicant will then have the ability to request the SAT conduct a formal hearing and make a decision to either dismiss or uphold the application for review. In this event, the SAT will become the decision-maker and effectively either approve or refuse the removal of Condition 4.

In the event Council resolves to amend the development approval by removing Condition 4, the SAT matter will only continue in the event the applicant is aggrieved. The report recommendation is based upon the information provided by the applicant. Given this, it is unlikely that the applicant will be aggrieved if Council resolves to adopt the recommendation as proposed.

**Conclusion**

The application for an amendment of the development approval granted for a single house at 24 Rockton Road, Nedlands has been presented to Council for reconsideration in accordance with section 31 of the SAT Act. The application proposes the deletion of approval Condition 4. Condition 4, which requires the garage boundary wall be setback 100mm from the southern side lot boundary, is not practical and may have an adverse impact on the future dividing fence.

Accordingly, it is recommended that the amendment is approved by Council, subject to Administration’s recommendation.

**Further Information**

Nil.

# PD05.02.23 Appointment of Design Review Panel Members

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting - 28 February 2023 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. 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 Author** | Roy Winslow, Manager Urban Planning |
| **CEO** | Tony Free, Director Planning and Development |
| **Attachments** | 1. Scoring Sheet Template |
| **Confidential Attachments** | 1. CONFIDENTIAL ATTACHMENT – Scoring Sheet 2. CONFIDENTIAL ATTACHMENT - Nominations |

**Purpose**

The purpose of this report is for Council to appoint members to the City of Nedlands Design Review Panel (DRP) for a two-year term commencing on 24 March 2023.

**Recommendation**

**Council:**

1. **in accordance with Clause 2 of the Design Review Panel – Terms of Reference, appoints, for a period of two years commencing 24 March 2023, the following to the City’s Design Review Panel:**
2. **General members:**

* **Dominic Snellgrove**
* **Simon Anderson**
* **Simon Venturi**
* **Tony Blackwell**
* **Tony Casella**
* **Walter Van Der Loo**

1. **Specialist members**

* **Graham Agar**
* **Oliver Grimaldi; and**

1. **in the event one of the preferred applicants listed in Resolution 1 above is not able to accept the role, delegates authority to the Chief Executive Officer to select from the remaining list of applicants, in order of highest total score to lowest total score. The appointment is to be for a period of two years commencing 24 March 2023.**

**Voting Requirement**

Simple Majority.

**Background**

The DRP has become a valuable asset to the City’s development assessment framework since its introduction in 2021. The expertise of the Panel has led to the improvement of the overall design outcomes in all proposals that have been considered. Council appointed the current members of the DRP at the Ordinary Council Meeting of 23 March 2021 for a period of two years (Item PD08.21). This term of appointment expires on 23 March 2023. The intent of this report is to appoint panel members for the next two-year term from the nominations received (Confidential Attachment 1).

**Discussion**

With the impending end of the current appointment period, Expressions of Interest (EOI) were sought for a period of 53 days, ending 19 December 2022. The EOI was advertised on the City’s website, Your Voice and social media pages, an advertisement in the Post newspaper and emails to current panel members and relevant industry and government stakeholders. A total of 12 nominations were received.

All applications received have been reviewed and assessed using a scoring system guided by the DRP Terms of Reference and Office of the Government Architect Design Review Guide. The applications and scores are now presented to Council under confidential attachment for consideration.

**Scoring**

A copy of the scoring template used is included at Attachment 1. The application evaluation comprised of 4 parts, as follows:

* Expertise – Panel members shall have appropriate qualifications and experience in one or more of the nominated areas:
* Architecture
* Landscape architecture
* Urban design
* Heritage
* Sustainability and environmental design
* Services engineering
* Accessibility
* Transport planning
* Planning
* Public art
* Civil and/or structural engineering
* Relationship with the City of Nedlands – Panel members shall preferably be connected to the City of Nedlands as either a ratepayer, resident or elector
* Experience – General – Panel members shall be highly regarded in their profession and respected by the community.
* Experience – DRP – Panel members should have experience in providing design review advice within a panel format.

The scoring sheets of all nominees can be found as a confidential attachment of this report (Confidential Attachment 2).

Of the nominated candidates four meet the criteria of being a resident, ratepayer or elector.

Six of the nominees are members of the City’s current DRP, three are current members of the State DRP and nine have served on a DRP at other Councils.

**Recommended Members**

From the 12 nominations, the following eight members are recommended based on their total score:

1. General members:

* Dominic Snellgrove (Continuing member)
* Simon Anderson (Continuing member)
* Simon Venturi (Continuing member)
* Tony Blackwell (Continuing member)
* Tony Casella (Continuing member)
* Walter Van Der Loo (New member)

1. Specialist members

* Graham Agar (Continuing member)
* Oliver Grimaldi (New member)

Graham Agar and Oliver Grimaldi are recommended as Specialist Members because they possess expertise in sustainability.

All areas of expertise are represented on the recommended DRP, except for Transport Planning and Civil and/or Structural Engineering.

**Consultation**

Expressions of Interest were advertised as outlined above.

**Strategic Implications**

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

**Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.

**Values** **Great Natural and Built Environment**

We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**Reflects Identities**

We value our precinct character and charm. Our neighbourhoods are family-friendly with a strong sense of place.

**Priority Area** Urban form - protecting our quality living environment

**Budget/Financial Implications**

Panel members are paid for attendance at meetings, including time for preparation. The costs are outlined in the adopted Schedule of Fees and Charges and are offset by the payment of review fees by each proposal put before the Panel.

**Legislative and Policy Implications**

Upon appointment, the advice of the DRP is to be given due regard in the consideration of applications for development approval, in accordance with Clause 67 (zc) of the [*Deemed Provisions for Local Planning Schemes.*](https://www.wa.gov.au/system/files/2022-01/PD-Act-Regulations-Deemed-Provisions.pdf)

**Decision Implications**

Should Council appoint the new members of the DRP they will form the new Panel, effective from 24 March 2023, for a period of two years.

If Council does not appoint new members to the DRP the current members contracts will expire without replacements and the City will not have an operational Design Review Panel.

**Conclusion**

The term of appointment ends 23 March 2023 for current DRP members. It is recommended Council consider the nominations presented within this report and appoint new panel members to the DRP to commence on 24 March 2023.

**Further Information**

Nil.

# Divisional Reports - Technical Services Report No’s TS03.02.23 to TS04.02.23

# TS03.02.23 Revised Stormwater Policy

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 28 February 2023 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Aaron MacNish – Coordinator Transport and Development |
| **Director** | Matthew MacPherson - Director Technical Services |
| **Attachments** | 1. Current Stormwater Policy 2. Revised Stormwater Policy 3. Proposed Stormwater Policy |

**Purpose**

The purpose of this report is to provide Council with an updated Stormwater Policy for endorsement.

**Recommendation**

**That Council approves the updated Stormwater Policy as per attachment 3.**

**Voting Requirement**

Simple Majority.

**Background**

At the OCM on 22 March 2022 Council considered a report relating to the City of Nedlands Drainage Infrastructure Study (TS04.03.22 refers). Amongst other resolutions, Council resolved that it:

“5. Directs the Chief Executive Officer to review the City’s Stormwater Policy;”

This council report is in response to the above Council resolution.

Administration proposes to amend the existing stormwater policy to align with current best practices of stormwater management, whilst maintaining the fundamentals of the existing Stormwater Policy. The update to the Policy provides more concise guidance on the arrangements for the disposal of stormwater for residential, commercial, and industrial properties including new land development and modification/alteration/extension of existing developments.

**Discussion**

The intent of the review of the *Stormwater Policy* (the Policy) is to provide updated guidance to Developers within the City of Nedlands on the required design criteria for drainage infrastructure within the City. The updated policy includes:

1. Details the City’s preferred method of Stormwater volume management - the use of infiltration systems at the source.
2. The updated policy will provide guidance on the design capacity of soak wells via the City of Nedlands soak well calculator spreadsheet for residential developments up to five dwellings, which is proposed to be available online. New infiltration systems shall be required to be designed based on the 1% Annual Exceedance Probability (AEP), and Infiltration coefficient of 8.0m /day. This recommendation is in line with the recommendation provided by GHD following the July 2021 storm.
3. All drainage systems designed for other developments (commercial, industrial & mixed-use multilevel developments) shall be certified by a suitably experienced and qualified drainage professional (engineer or hydrologist) to the satisfaction of the City for a 1% AEP rainfall event.
4. Connection to the City’s stormwater drainage system is only supported where on-site stormwater cannot be accommodated due to unsuitable ground conditions for onsite disposal.

All works and cost associated with connecting the developments internal drainage system to the City’s stormwater drainage system, including the design, construction and cost of all necessary extensions and upgrades to the City’s stormwater drainage system, shall be borne by the applicant.

1. For modification, extension and/or alteration to existing properties, the applicant must provide evidence that the existing drainage system has sufficient capacity to accommodate both existing development and additional new development. If the existing drainage system is not capable of accommodating additional stormwater from the proposed new/additional development, then a drainage system with additional capacity shall be designed by a suitably experienced and qualified drainage professional (engineer or hydrologist) to the satisfaction of the City and installed to cater for the additional stormwater.
2. The costs and works associated with the ongoing maintenance of onsite systems is the responsibility of the property owner, including cleaning of debris and removal of sediment from the base of the pit/tank, where required.

In the situation where approval has been granted to connect to the City’s drainage network, maintenance costs of the property connection between the property and the City’s network shall also be borne by the relevant property owner.

1. If offsite discharge is required and approved, the stormwater should be treated prior to discharging from the site to the City’s stormwater drainage system in accordance with Table 3.3.6 – 3.3.7 of National Water Quality Management Strategy - Australian and New Zealand - Guidelines for Fresh and Marine Water Quality 2000 – Volume 1.

**Consultation**

Consultation was undertaken with GHD as part of the City-wide drainage investigation and the recommendations have been incorporated into the proposed Policy update.

Further, comparison was undertaken against policies of a number of other local government’s to assist in the review of the Stormwater Policy. Reference was made to 8 other local government’s in the Perth metropolitan area – whose policies are summarized in the table below:

| **Name of Local Government** | **Policy Name** | **Notes** |
| --- | --- | --- |
| City of Joondalup | Stormwater Management Policy | * Policy aims to ensure stormwater is managed to protect environmental, social and economic values of the community * Objective similar to the City of Nedlands and includes similar sections. |
| City of  Mandurah | Water  Sensitive  Urban Design | * Policy acknowledges that urban development disrupts the natural water cycle and significantly impacts on the environment, both in terms of water quality and quantity. * Applies to all activities, works, services and programs conducted by the administration, contractors, consultants and volunteers. * Similar level of policy detail to City of Nedlands. |
| City of Stirling | Stormwater  Runoff  Disposal | * Policy primarily applies to the disposal of stormwater runoff from the City’s road network. * Policy also applies to the disposal of runoff from other land under the care, control of management of the City, including car parks and public open spaces. * Policy excludes the disposal of runoff from City buildings and private property. |
| City of South Perth | Stormwater  Drainage  Requirements for Proposed Buildings | * Policy only affects certain internal business units, and the wider community who plan to purchase and/or renovate buildings in the City. |
| Town of Victoria Park | Stormwater  Runoff  Containment | * Policy only provides guidance on connections from private property to the Town’s stormwater drainage system. |
| City of Vincent | Stormwater  Drainage  Connections | * Policy only provides basic guidance on the controlled disposal of stormwater from commercial and residential properties and whether a property needs to apply for connection to the City’s stormwater drainage system. |

| **Name of Local Government** | **Policy Name** | **Notes** |
| --- | --- | --- |
| City of  Wanneroo | Urban Water Management | * All three policies mention stormwater management; however, policies incorporate other topic areas outside of stormwater management. * Contains significant level of detail; not consistent with wording in the City of Nedlands policies. |
| Wetlands |
| Public Open Space |
| City of  Rockingham | Urban Water Management | * Policy applies to proposals that facilitate residential (on both rural and urban land), commercial and industrial zoning, subdivision or development. * Consistent with responsibilities applied to the activities, works, services and programs conducted. * Contains significant level of detail; not consistent with wording in the City of Nedlands policies. |

**Strategic Implications**

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

**Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.

**Values** **Healthy and Safe**

Our City has clean, safe neighbourhoods where public health is protected and promoted.

**Great Natural and Built Environment**

We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**High standard of services**

We have local services delivered to a high standard that take the needs of our diverse community into account.

**Priority Area**

* Urban form - protecting our quality living environment
* Renewal of community infrastructure such as roads, footpaths, community and sports facilities

**Budget/Financial Implications**

The adoption of this policy will lead to an increase in rainfall run off being retained on private lots resulting is less storm water that the City needs to retain and capture within the road reserve and therefore less storm water infrastructure being required.

The adoption of this policy may lead to an increased cost of development within the City due to an increased requirement for drainage infrastructure on private property.

**Legislative and Policy Implications**

[City of Nedlands Stormwater Council Policy](https://nedlands365.sharepoint.com/:w:/r/sites/controlled_documents/Council_Policies_Procedures/_layouts/15/Doc.aspx?sourcedoc=%7B1C1BB6F5-E325-45C2-8CE0-BDAD283DA935%7D&action=view&source=https%3A%2F%2Fnedlands365.sharepoint.com%2Fsites%2Fcontrolled_documents%2FCouncil_Policies_Procedures%2Fdefault.aspx)

**Decision Implications**

Should Council resolve to endorse this Policy development costs within the City of Nedlands will increase slightly due to a larger volume of storm water needing to be retained on site.

If Council resolves not to endorse this Policy there is a higher likelihood of more frequent flooding events with a need for the City to dramatically upgrade the storm water infrastructure within City land this will include new kerbing, soak wells, drainage pipe, storm cells and other associated infrastructure to cope with the higher storm water run-off. The rate at which this would be required would need to be determined and closely monitored.

There is a significant volume of industry standard and guidelines available and required to be considered as part of drainage design, with the Institute of Public Works Engineers Australia’s *Subdivisional Guidelines Edition 2.3 – November 2017* identifying 18 different standards (pp88-89). These are amended and reviewed to reflect best practice in their relevant component area and the policy proposed herein provides a balance between specific details and direction required for the City of Nedlands, with sufficient flexibility to adopt best practice as it evolves.

**Conclusion**

In response to increased urban infill and a reduction in permeable surfaces within the City of Nedlands there is a requirement for private developments to retain a higher intensity rain fall event wholly onsite to reduce the stormwater runoff into the public realm and reduce the likelihood of flooding occurring throughout the City.

City officers recommend that Council endorses the updated Stormwater Policy.

**Further Information**

Nil.

# TS04.02.23 Princess Road Parking Controls

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 28 February 2023 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Aaron MacNish – Coordinator Transport and Development |
| **Director** | Matthew MacPherson - Director Technical Services |
| **Attachments** | 1. Broadway Precinct Parking Restriction Plan (amended)   2021-202-02-01 |

**Purpose**

To amend parking restrictions along Princess Road between Broadway and Kingsway from ‘No Parking’ to ‘No Stopping’.

**Recommendation**

**That Council approve the proposed amendment to Broadway Precinct Parking Restrictions to include ‘No Stopping’ along the West bound carriageway of Princess Road between Broadway and Kingsway as presented in attachment 1 of this report.**

**Voting Requirement**

Simple.

**Background**

At the ordinary council meeting held February 2022 a Broadway Precinct Parking Restriction report (PD07.02.22 refers) went to Council to expand upon the parking restrictions within the Broadway Precinct to alleviate parking impacts on residents and businesses in response to increased construction activities.

At this meeting, the resolution was that:

“Council:

1. approves the recommended parking restrictions presented in Table 1; subject to Table 1: List of Parking Restrictions Current and Proposed under the heading Street - Broadway, Section Princess Road – Esplanade be amended as from 1/2P Mon-Fri to 1P Mon-Sat (amended table below):

|  |  |  |  |
| --- | --- | --- | --- |
| Street | Section | Current Restriction | New Restriction |
| Broadway | Princess Rd – Esplanade | 1/2P Mon-Fri | 1P Mon-Sat |

1. acknowledges the proposed consultation with residents, businesses and community organisations in relation to the proposed changes; and
2. acknowledges that no parking restriction changes are currently proposed to the Charles Court Parking Station and authorises the Chief Executive Officer to amend the parking restrictions if required after consultation with relevant businesses and sporting clubs.”

At the time of the Council report Princess Road between Broadway and Kingsway was signed as ‘No Parking 2P Mon – Fri’ and ‘3P Mon – Fri’. The council report proposed to extend this parking restriction to include Saturdays for the same duration.

Prior to the decision and implementation, the ‘No Parking’ controls have existed along this section of road as far back as 2007 according to past aerial imagery.

**Discussion**

In September 2022 a Councillor sought explanation from the City’s administration regarding the use of ‘No Parking’ controls in this section of Princess Road instead of ‘No Stopping’ controls. The Councillor expressed concerns over the safety of ‘No Parking’ controls which permit vehicles to stop for a short period of time for the purpose of taking up or setting down passengers or goods due to the limitations in sight distance along the road.

Sight distance is limited along this section of road due to a crest in Princess Road between Broadway and Kingsway.

In response it was advised that the parking restrictions along this section of Broadway are in response to a Council decision in February 2022 with the restriction at this location being adopted as ‘No Parking’, not ‘No Stopping’. The Administration’s advice was that the Administration agrees that ‘No Stopping’ would be preferable in this location given the poor sightlines. An amended parking plan has been prepared and is found as attachment 1 to this report.

Given the application of the existing parking controls at this location was an outcome of a formal resolution of Council, the Administration considers it appropriate that any proposed changes to these parking controls are likewise presented back to the Council for consideration.

**Consultation**

No consultation has occurred on this specific item for the purpose of an amendment to the current parking restrictions.

**Strategic Implications**

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

**Vision** Our City will be an environmentally sensitive, beautiful and inclusive place.

**Values** **Healthy and Safe**

Our City has clean, safe neighbourhoods where public health is protected and promoted.

**High standard of services**

We have local services delivered to a high standard that take the needs of our diverse community into account.

**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.

**Easy to Get Around**

We strive for our City to be easy to get around by preferred mode of travel, whether by car, public transport, cycle or foot.

**Priority Area**

* Managing parking

**Budget/Financial Implications**

The works are estimated to cost $2,000 ex GST and can be accommodated within the existing signage maintenance operational budget.

**Legislative and Policy Implications**

Nil.

**Decision Implications**

Should Council approve the recommendation to change the parking controls in this location from No Parking to No Stopping any vehicle caught stopping on the carriageway or verge in this location could be subject to infringement.

**Conclusion**

The difference between No Parking and No Stopping is considered minor. The presence of an unbroken dividing line already legally prevents drivers from overtaking a vehicle stopped on the carriageway of Princess Road.

Although there does not appear to be any historical issues of near misses or concerns regarding a high volume of vehicles stopping in this location the cost of change of control from ‘No Parking’ to ‘No Stopping’ is low and would result in parking controls being consistent on both sides of the street.

As such the Administration is recommending that Council approval the proposed amendment to Broadway Precinct Parking Restrictions to include ‘No Stopping’ along the West bound carriageway of Princess Road between Broadway and Kingsway.

**Further Information**

Nil.

# Divisional Reports - Corporate & Strategy Report No’s CPS01.02.23 to CPS09.02.23

# CPS01.02.23 Adoption of Advertising of Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 28 February 2023 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Peter Scasserra – Coordinator Land and Property |
| **Director** | Michael Cole – Director Corporate Services |
| **Attachments** | 1. Draft Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy 2. Draft - Lease, Licence, Exclusive Licence and Hire of Community Facilities Survey |

**Purpose**

The purpose of this report is for Council to consider the City of Nedlands draft Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy (draft Policy), included as Attachment 1 and, if supported, resolve to advertise the draft Policy and directly consult with existing tenants currently occupying a community facility.

**Recommendation**

**That Council:**

1. **authorises the Chief Executive Officer to advertise the City of Nedlands draft Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy for a minimum period of 30 days; and**
2. **authorises the Chief Executive Officer to undertake direct consultation with existing Tenants of Community Facilities by way of a survey in relation to proposed tenure changes and refer the results back to Council for consideration.**

**Voting Requirement**

Simple Majority.

**Background**

The City of Nedlands (City) manages properties comprising of buildings and structures, as well as reserve land over an area of approximately 20km², either as freehold or managed property which is reserved or dedicated under the *Land Administration Act 1997*.

Properties used for recreation and community purposes are considered community facilities and are managed by the City for the benefit and in the best interest of the residents and ratepayers in accordance with the terms and conditions of the current ‘Use of Council Facilities for Community Purposes’ Policy (current Policy), adopted in March 2015.

At a Committee Meeting held July 2021, the Elected Members were asked to consider a new lease for a not-for-profit entity for a community facility. Notwithstanding the key lease terms presented to Council were at the time consistent with the provisions of the current Policy, the Elected Members raised concerns that the expectation for volunteer run groups to undertake structural maintenance on City owned facilities seemed on face value as inappropriate. Additional concerns were also raised in relation to tenants inappropriately insuring the City’s assets.

Subsequent discussions acknowledged that the current Policy terms and conditions may not necessarily reflect up to date best practice or align with the requirements of the City. Consequently, a need for a full review of the City’s framework for how it manages property tenure was identified and has since been undertaken with consideration to the concerns raised and the information exchange arising from the March 2022 and November 2022 Elected Member Concept Forums.

Beyond addressing the concerns raised, the review also sought to understand the financial position of the City’s assets from a cost recovery perspective to align the management of community facilities with best practice.

The proposed draft Policy amendments aim to achieve the following objectives:

1. To guide lease, licence, exclusive licence and hire practices for Council facilities used for community purposes.

2. To realise a level of financial return to reduce reliance on the municipal budget for maintenance.

3. To achieve a level of social return through the delivery of services or activities aimed at providing a community benefit.

4. To support a fit for purpose property portfolio that meets the needs of the City of Nedlands.

5. To ensure the appropriate use of a Council facility for a bona fide community purpose or function to an eligible user, which includes the review of financial statements on a regular basis.

6. To promote consistent and equitable terms and conditions and establish a minimum standard.

7. To ensure lease, licence, exclusive licence and hire practices contribute to a sustainable City.

8. To assist with responsibly managing and mitigating any risk to the City of Nedlands. It is intended that the approach adopted for the Policy review will enable Elected Members to consider improvements, where possible.

Aligning the Policy with best practice will require tenants to occupy community facilities in accordance with new conditions of tenure, in the interests of financial and environmental sustainability and the longevity of the building assets provided by the City for community purposes.

Making community facilities available for third parties able to provide recreational and community-based services and activities will also deliver community benefits that support inclusion and diversity principles.

**Discussion**

The draft Policy provides an equitable and transparent approach to better manage community facilities under the City’s ownership, care and control.

It includes the following key elements:

**Methodology**

A cost recovery methodology has been adopted, taking into consideration the social, environmental and socio-economic risks and opportunities which contribute to the assets potential to enable the City to realise a level of financial and social return.

**Risk Management**

The draft Policy ensures appropriate risk avoidance, control and transfer measures are in place by requiring all occupancy agreements to:

1. Release and indemnify the City for all claims resulting from any damage, loss, death or injury in connection with the premises unless such claims arise out of the City’s negligence.
2. Maintain adequate public liability insurance.
3. Ensure the appropriate documentation and insurance is in place for use of the premises.
4. Require tenants to comply with emergency evaluation procedures and risk management practices implemented by the City
5. Only use appropriately qualified tradespeople to undertake repairs

**Occupancy Agreements**

Community facilities may be administered through one of four occupancy agreement types to assist with building asset utilisation, these include:

1. Lease – exclusive use;
2. Licence – non-exclusive use;
3. Exclusive Licence – to facilitate shared seasonal use; and
4. Hire Arrangement – casual use

**Evaluation Process**

Proposals to occupy a community facility pursuant to a lease, licence or exclusive licence will be evaluated by the City’s evaluation panel to assess appropriate utilisation of the building asset with consideration to community benefit deliverables, social and economic outcomes.

Applicants will be assessed on:

1. Completeness;
2. Compliance and Qualitative Criteria; and
3. References

**Financial Contributions and Costs**

Subject to the type of occupancy agreement the following charges may apply to tenants/facility users under the draft Policy:

* Annual Maintenance Contribution – based on a minimum cost recovery target rate set by Council as part of its budget process. This applies to leases.
* Annual Licence Fee – based on a discounted minimum cost recovery target rate set by Council as part of its budget process to acknowledge non-exclusive use. This applies to licences.
* Annual Environmental Levy – based on a set fee determined by Council as part of its budget process. This applies to leases and licences.
* Hire Fee – hourly hire rates will be charged in accordance with the City’s schedule of fees and charges and may be determined on an appropriate rate of cost recovery to offset the cost of maintaining the facility.
* Preventative Maintenance Costs. This applies to leases.
* Non-Structural Maintenance Costs. This applies to leases.
* Structural Maintenance Fund Contribution (to be determined by the City – if applicable).
* Utility Costs and Outgoings. This applies to leases and licences and may be proportionate for shared use arrangements.
* Operating Costs. This applies to leases, licences and hire arrangements.
* Fit-out Costs. This applies to leases, licences and hire arrangements (if applicable).
* Legal Costs for the preparation, execution and registration of the occupancy agreement. This applies to leases and licences.
* Capital Upgrade Costs. This applies to leases (if applicable).
* Insurance Costs. This applies to leases, licences and hire arrangements.
* Building Insurance Premium and Excess. This applies to leases and licences and may be proportionate for shared use arrangements.
* Cleaning Costs. This applies to leases, licences and hire arrangements.
* Security Costs. This applies to leases and licences (if applicable).

**Environmental**

The draft Policy advocates ‘green’ leases to ensure that the ongoing use and operation of its community facilities minimise environmental impacts by using the proceeds raised from the environmental levy to fund eco-friendly upgrades.

**Discount**

Tenants may be able to apply for a discount. All applications for a discount will be subject to a social cost benefit and cost effectiveness analysis to evaluate the level of social return being provided to the community.

**Tenure Conditions**

Standard tenure conditions effectively non-negotiable terms that will define the parameters of each occupancy agreement in a consistent and equitable manner and clearly outline the tenants’ responsibilities to ensure community facilities are appropriately managed.

**Signage Conditions**

Controls have been introduced to effectively manage any signage requirements.

**Maintenance Focus**

Maintenance responsibilities are predominantly determined by the type of occupancy agreement and now fall within the following three categories:

1. Preventative;
2. Non-structural; and
3. Structural maintenance

Provided the tenant’s use and operation of the facility is not deemed to have a commercial element, the City will be responsible for structural maintenance.

Preventative and/or non-structural maintenance will be the responsibility of the tenant depending on the occupancy agreement.

The draft Policy also ensures:

* Maintenance responsibilities are clearly defined.
* Inspection audits and condition assessments are undertaken.
* Assessments associated with fit-for-purpose, functionality and capacity are undertaken.
* Building assets deliver services of a specified quality.
* Whole of life costs are captured, including on-going operating costs and future capital replacement for when components are reaching end of useful life.
* Capital upgrades meet required standards.

**Legislative and Compliance**

Controls have been introduced to ensure compliance with all current legislative and regulatory requirements.

**Strategic Future of the underlying Land Asset**

In preparation for any forthcoming land development projects, all leases, licences and exclusive licences will contain a redevelopment clause, whereby if the City wishes to significantly redevelop the site the occupancy agreement can be terminated by the City giving adequate written notice to the tenant to vacate the premises.

**Approvals**

All lease, licences and exclusive licences of City owned property must be approved by Council, unless authority to approve has been formally delegated by Council to the CEO.

The use and lease, licence or exclusive licence of community facilities on Crown land will be subject to approval from the Minister for Lands as the land owner.

Due to the significant changes proposed, it is recommended that the City’s current ‘Use of Council Facilities for Community Purposes’ Policy be revoked and replaced with the draft ‘Lease, Licence, Exclusive Licence and Hire of Community Facilities’ Policy.

**Consultation**

The City has carried out engagement with internal stakeholders and feedback has been incorporated within the revised policy.

**Further consultation proposed**

The purpose of this report is for Council to consider the draft Policy, and if supported, resolve to proceed with consultation. There is no legislative requirement regarding advertising of a policy of this nature, however a minimum 30-day consultation period is recommended.

This will involve consulting with all existing tenants occupying a community facility pursuant to a lease or licence. It is envisaged to commence on 20 March and conclude 21 April and include the following methods of consultation:

* Notice in the West Australian
* Notice on the City’s Notice board
* Notice on the City’s Your Voice engagement portal
* Notice on the City’s social media channels
* Direct correspondence to all existing tenants occupying a community facility by way of a survey questionnaire

All submissions will be presented in a further report to Council. Council will have another opportunity to consider the draft Policy before final endorsement is considered.

**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.

**Great Communities**

We enjoy places, events and facilities that bring people together. We are inclusive and connected, caring and support volunteers. We are strong for culture, arts, sport and recreation. We have protected amenity, respected our history and have strong community leadership.

**Budget/Financial Implications**

If Council proceeds with the draft Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy, there will be no immediate cost to the City other than those associated with advertising.

Should the policy be adopted, the City will be taking on responsibility for all building maintenance and this will need to be factored into future budgets. The cost will be offset by the proposed financial contributions proposed in the draft policy.

**Legislative and Policy Implications**

Section 2.7 of the *Local Government Act 1995* requires:

1. That Council:
   1. governs the local government’s affairs; and
   2. is responsible for the performance of the local government’s functions.
2. Without limiting subsection (1), the Council is to:
   1. oversee the allocation of the local government’s finances and resources; and
   2. determine the local government’s policies.

**Decision Implications**

Should Council resolve to endorse the recommendation, the draft Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy will be advertised in accordance with the process outlined above and all existing tenants of the City’s community facilities will be consulted accordingly.

If Council resolves not to endorse the recommendation, the Policy will not be advertised or progressed. Doing so will mean the current ‘Use of Council Facilities for Community Purposes’ Policy will remain in use by the City when considering and negotiating Lease, Licence or Hire agreements for community facilities.

**Conclusion**

The draft Policy seeks to balance appropriate management and responsible use the City’s community facilities for the benefit of the community and ensure sound financial management and effective administration of these assets in an equitable and consistent manner.

At some point in time many of the City’s community facilities will require significant capital expenditure to ensure they are compliant with statutory requirements. It is therefore prudent for the City to start collecting funds from these leasing and licensing opportunities.

It is recommended that Council adopts the recommendation and formally advertises the draft Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy and engage in direct consultation with existing tenants currently occupying a community facility.

**Further Information**

Nil.

# CPS02.02.23 Fellowship of Australian Writer WA – Request for Financial Assistance for Tom Collins House, portion of Reserve 7804, Lot 500 on Deposited Plan 73170, Swanbourne

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting - 28 February 2023 |
| **Applicant** | Fellowship of Australian Writers (WA Section) Inc |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Peter Scasserra, Coordinator Land and Property |
| **Director/CEO** | Michael Cole, Director Corporate Services |
| **Attachments** | Nil. |

**Purpose**

To consider a request for financial assistance from the Fellowship of Australian Writers (WA Section) Inc to undertake conservation works to Tom Collins House, Allen Park Heritage Precinct.

**Recommendation**

**That Council:**

1. **approve financial assistance of up to $14,800 to the Fellowship of Australian Writers WA for conservation works at Tom Collins House, Allen Park Heritage Precinct Swanbourne; and**
2. **notes a budget amendment for $14,800 has been listed for consideration in the 2022/23 Mid Year Budget Review.**

**Voting Requirement**

Absolute Majority.

**Background**

Tom Collins House is located on a portion of Reserve 7804, being Lot 500 on Deposited Plan 73170, Swanbourne.

Reserve 7804 has been vested to the City for the designated purpose of ‘Park and Recreation’. The Management Order provides the City with power to lease for the designated purpose for any term subject to the approval of the Minister for Lands pursuant to section 18 of the *Land Administration Act 1997*.

The City has leased Tom Collins House to the Fellowship of Australian Writers WA (FAWWA) for a term of 21 years for the permitted purpose to provide advocacy, training and support and friendship to the Western Australian writing community and uses reasonably ancillary thereto.

FAWWA are a not-for-profit founded in 1938 to support Western Australian writers, and promote the literature created by them. Their activities are based at two historic homes, Tom Collins House and Mattie Furphy House, which are situated side by side at the Swanbourne Heritage Precinct at Allen Park.

Tom Collins House was built by the famous Australian writer Joseph Furphy in 1907. The dwelling is aesthetically significant as an example of a modest timber house/workers cottage of simple design with weatherboards and an iron roof. Gable fronted with projecting front room and verandah. There is also considerable aesthetic value in the interior decorative works such as the rare beaten copper panels which are set in the fireplace surrounds and various doors in the house. These panels exhibit artistic excellence of design and execution.



Due to its historic significance, Tom Collins House was registered by the National Trust in 1978 and was granted a Heritage Listing by the Heritage Council of Western Australia in 1999. The State of Western Australia further regard Tom Collins House as one of Australia’s leading literary museums.

FAWWA had applied for a grant of $29,610 for conservation works comprising painting the interior and exterior of Tom Collins House. They have recently been advised that the Minister for Heritage has approved a State Heritage grant of up to $14,800. However, it is a matching grant.

When applying for the grant FAWWA were not aware that they must match any grant offered and they have confirmed with the City they are not in a position to do so. Accordingly, FAWWA have approached the City for financial assistance.

**Discussion**

Under the Council Provided Grants, Subsidies and Donations Policy, Council provides a range of grants, subsidies or donations aimed at strengthening the capacity of the community to meet its own needs.

Any financial support provided by Council will be on a partnership basis and does not generally intend to be the sole source of financial support for the funded project. Partnering with the applicant and other organisations will maximise the effectiveness of the public funds provided, while strengthening the capacity of the applicant organisation.

The request for financial assistance from FAWWA falls within the policy. Under the policy, such requests for funds from Council will be presented to Council for a decision. The City has received from FAWWA a copy of their annual financials from June 2022. With consideration to their current financial position, assistance by way of a financial contribution to match this funding is required.

A financial contribution for heritage conservation works will contribute to preserving the integrity of the original fabric of Tom Collins House and increase the effectiveness of maintaining its condition for the benefit of the community.

**Consultation**

Internal stakeholders have been consulted and are supportive of the project as it will assist in the conservation and maintenance of this heritage building, which aligns with the values in the City’s Strategic Community Plan.

**Strategic Implications**

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

**Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.

**Values** **Great Natural and Built Environment**

We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**Great Communities**

We enjoy places, events and facilities that bring people together. We are inclusive and connected, caring and support volunteers. We are strong for culture, arts, sport and recreation. We have protected amenity, respect our history and have strong community leadership.

**Reflects Identities**

We value our precinct character and charm. Our neighbourhoods are family-friendly with a strong sense of place.

**Priority Area**

* Renewal of community infrastructure such as roads, footpaths, community and sports facilities
* Retaining remnant bushland and cultural heritage

**Budget/Financial Implications**

There are currently no funds for this project allocated in the 2022/23 Annual Budget. Accordingly, the request for $14,800 has been listed for consideration in the Mid Year Budget Review.

**Legislative and Policy Implications**

[Council Provided Grants, Subsidies and Donations Policy](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.nedlands.wa.gov.au%2Fdocuments%2F267%2Fcouncil-provided-grants-subsidies-and-donations&wdOrigin=BROWSELINK)

**Decision Implications**

Should Council support the request for financial assistance, Administration will prepare a grant agreement to ensure the funds are used for the purpose of conservation works for Tom Collins House and acquitted on completion of the works.

Should Council not support this request, FAWWA will be advised. If FAWWA is unable to attract matching funding, they will need to also forgo the State Heritage Council grant.

**Conclusion**

Conservation of heritage assets in the Allen Park Heritage Precinct is the responsibility of the Lessee. FAWWA have been proactive in seeking grant funding from the State Heritage Council and their request for matching funding is submitted to Council for consideration.

**Further Information**

Nil.

# CPS03.02.23 Access Licence Agreements for Christ Church Grammar School Playing Fields

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| --- | --- |
| **Meeting & Date** | Council Meeting – 28 February 2023 |
| **Applicant** | Christ Church Grammar School Inc |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Peter Scasserra – Coordinator Land and Property |
| **Director** | Michael Cole – Director Corporate Services |
| **Attachments** | Attachment 1: CONFIDENTIAL - Feedback from Consultation  Attachment 2: CONFIDENTIAL - Feedback from Consultation |

**Purpose**

The purpose of this report is for Council to consider two reciprocal access licence agreements between the City of Nedlands and Christ Church Grammar School Inc to provide public pedestrian access to the Christ Church Grammar School playing fields through a portion of Reserve 48631.

**Recommendation**

**That Council:**

1. **approves the access licence agreement for Lot 816 on Deposited Plan 28294 between the City of Nedlands and Christ Church Grammar School Inc for the permitted purpose of public pedestrian access;**
2. **approves the access licence agreement for Lot 38 on Diagram 94815 between the City of Nedlands and Christ Church Grammar School Inc for the permitted purpose of public pedestrian access; and**
3. **authorises the Chief Executive Officer and Mayor to execute all documents necessary to give effect to these access licence agreements and apply the City’s Common Seal.**

**Voting Requirement**

Simple Majority.

**Background**

Reserve 48631 (Reserve) comprises Lot 38 on Diagram 94815 and is land owned by the State of WA 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 drainage.

Adjoining the Reserve along its western and northern boundaries is Lot 816 on Deposited Plan 28294 (Lot 816). Lot 816 was previously part of a landfill site that was subsequently acquired and remediated by Christ Church Grammar School Inc (CCGS) in collaboration with the State of WA to create recreational facilities for CCGS and the local community. This land is also known at the St John’s Wood Playing Fields.

Also adjoining the Reserve at its southwest corner is Lot 55 on Plan 22386 (Lot 55). Lot 55 is owned by the State of WA and was created for the purpose of a right of way. It currently serves as a pedestrian access way that provides access to the Reserve from Blenheim Lane.

Map

Description automatically generated

A picture containing grass, stadium

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CCGS have since acquired the balance of the former landfill site to consolidate its other playing fields with view to providing a cohesive school sporting precinct. The use of this land for sporting and recreational purposes considers a requirement to allow public access to the playing fields.

Currently, public access is permitted through various access points excluding Lot 55 because its boundary does not abut the boundary of the playing fields. Additionally, Lot 55 is closed at one end by a locked gate to prevent public access to the drainage Reserve.

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Description automatically generated

Notwithstanding the installation of the locked gate, the public have been accessing the playing fields via Lot 55 then through the drainage Reserve by various means to circumvent having to travel a greater distance to a permitted access point.

Members of the community and have since requested the City provide official access along this route to ensure better and safer pedestrian movement.

**Discussion**

An appropriate mechanism by which to create the necessary pedestrian access rights relatively quickly and ensure flexibility in terms of being able to alter any arrangements with ease and with lesser cost is via the grant of reciprocal access licences between the City and CCGS.

A licence is contractual in nature, is legally binding on the parties to the licence, cannot be created in perpetuity and is not capable of being registered against the certificates of title to the affected lots as a licence does not create an interest in land.

To ensure the City and CCGS are not bound to an arrangement in the event circumstances change, the licences have been drafted so that they are for a specific term but terminated on the happening of certain events.

Accordingly, to put into effect a legal mechanism to create public pedestrian access, the draft reciprocal access licence agreements were prepared and subsequently presented to CCGS for consideration and review. The key terms have been negotiated as follows:

**Key Terms**

|  |  |
| --- | --- |
| **Proposed Access Licence Agreement for Lot 38 - Christ Church Grammar School (Inc)**  **The City grants CCGS a licence for shared use of a portion of Lot 38 subject to the terms and conditions as set out in the licence agreement in exchange for CCGS granting the City the right to access Lot 816.** | |
|  |
| **Key Terms** | |  |
| **Licence Term** | **Details** |  |
| Land | Lot 38 on Diagram 94815 |  |
| Licence Area | As per Sketch. |  |
| Licensee | Christ Church Grammar School Inc. |  |
| Commencement Date | Upon execution by both parties |  |
| Term of Licence | 5 years with an additional 5 year option. |  |
| Permitted Purpose | Public Pedestrian Access. |  |
| Licence Fee | N/A |  |
| Reviews | Annual. |  |
| Insurance | The City shall maintain a policy of insurance in respect of the land. |  |
| Maintenance | The City shall maintain the land. |  |
| Termination | Either party may terminate by giving the other party 30 days written notice. |  |
| Signage on Gate | Not permitted. |  |
| Special Conditions | 1. Subject to City of Nedlands Council approval. |  |

|  |  |
| --- | --- |
| **Proposed Access Licence Agreement for Lot 816 - Christ Church Grammar School (Inc)**  **CCGS grants the City a licence to use the permitted area for shared access subject to the terms and conditions as set out in the licence in exchange for the City granting to CCGS the rights under the City’s licence to CCGS.** | |
|  |
| **Key Terms** | |  |
| **Licence Term** | **Details** |  |
| Land | Lot 816 on Deposited Plan 25294 |  |
| Licence Area | As per Sketch. |  |
| Licensor | Christ Church Grammar School Inc. |  |
| Commencement Date | Upon execution by both parties |  |
| Term of Licence | 5 years with an additional 5 year option. |  |
| Permitted Purpose | Public Pedestrian Access. |  |
| Licence Fee | N/A |  |
| Reviews | Annual. |  |
| Insurance | Christ Church Grammar School Inc shall maintain a policy of insurance in respect of the land. |  |
| Maintenance | Christ Church Grammar School Inc shall maintain the land. |  |
| Termination | Either party may terminate by giving the other party 30 days written notice. |  |
| Signage on Gate | Not permitted. |  |
| Special Conditions | 1. Subject to Christ Church Grammar School Inc approval. |  |

**Licence Area Sketch**

The licence area sketch is displayed below.

**Proposed Licence Agreement Plan**



Pedestrian Access Point

**Enlargement Image**

A picture containing text, envelope

Description automatically generated A picture containing diagram

Description automatically generated

**Legend**

Text

Description automatically generated



The recommendation proposes Council consider approving access rights via the grant of reciprocal licences between the City and CCGS for the permitted purpose of public pedestrian access and arrange for the existing gate between Lot 55 and the drainage Reserve to be repositioned to create space for a paved pathway connecting the pedestrian access way to the playing fields.

**Consultation**

The City has carried out the following consultation:

**DPLH**

The City approached the Department of Planning, Lands and Heritage (DPLH) to determine whether public pedestrian access through a portion of the Reserve could be permitted, and if permitted, whether DPLH would be agreeable to an access licence.

DPLH acknowledged the City has the Management Order for the Reserve which provides the City with the authority to reposition the subject gate in consultation with the adjacent freehold landowner to provide direct access between the pedestrian access way and playing fields.

DPLH also confirmed they do not need to provide approval for an access licence in this instance.

**CCGS**

The draft reciprocal access licence agreements have been reviewed by CCGS’s lawyers. CCGS have advised they are happy to proceed in accordance with the terms and conditions.

**Landowners adjacent to the pedestrian access way.**

The adjacent landowner’s feedback has been provided to the Elected Members in full in the confidential attachment.

From the feedback received, one objected to the proposed access licences and one was in support of the proposed access licences.

The table below displays a breakdown of the comments received.

|  |  |
| --- | --- |
| **Feedback** | **Officer Comments** |
| Support  Landowner was supportive of the proposed access licence agreements and requested  the City consider the installation of gates that minimise noise by way of quiet soft close operation hinges/gate locks. Additionally,  they requested the City also consider  providing access to the playing fields during works. | Support noted.  Regarding noise management, the access licence agreements have included a requirement for both parties to ensure that  the hinges and gate locks forming part of  the gate provides quiet opening at all times.  Access during works will be in accordance with any safety guidelines and requirements. |
| Objection  Landowner raised nuisance concerns relating to noise created by high volumes of  people congregating on the laneway and  within close proximity to nearby residences.  Should the City reject their position, the landowner requested the following  conditions be incorporated within the access licence agreements:   1. Arrangement is temporary and subject   to trial and review after 6 to 12 months.   1. CCGS are not to publicise the arrangement to their stakeholders. | Objection noted.  Should the Council proceed with an access arrangement the City will ensure the access agreements include an annual review and prohibit any signage and advertising. |

**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.

**Easy to Get Around**

We strive for our City to be easy to get around by preferred mode of travel, whether by car, public transport, cycle or foot.

**Budget/Financial Implications**

Each party is to bear its own cost with respect to the negotiation, preparation, execution and stamping of the access licence agreements.

Should elected members endorse the recommendation as proposed, the City will need to construct a path between Lot 55 and Lot 816, reposition the exiting gate and install quiet soft close hinges and locks at its own cost.

The City and CCGS will be jointly responsible for one half of the cost of the repair and maintenance of the gate.

**Legislative and Policy Implications**

The City is not required to advertise the proposed grant of a licence as the grant of a licence is not caught by section 3.58 of the [Local Government Act 1995](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43454.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-t0-00%5D.pdf?OpenElement).

The grant of licence does not constitute a disposal of an interest in property for the purposes of section 3.58.

**Decision Implications**

Should Council resolve to approve the reciprocal access licence agreements, Officers will instruct the City’s solicitor to prepare final versions of the agreements for execution and the public will be permitted to access the CCGS playing fields through a portion of the Reserve.

If Council do not resolve to approve the reciprocal access licence agreements, the public will not be permitted to access the CCGS playing fields through a portion of the Reserve.

**Conclusion**

The public have been accessing the CCGS playing fields via Lot 55 and subsequently through the drainage Reserve for a significant period, despite the installation of a locked gate. To allow better public access and safe pedestrian movement the City is seeking Council approval to allow the public to continue to access the CCGS playing fields via this route by way of reciprocal access licence agreements for the permitted purpose of public pedestrian access.

Officers believe this request can be accommodated without significant changes to the current gate installation. Additionally, the proposal presents an opportunity to connect the public to sporting and recreational facilities contributing to the health and well-being of the community.

**Further Information**

Nil.

# CPS04.02.23 Mid-Year Budget Review 2022-2023

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 28 February 2023 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Stuart Billingham – Manager Financial Services |
| **Director** | Michael Cole – Director Corporate Services |
| **Attachments** | 1. Mid-Year Budget Review 2022-23 |

**Purpose**

To present to Council the Mid-Year Budget Review for the period ending 31 January 2023, detailing budget amendments and any material variances which may impact upon the 2022-23 budget and provide recommendations on how to accommodate these variations.

**Recommendation**

**That Council:**

1. **adopts the 2022-23 Mid-Year Budget Review as contained within the attached; and**
2. **approves the budget amendments contained in the 2022-23 Mid-Year Budget Review.**

**Voting Requirement**

Absolute Majority.

**Background**

This is a statutory review of the budget, undertaken, in accordance with the *Local Government Act 1995* and regulation 33 of the *Local Government (Financial Management) Regulations 1996*. The purpose of this review is to identify significant variations from the Annual Budget and to recommend any amendments that may be necessary.

Changes to the Annual Budget are required during the year, as circumstances change from when the annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the City’s finances.

The 2022-23 Mid-Year Budget Review for the period ending 31 January 2023 has been undertaken by the organisation and final position consolidated by the Executive Management Team and Financial Services.

**Discussion**

In accordance with legislation, the City has undertaken a review of its annual budget and now recommends that review for adoption. Please note that the opening position is a preliminary result for the year ended 30 June 2022 as the 2021-22 Financial Statements are still being finalised with the City’s Auditors and as a result will be subject to change.

Material variances by nature or type, as defined by a previous decision of Council, from the September Amended Budget to the Mid-Year Review Budget for revenue and expenditure or key items are detailed below.

**Operating Activities**

**Operating grants, subsidies, and contributions**

Unfavourable movement of $505,600 primarily due to anticipated grant funding of $500,000 associated with the Nedlands Community Care program not coming to fruition.

**Fees and charges**

Favourable movement of $42,217 primarily due to:

1. increased course bookings at Tresillian Art Centre resulting in anticipated increased revenue of $126,848
2. This is offset by reduced revenue in Urban Planning of $50,000 and Building Services $17,900 from fewer development and building applications being submitted.

**Service charges**

Favourable movement of $31,373 due to recognition of Underground Power service charges for ratepayers who elected yearly instalments.

**Interest earnings**

Favourable movement of $416,471 due to continuously increase interest rates on investments.

**Other revenue**

No movement analysis required as variance to budget is less than 10%.

**Employee costs**

No movement analysis required as variance to budget is less than $20,000 and 10%.

**Materials and contracts**

Unfavourable movement of $532,369 primarily due to:

1. increase contract service cost for Waste Services of $164,729
2. additional audit fees from internal audits being conducted of $100,000
3. pre-payment expenditure recognition not identified in annual budget process resulted in increase of $99,202 in Information & Communication Technology
4. additional powerline tree pruning as contract now in place and winter tree planting focus resulting in increase of $82,836 with Arboriculture
5. additional $55,000 for the review of the Strategic Community Plan as quote was higher than original estimate
6. additional course materials for Tresillian Art Centre of $34,500
7. additional legal expensed organisation wide of $40,960.

**Utility charges**

Favourable movement of $165,988 due to saving identified from budget to actuals analysis.

**Depreciation and amortisation**

No movement analysis required as variance to budget is less than 10%.

**Insurance expenses**

Favourable movement of $61,987 due to actual insurance premium increase from the prior year being lower than estimate made during the annual budget.

**Interest expenses**

No amendment requirement identified.

**Other expenditure**

No movement analysis required as variance to budget is less than 10%.

**Loss on disposal of assets**

No amendment requirement identified.

**Investing Activities**

**Non-operating grants, subsidies, and contributions**

Favourable movement of $141,000 primarily due to Cash-in-lieu of Public Open Space payment of $110,500 received for the development at 11 Webster Street, Nedlands.

**Proceeds from disposal of assets**

Favourable movement of $103,227 due to sale and trade-in values of fleet assets being higher than expected.

**Purchase of property, plant, and equipment**

Unfavourable movement of $195,515 primarily due to increased carry forward budgets for projects not finalised by 30 June 2022 as initially expected, and higher than expected quote submissions for 2022-23 projects.

**Purchase and construction of infrastructure**

Unfavourable movement of $306,992 primarily due to increased carry forward budgets for projects not finalised by 30 June 2022 as initially expected, and higher than expected quote submissions for 2022-23 projects.

**Purchase of right of use assets**

No movement analysis required as variance to budget is less than $50,000 and 10%.

**Payments for intangible assets**

No movement analysis required as variance to budget is less than $50,000 and 10%.

**Financing Activities**

**Repayment of borrowings**

No amendment requirement identified.

**Principle portion of new lease liability**

No movement analysis required as variance to budget is less than $50,000 and 10%.

**Recoup of self-supporting loans**

No amendment requirement identified.

**Payment for principal portion of lease liability**

No amendment requirement identified.

**Transfer to reserves**

Increased transfer to reserve movement of $315,595 due to increased interest earnt on investments of $151,990, payment received for Cash-in-lieu of Public Open Space of $110,500, and review of operating surplus for Waste Services of $51,105 after reallocation of internal cost allocations.

**Transfer from reserves**

Increased transfer from reserve movement of $413,695 primarily due to:

1. $140,000 from the Swanbourne Development Reserve for the Whadjuck Trail project
2. $220,000 from the Major Projects Reserve for the Swanbourne Surf Life Saving Club
3. $117,000 from the Welfare Reserve to fund Positive Aging operations,

offset by other minor changes to transfers from reserve to align with cost changes in the capital works program.

**Rates**

No amendment requirement identified.

**Consultation**

All business units within the City of Nedlands have been consulted as part of the Mid-Year Review process.

**Strategic Implications**

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

**Vision** Our city will be an environmentally sensitive, beautiful, and inclusive place.

**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 closing 30 June 2023 position remains balanced after the budget amendments contained within this report.

At the Special Council Meeting on 11 August 2022, item CPS36.08.22, Council adopted the following thresholds for the reporting of material financial variances in the monthly statement of financial activity reports:

a. Operating items – Greater than 10% and a value greater than $20,000

b. Capital items – Greater than 10% and a value greater than $50,000

pursuant to regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *Australian Accountings Standard AASB 1031 Materiality*.

**Legislative and Policy Implications**

The *Local Government Act 1995* and its regulations require a local government to review its annual budget between 1 January and 31 March each year.

Regulation 33A of the [*Local Government (Financial Management) Regulations 1996*](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45568.pdf/$FILE/Local%20Government%20(Financial%20Management)%20Regulations%201996%20-%20%5B03-k0-00%5D.pdf?OpenElement) requires as follows:

(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

\*Absolute majority required.

**Decision Implications**

It is a statutory requirement that Council endorse or reject the mid-year budget review. Accepting the review will allow the City to progress with its service delivery across multiple operational and infrastructure areas.

Council not adopting the January 2023 Mid-Year Budget Review would affect budget allocations required for this year's projects and funding.

**Conclusion**

The outcome of the 2022-23 Mid-Year Budget Review remains as a nil surplus as in the Annual Budget adopted in August 2022.

It is recommended Council approves the above listed amendments for the 2022-23 Budget.

The Mid-Year Budget Review for the period ending 31 January 2023 recommends budget amendments resulting in a rebalanced 2022-23 Statement of Financial Activity.

**Further Information**

Nil.

# CPS05.02.23 Monthly Financial Report – December 2022

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

# CPS06.02.23 Monthly Investment Report – December 2022

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

# CPS07.02.23 List of Accounts Paid – December 2022

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

# CPS08.02.23 Monthly Financial Report – January 2023

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

# CPS09.02.23 Monthly Investment Report – January 2023

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

# CPS10.02.23 List of Accounts Paid – January 2023

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

# Reports by the Chief Executive Officer CEO02.02.23

# CEO02.02.23 Major Review – Strategic Community Plan & Corporate Business Plan

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting - 28 February 2023 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Gemma Johnstone – Corporate Planning Officer |
| **CEO** | Bill Parker |
| **Attachments** | 1. Council Plan Example – Shire of Esperance 2. Community Engagement Plan |

**Purpose**

The purpose of this report is to request Council endorse the Community Engagement Plan to facilitate the major review of the City of Nedlands’ Strategic Community Plan and Corporate Business Plan.

**Recommendation**

**That Council:**

1. **approves the Community Engagement Plan, as detailed in Attachment 2, to facilitate major review of the Strategic Community Plan and Corporate Business Plan; and**
2. **approves Option A, that the community survey be posted as unaddressed mail to all households, as part of Community Engagement Plan (Attachment 2), to reach a robust and representative community sample.**

**Voting Requirement**

Simple Majority.

**Background**

In accordance with Section 5.56 of the *Local Government Act 1995* all local governments are required to plan for the future of their local government area. Regulation 19C and 19DA of the *Local Government (Administration) Regulations 1996* prescribes how this is achieved, through adoption of a Strategic Community Plan and subsequently, a Corporate Business Plan.

**Integrated Planning and Reporting Framework**

Integrated Planning and Reporting Framework (IPRF) provides the mechanism for local governments to comply with the statutory requirements above.

Diagram

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*Figure 1: IPRF*

**Strategic Community Plan**

The Strategic Community Plan (SCP) forms the foundation of the IPRF. It establishes the community’s vision, aspirations and objectives for the local government area in the long-term (**10+ years, rolling**), guides all decision-making the Council makes on behalf of the community, and drives the development of local plans, resourcing strategies and service levels required.

To remain contemporary and relevant, the SCP is required to be reviewed and updated every two years, alternating between major and minor reviews, with major reviews occurring every four years and requiring extensive community consultation.

**Corporate Business Plan**

The Corporate Business Plan (CBP) is a business planning tool which translates the first **four years** of the SCP (the community’s vision etc.) into the services and projects (operations) delivered to the community by the City, within the resources (financial/budget & workforce) available. The Annual Budget provides the costs for **year one** (current year) of the CBP. The CBP is required to be reviewed annually.

**Status at the City of Nedlands**

The City’s current SCP,Nedlands 2018-2028, was adopted by Council at its meeting held on 22 May 2018 and is due for major review. The City does not currently have a valid CBP, as the previous CBP 2013-2017/18, was never updated in accordance with statutory requirements.

**Major Review**

As both the City’s SCP and CBP are due for major review and these actions form part of the CEO’s 2023-24 Key Result Areas (KRAs), the City has commenced the major review process. Catalyse was appointed in December 2022 to facilitate major reviews of both plans, to be completed by December 2023.

Furthermore, in recognition of the inherit overlap and duplication that often occurs between SCP and CBPs, as well as the need for transparency, value-add and translation to the community, the City will be developing a ‘Council Plan’, which will combine both documents into one plan. A ‘Council Plan’, a product already successfully delivered by Catalyse to other local governments (see Shire of Esperance’s Council Plan – Attachment X), meets statutory requirements, is aligned to State Government reform recommendations, and follows best practice community-led strategic planning principles.

**Discussion**

**Community Consultation**

When developing or modifying a SCP, it is a statutory requirement that the community is consulted. The community’s input is fundamental, as the SCP is essentially their plan. The SCP articulates the community’s vision, aspirations and objectives for the next 10 years (and rolling), and then is used to guide the Council’s decision-making for the local area, as well as other strategic documents and plans, resourcing requirements and levels of service provided by the City to the community.

To ensure the community’s vision, aspirations and objectives are effectively captured, comprehensive community engagement is proposed (see Community Engagement Plan – Attachment 2).

In accordance with the State Government Integrated Planning and Reporting Advisory Standard, to meet the minimum requirements (an ‘Achieving Standard’), community engagement must involve at least 500 or 10% of community members (whichever is fewer) and be conducted through at least two documented mechanisms. As detailed in the Community Engagement Plan (Attachment 2), community engagement will include a community survey (participation via post and email invitation) and facilitated community workshops.

**Community Survey**

* **Email participation** – Using contact information obtained from the City’s Customer Databases (i.e., rates, community services, compliance registration, planning and building applications, e-newsletters registration, Your Voice Nedlands registration etc.), community survey invitations will be emailed out to a random sample of community members.
* **Post participation** – Two options are provided for Council’s consideration:
* **Option A** – This option involves the survey being mailed out to **all households** as unaddressed mail. It provides all community members the opportunity for ‘opt-in’ participation and is considered the most effective way to achieve a robust and representative community sample to inform the major review of the SCP.
* **Option B** – This option meets the minimum requirement for community engagement (at least 500 or 10% of community members, whichever is fewer) for a SCP major review. It involves the survey being mailed out to a random sample of **2,000 households** using contact details from the City’s Customer Databases and provides a small community sample the opportunity to participate in the major review of the SCP.

**Council Consultation & Oversight**

The Community Engagement Plan (Attachment 2) has been specifically developed to ensure there are multiple ‘touch points’ with Council as the major review progresses. See below:

|  |  |  |
| --- | --- | --- |
|  | Phase | Detail |
| 1 | Council Decision-Making Process:  Community Engagement Plan | * Concept Forum (including Scoping Session) * Agenda Briefing * Council Meeting |
| 2 | Community Consultation | * Planning Workshop (Full Day) |
| 3 | Council Decision-Making Process:  Draft Council Plan for Public Comment | * Concept Forum * Agenda Briefing * Council Meeting |
|  | Council Decision-Making Process:  Final Council Plan | * Concept Forum * Agenda Briefing * Council Meeting |

**Promotion**

The City will also be promoting the major review, in particular, participation in the community survey, through its various communication channels (i.e., website, social media – Facebook, LinkedIn, e-newsletters, noticeboard etc.,) and at local events, service centres and facilities.

**Officer’s Comments**

It is recommended that Council endorse the Community Engagement Plan as detailed in Attachment 2. Furthermore, given the significance of the major review, it is also recommended that Council endorse Option A, that the community survey be mailed out to **all households** as unaddressed mail. See reasons following:

* It provides allcommunity members the opportunity to ‘opt-in’ and participate in the major review and development of the new Council Plan.
* It is the the most effective way to achieve a robust and representative community sample to inform the major review and development of the new Council Plan.
* It provides the opportunity to create a new and robust Customer Database, based on community members ‘opting-in’ and choosing to being contacted by the City for community engagement purposes. Not only would this be valuable resource for the City, to be used on future community consultations as well help improve community participation rates on targeted projects, it also mitigates privacy concerns, as community members opt-in and chose to be part of such communications.

**Consultation**

At this point in the major review process, consultation has involved Catalyse, the Corporate Planning Officer and the Executive Management Team (EMT). The Community Engagement Plan (Attachment 2) details the extensive consultation processes moving forward, including consultation with the community, Council and the City (EMT/Managers).

**Strategic Implications**

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

**Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.

**Values** **Healthy and Safe**

Our City has clean, safe neighbourhoods where public health is protected and promoted.

**Great Natural and Built Environment**

We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**High Standard of services**

We have local services delivered to a high standard that take the needs of our diverse community into account.

**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.

**Great Communities**

We enjoy places, events and facilities that bring people together. We are inclusive and connected, caring and support volunteers. We are strong for culture, arts, sport and recreation. We have protected amenity, respect our history and have strong community leadership.

**Reflects Identities**

We value our precinct character and charm. Our neighbourhoods are family-friendly with a strong sense of place.

**Great for Business**

Our City has a strong economic base with renowned Centres of Excellence and is attractive to entrepreneurs and start-ups.

**Easy to Get Around**

We strive for our City to be easy to get around by preferred mode of travel, whether by car, public transport, cycle or foot.

**Budget/Financial Implications**

**Cost**

It is anticipated that the major reviews of the SCP and CBP, and the final Council Plan outcome, will cost approximately between:

* $84,000 (exclusive GST) including Option B, 2,000 households sample post option,
* $88,000 (exclusive GST) including Option A, all households unaddressed post option.

Note, the above costs include the processing of 500 community survey responses only, Processing of any responses over and above this amount will incur additional costs ($5 per response, exclusive GST).

**Budget**

There are adequate funds within the 2022/23 Budget to accommodate the major reviews of the SCP and CBP and development of the Council Plan.

**Legislative and Policy Implications**

* Section 5.56 of the [*Local Government Act 1995*](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45573.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-ab0-00%5D.pdf?OpenElement) – All local governments are required to plan for the future of their local government area.
* Regulation 19C and 19DA of the [*Local Government (Administration) Regulations 1996*](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45589.pdf/$FILE/Local%20Government%20(Administration)%20Regulations%201996%20-%20%5B03-o0-02%5D.pdf?OpenElement) *–* Prescribes how Section 5.56, through adoption of a Strategic Community Plan and Corporate Business Plan, is achieved.
* Council Policy [Community Engagement](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.nedlands.wa.gov.au%2Fdocuments%2F259%2Fcommunity-engagement&wdOrigin=BROWSELINK) – All community engagement and consultation will be carried out in accordance this policy.
* [Privacy Statement](https://www.nedlands.wa.gov.au/privacy-policy.aspx) – Regarding community member privacy, the Privacy Statement articulates (under the ‘Disclosure and use of personal information’ section) that any personal information collected by the City of Nedlands will only be used for the purpose for which it has been collected, or for other purposes involved in carrying out the City’s activities and functions – including to undertake market research using consultants (acting on behalf of the City) to develop the City’s services.
* [Privacy Act 1988](https://www.legislation.gov.au/Details/C2014C00076) – Privacy protection framework when using personal information.
* [Australian Privacy Principles](https://www.oaic.gov.au/privacy/australian-privacy-principles) – Privacy protection framework when using personal information.

**Decision Implications**

If Council endorses the Officer’s Recommendation, the community consultation process for the major review will commence, including the community survey. If Council does not endorse the Officer’s Recommendation, the major review will be delayed until a consensus can be reached.

**Conclusion**

It is proposed that to facilitate an effective major review of the Strategic Community Plan and Corporate Business Plan, and develop a new Council Plan, Council approves the Community Engagement Plan, as detailed in Attachment 2, inclusive of Option A.

**Further Information**

Nil.

# Council Members Notice of Motions of Which Previous Notice Has Been Given

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

# Urgent Business Approved By the Presiding Member or By Decision

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

# Confidential Items

Confidential items to be discussed at this point.

# CSD02.02.23 CONFIDENTIAL Request for Financial Assistance – Nedlands Croquet Club

A confidential report has been circulated to Council Members separately.

# CSD03.02.23 CONFIDENTIAL Nedlands Community Care

A confidential report has been circulated to Council Members separately.

# Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.