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***Agenda***

***Council Meeting***

***14 December 2021***

Dear Council Member

The next Ordinary Meeting of the City of Nedlands will be held on Tuesday 14 December2021 in the Council Chamber, 71 Stirling Highway, Nedlands commencing at 7 pm. This meeting will also be livestreamed.

Prior to entry, attendees will be required to register using the SafeWA App or by completing the manual contact register prior to entry - as stipulated by Department of Health mandatory requirements.

The public can continue to participate by submitting questions and addresses via the required online submission forms at:

<http://www.nedlands.wa.gov.au/intention-address-council-or-council-committee-form>

<http://www.nedlands.wa.gov.au/public-question-time>



Bill Parker

Chief Executive Officer

10 December 2021

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**City of Nedlands**

**Notice of an Ordinary Meeting of Council to be held in the Council Chambers, Nedlands on Tuesday 14 December 2021 at 7 pm. This meeting will be livestreamed.**

###### Council Agenda

# Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm and will draw attention to the disclaimer below.

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

**Leave of Absence** None.

**(Previously Approved)**

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

**Disclaimer**

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

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

# Public Question Time

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

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

# Addresses by Members of the Public

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

# Requests for Leave of Absence

Any requests from Council Members for leave of absence to be made at this point.

# Petitions

Petitions to be tabled at this point.

# Disclosures of Financial / Proximity Interest

The Presiding Member to remind Council Members and Employees of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

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 Employees 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). 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 Council Member or employee is encouraged to disclose the nature of the association.

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

Council Members who have not read the business papers to make declarations at this point.

# Confirmation of Minutes

## Ordinary Council Meeting 23 November 2021

The Minutes of the Ordinary Council Meeting held 23 November 2021 are to be confirmed.

# Announcements of the Presiding Member without discussion

Any written or verbal announcements by the Presiding Member to be tabled at this point.

# Members announcements without discussion

Written announcements by Council Members to be tabled at this point.

Council Members may wish to make verbal announcements at their discretion.

# Matters for Which the Meeting May Be Closed

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

# Divisional reports and minutes of Council Committees and administrative liaison working groups

## Minutes of Council Committees

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).

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

**Audit & Risk Committee 23 November 2021**

Unconfirmed, Circulated to Councillors on 6 December 2021

**Public Art Committee 6 December 2021**

Unconfirmed, Circulated to Councillors on 8 December 2021

**Council Committee 7 December 2021**

Unconfirmed, Circulated to Councillors on 10 December 2021

**Note: As far as possible all the following reports under items 12.2, 12.3 and 12.4 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.**

## Planning & Development Report No’s PD40.21 to PD47.21 (copy attached)

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

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| **PD40.21 Tree Retention and Provision on Private Land - Scheme Amendment and Local Planning Policy** |

|  |  |
| --- | --- |
| Committee | 7 December 2021 |
| Council | 14 December 2021 |
| Applicant | City of Nedlands |
| Employee Disclosure under section 5.70 of the Local Government Act 1995 | Nil. |
| Director | Tony Free – Director Planning and Development |
| Attachments | 1. Detail and justification for the proposed scheme amendment and local planning policy 2. Maps of properties subject to proposed scheme amendment. |

**Committee Recommendation**

**Council:**

1. **instructs the Chief Executive Officer to:**
2. **revise the City of Nedlands Urban Forest Strategy 2018 – 2023 to include significant trees on private land, in order to provide the overarching strategic framework for the proposed Scheme Amendment and Local Planning Policy;**
3. **provide a report to Council for the purpose of preparing an amendment to Local Planning Scheme No. 3 to require development approval for the removal of trees that meet certain criteria;**
4. **provide a report to Council for the purpose of preparing a local planning policy that outlines the application process and the afforded discretion in support of the proposed amendment to Local Planning Scheme No. 3; and**
5. **public consultation is to be undertaken before a proposed scheme amendment is presented to Council.**

Recommendation to Committee

Council:

1. instructs the Chief Executive Officer to:
2. revise the City of Nedlands Urban Forest Strategy 2018 – 2023 to include trees on private land, in order to provide the overarching strategic framework for the proposed Scheme Amendment and Local Planning Policy;
3. provide a report to Council for the purpose of preparing an amendment to Local Planning Scheme No. 3 to require development approval for the removal of trees which have a height of at least 8 metres or a canopy diameter of at least 5 metres on lots of a coding of R20 or less;
4. provide a report to Council for the purpose of preparing a local planning policy that outlines the application process and the afforded discretion in support of the proposed amendment to Local Planning Scheme No. 3.

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| **PD41.21 Consideration of Submissions on Draft Local Planning Policy – Existing Laneway Requirements** |

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| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995** | “the author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia”. |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Draft Local Planning Policy – Existing Laneway Requirements  2. Community Engagement - Schedule of Submissions  3. Community Engagement - Outcomes Report |

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **notes the submissions received and the outcomes from the community engagement activities conducted in relation to the draft Local Planning Policy – Existing Laneway Requirements;**
2. **does not proceed with draft Local Planning Policy – Existing Laneway Requirements, as set out in Attachment 2, in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(iii); and**
3. **does not pursue the ceding of land and widening of existing laneways as a policy position at this time.**

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| **PD42.21** | **Consideration of Development Application – Two Grouped Dwellings at 31 and 31A Robinson Street, Nedlands** |
|  | |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | BGC Housing |
| **Landowner** | F Kit Fong Ng |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally,  this relationship is consistent with the limitations placed on  such relationships by the Codes of Conduct of the City and  the Planning Institute of Australia. |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA21/67432 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application as an objection has been received. |
| **Attachments** | 1. Aerial Image and Zoning Map 2. Development Plans |
| **Confidential Attachments** | 1. Submission |

**Committee Recommendation / Recommendation to Committee**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 17 August 2021 in accordance with the plans date stamped 30 August 2021 for two grouped dwellings at 31 and 31A Robinson Street, Nedlands and subject to the following conditions:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
2. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
3. **Prior to occupation of the development the parapet walls are to be finished externally to the same standard as the rest of the development or in:**
4. **Face brick;**
5. **Painted render;**
6. **Painted brickwork; or**
7. **Other clean material as specified on the approved plans;**

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

1. **Prior to the lodgement of Building Permit, a revised Landscaping Plan shall be submitted and approved by the City of Nedlands.**
2. **Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City.**
3. **A Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City.**
4. **All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**

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| **PD43.21** | **Consideration of Street Tree Removal at 96 Webster Street, Nedlands** |
|  | |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | D Robinson |
| **Landowner** | G Thom & M Plunkett |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally,  this relationship is consistent with the limitations placed on  such relationships by the Codes of Conduct of the City and  the Planning Institute of Australia. |
| **Report Type**  Quasi Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA21/69231 |
| **Previous Item** | Nil |
| **Delegation** | The application may require a recommendation for refusal where discretion exists for Council to approve the variations under the City’s Local Planning Scheme No. 3, policies and/or the Residential Design Codes. |
| **Attachments** | 1. Aerial Image 2. Streetscape Images 3. Existing Site Plan 4. Proposed Site Plan 5. Applicant Justification 6. Alternate Crossover Location |
| **Confidential Attachments** | Nil |

**Committee Recommendation**

**Council:**

1. **grants approval for the alternate location of the crossover (as annotated on Attachment 6);**
2. **requires prior to the completion of the crossover, the owner shall plant a minimum two (2) 500L trees located on the verge, in front of 96 Webster Street, Nedlands at the expense of the applicant and to the satisfaction of the City of Nedlands; and**
3. **during construction of the crossover trees 3 and 4 as shown on the plans are to be protected to the satisfaction of the City of Nedlands.**

Recommendation to Committee

Council:

1. grants approval for the alternate location of the crossover (as annotated on Attachment 6); and
2. requires prior to occupation, the owner shall plant a minimum two (2) 500L trees located on the verge, in front of 96 Webster Street, Nedlands at the expense of the applicant and to the satisfaction of the City of Nedlands.

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| **PD44.21** | **Consideration of Development Application (Digital Roof Sign) at 178 Stirling Highway, Nedlands** |
|  | |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | Kang Leading Group |
| **Landowner** | Western Australian Planning Commission (WAPC) |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally,  this relationship is consistent with the limitations placed on  such relationships by the Codes of Conduct of the City and  the Planning Institute of Australia. |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA21/61628 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received and the recommendation for refusal. |
| **Attachments** | 1. Aerial Image and Zoning Map 2. Development Plans |
| **Confidential Attachments** | 1. Submissions |

**Committee Recommendation**

1. **In accordance with Clause 13 of the Metropolitan Region Scheme, Council recommends that the Western Australian Planning Commission refuse the development application received on 19 March 2021 for a digital roof sign at 178 Stirling Highway, Nedlands, for the following reasons:**

**a. The sign is inconsistent with the objectives of the City’s Local Planning Policy – Signs in that it contributes to the proliferation of advertising signs, and is detrimental to the amenity and character of the nearby residential neighbourhood; and**

**b. The land use of third party advertising and the placement of the digital sign introduces a commercial intrusion into the nearby residential area. The sign is incompatible with its setting and the desired future character of the area, in accordance with clause 67(1)(m) of the Deemed provisions.**

1. **In the event that the Western Australian Planning Commission approves the digital roof sign, Council recommends the following conditions, without prejudice:**
2. **Prior to the lodgement of a Building Permit, an Operation and Content Management Plan for the sign shall be submitted to and approved by the City of Nedlands. The plan shall be adhered to for the life of the development and include the following:**

**i. The sign is not to contain discriminatory or offensive content;**

**ii. The sign shall be turned off between the hours of 8pm and 7am;**

**iii. The sign shall be in accordance with Main Roads conditions and the Main Roads Guide to Roadside advertising, including a lighting assessment, and annual lighting audit (at the applicant’s cost); and**

**iv. Specifying the terms of not-for-profit messages, including a minimum 20% of advertising time be donated to not-for-profit and/or community benefit organisations.**

**v. The sign shall contain no more that 4 words.**

Recommendation to Committee

1. In accordance with Clause 13 of the Metropolitan Region Scheme*,* Council recommends that the Western Australian Planning Commission refuse the development application received on 19 March 2021 for a digital roof sign at 178 Stirling Highway, Nedlands, for the following reasons:
   1. The sign is inconsistent with the objectives of the City’s Local Planning Policy – Signs in that it contributes to the proliferation of advertising signs, and is detrimental to the amenity and character of the nearby residential neighbourhood; and
   2. The land use of third party advertising and the placement of the digital sign introduces a commercial intrusion into the nearby residential area. The sign is incompatible with its setting and the desired future character of the area, in accordance with clause 67(1)(m) of the *Deemed provisions.*
2. In the event that the Western Australian Planning Commission approves the digital roof sign, Council recommends the following conditions, without prejudice:
3. Prior to the lodgement of a Building Permit, an Operation and Content Management Plan for the sign shall be submitted to and approved by the City of Nedlands. The plan shall be adhered to for the life of the development and include the following:
   1. The sign is not to contain discriminatory or offensive content;
   2. The sign shall be turned off between the hours of 10pm and 6am;
   3. The sign shall be in accordance with Main Roads conditions and the Main Roads Guide to Roadside advertising, including a lighting assessment, and annual lighting audit (at the applicant’s cost); and
   4. Specifying the terms of not-for-profit messages, including a minimum 20% of advertising time be donated to not-for-profit and/or community benefit organisations.

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| **PD45.21** | **Consideration of Development Application – Additions to Single House at 86 Watkins Road, Dalkeith** |
|  | |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | Ashley Richards & Associates |
| **Landowner** | C & S Fatouros |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally,  this relationship is consistent with the limitations placed on  such relationships by the Codes of Conduct of the City and  the Planning Institute of Australia. |
| **Report Type**    Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA21/66858 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Aerial Image and Zoning Map 2. Development Plans |
| **Confidential Attachments** | * + - 1. Submission |

**Committee Recommendation / Recommendation to Committee**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 29 July 2021 in accordance with the plans date stamped 5 November 2021 for additions to a single house at 86 Watkins Road, Dalkeith and subject to the following conditions:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
2. **All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
3. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
4. **Prior to occupation of the development the finish of the parapet walls is to be completed externally to the same standard as the rest of the development or in:**
5. **Face brick;**
6. **Painted render;**
7. **Painted brickwork; or**
8. **Other clean material as specified on the approved plans;**

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

1. **Prior to occupation of the development, all visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas, as annotated on the approved plans, shall be screened in accordance with the Residential Design Codes by either:**
2. **Fixed obscure or translucent glass to a height of 1.6 metres above finished floor level;**
3. **Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
4. **A minimum sill height of 1.6 metres as determined from the internal floor level; or**
5. **An alternative method of screening approved by the City.**

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

1. **A Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City.**

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| **PD46.21** | **Consideration of Development Application – Additions and Alterations to an Existing Single House at 6 Walpole Street, Swanbourne** |
|  | |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | D4 Designs |
| **Landowner** | C Kapinkoff |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally,  this relationship is consistent with the limitations placed on  such relationships by the Codes of Conduct of the City and  the Planning Institute of Australia. |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA21-66822 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received. |
| **Attachments** | 1. Aerial image and zoning map  2. Site photos  3. Development plans |
| **Confidential Attachments** | 1. Submission |

**Committee Recommendation / Recommendation to Committee**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application in accordance with the plans date stamped 4 November 2021 for additions and alterations to an existing single house at 6 Walpole Street, Swanbourne, subject to the following conditions:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
2. **All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
3. **Prior to occupation of the development, the walls on or near the boundary are to be finished externally to the same standard as the rest of the development in:**
4. **Face brick;**
5. **Painted render;**
6. **Painted brickwork; or**
7. **Other clean finish as specified on the approved plans.**

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

1. **Prior to occupation of the development, fences within the primary street setback area shall be visually permeable above 1.2m in height from natural ground level, in accordance with the Residential Design Codes and to the satisfaction of the City of Nedlands.**
2. **Prior to occupation or use of the development, the existing vehicular crossover is to be upgraded to the City’s specifications. Any redundant portions of the existing vehicular crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated to the specification and satisfaction of the City of Nedlands.**

|  |  |
| --- | --- |
| **PD47.21** | **Consideration of Development Application - Single House at 15 Greenville Street, Swanbourne** |
|  | |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | Zazen Building & Design |
| **Landowner** | T Falkner |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally,  this relationship is consistent with the limitations placed on  such relationships by the Codes of Conduct of the City and  the Planning Institute of Australia. |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA21-66989 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received. |
| **Attachments** | 1. Aerial Image and Zoning Map  2. Development Plans |
| **Confidential Attachments** | * 1. Submission |

**Committee Recommendation / Recommendation to Committee**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 2 August 2021 in accordance with amended plans date stamped 4 November 2021 for a single house at 15 Greenville Street, Swanbourne, subject to the following conditions:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
2. **Prior to occupation of the development, landscaping is to be planted and maintained in accordance with the approved plans, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands**
3. **All building works to be carried out under this development approval are to be contained within the boundaries of the subject lot.**
4. **Prior to occupation of the development the external finish of the parapet walls is to be the same standard as the rest of the development or in:**
5. **Face brick;**
6. **Painted render;**
7. **Painted brickwork; or**
8. **Other clean material as specified on the approved plans**

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

1. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
2. **Prior to occupation of the development, all privacy screens and obscured windows as shown on the approved plans shall be provided to prevent overlooking in accordance with the Residential Design Codes by either:**
3. **Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or**
4. **Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
5. **A minimum sill height of 1.60 metres as determined from the internal floor level; or**
6. **An alternative method of screening approved by the City of Nedlands.**

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

## Corporate & Strategy Report No’s CPS20.21 to CPS22.21 (copy attached)

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

|  |
| --- |
| 0BCPS20.21 Update and New Lease for Floreat Community Pre-Kindy Inc. |

|  |  |
| --- | --- |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Floreat Community Pre-Kindy Inc. - Proposal |
| **Confidential Attachments** | Nil. |

**Committee Recommendation**

**Council:**

1. **approves an exclusive use lease for portion of the 25 Strickland Street, Mount Claremont site between the City of Nedlands and Floreat Community Pre-Kindy Inc. consistent with the key terms as noted within this report;**
2. **authorises the CEO and Mayor to execute the lease agreement and apply the City’s Common Seal; and**
3. **installs the temporary fence required for additional child safety to a maximum of $2,500.**

Recommendation to Committee

Council:

1. approves an exclusive use lease for portion of the 25 Strickland Street, Mount Claremont site between the City of Nedlands and Floreat Community Pre-Kindy Inc. consistent with the key terms as noted within this report. and;
2. authorises the CEO and Mayor to execute the lease agreement and apply the City’s Common Seal.

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| --- |
| **CPS21.21 Non-Exclusive Licence to Jeavons Pty Ltd** |

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| --- | --- |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Futuro Proposal |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **approves a non-exclusive use licence for portion of Reserve 53485 between the City of Nedlands and Jeavons Pty Ltd consistent with the key terms as noted within this report. and;**
2. **subject to the Minister for Lands’ Consent, authorises the CEO and Mayor to execute the non-exclusive licence agreement and apply the City’s Common Seal.**

|  |
| --- |
| **CPS22.21 List of Accounts Paid – November 2021** |

|  |  |
| --- | --- |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne - Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing – November 2021; and 2. Credit Card and Purchasing Card Payments November 2021 |
| **Confidential Attachments** | Nil. |

**Recommendation to Council**

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

**Committee Recommendation**

**That the item be adjourned to the Council Meeting of 14 December 2021.**

Recommendation to Committee

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

## Technical Services Report No’s TS12.21 to TS15.21 (copy attached)

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

|  |
| --- |
| 1BTS12.21 Introduction of Food Organic Green Organic (FOGO) Bin Service for Residential Properties |

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| --- | --- |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Andrew Melville – A/Director Technical Services |
| **Attachments** | 1. Adopted City of Nedlands Waste Plan 2. Endorsement Letter from Department of Water and Environmental Regulation dated 9 March 2021 |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **approves the change to a weekly FOGO bin service and alternate fortnightly waste and recycling bin collection service from 7 November 2022;**
2. **approves the bin lid changeover for residential waste bins to comply with the State Government’s Better Bins Plus funding grant conditions; and**
3. **agrees to include funding for bin stock replacement or any other related infrastructure/service changes relating to the FOGO bin service implementation within the upcoming 2022/23 Annual Budget.**

|  |
| --- |
| 2BTS13.21 Hamilton Park Enviro-Scape Master Plan |

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| --- | --- |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Andrew Melville – Acting Director Technical Services |
| **Attachments** | 1. Hamilton Park Enviro-scape Master Plan |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council endorses the Hamilton Park Enviro-scape Master Plan concept plan.**

|  |
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| 3BTS14.21 Perth Children’s Hospital Foundation Proposal to Fund Development of a Community Park |

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| --- | --- |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Andrew Melville – Acting Director Technical Services |
| **Attachments** | 1. Letter of offer from Perth Children’s Hospital Foundation |
| **Confidential Attachments** | Nil. |

**Committee Recommendation**

**Council instructs the CEO to inform the Perth Children’s Hospital Foundation (PCHF) that Council is not prepared to accept at this time, their offer (dated 15 July 2021) to provide funding to design and develop a community park adjacent to the new WA Children’s Hospice site in Allen Park, Swanbourne for the following reasons:**

1. **The resourcing implication of the project management and procurement within the citywide resourcing priorities has not been assessed.**
2. **The financial implication of the ongoing maintenance within the citywide funding priorities has not been established.**
3. **The risk management profile within the Allen Park precinct and the adjoining bushfire risk zone has not been adequately assessed in terms of risk to life and property assets.**
4. **The City requires more time to:**
5. **assess the impact of the proposed community park, adjacent to the new WA Children’s Hospice in Allen Park, Swanbourne, in terms of the Allen Park Master Plan 2017;**
6. **undertake a community engagement process prior to the design of the community park; and**
7. **develop a draft Memorandum of Understanding for Council’s consideration, between the City and the Perth Children’s Hospital Foundation that reflects the offer to fund the design and development of a community park.**

Recommendation to Committee

Council:

1. endorse the concept of a community park adjacent to the new WA Children’s Hospice in Allen Park, Swanbourne.
2. endorses the requirement for the Allen Park Master Plan 2017 to be considered when developing a concept plan for the proposed community park;
3. instructs the CEO to undertake a community engagement process prior to the design of the community park; and
4. instructs the CEO to develop a draft Memorandum of Understanding for Council’s consideration, between the City and the Perth Children’s Hospital Foundation that reflects the offer to fund the design and development of a community park.

|  |
| --- |
| 4BTS15.21 Project Deferral |

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| --- | --- |
| **Committee** | 7 December 2021 |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Andrew Melville – Acting Director Technical Services |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**That Council:**

1. **advises Main Roads Western Australia that in the 2021/22 financial year the City of Nedlands will not proceed with:**
2. **Project 817 - The Avenue; and**
3. **Project 2001 - Railway Road; and**
4. **agrees to reduce the scope of works for Project 817 – The Avenue to crack sealing to prevent moisture penetration.**

# Reports by the Chief Executive Officer

## Governance Framework Policy and Meeting Schedule for 2022

|  |  |
| --- | --- |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **CEO** | Bill Parker |
| **Attachments** | 1. Draft Governance Framework Policy |
| **Confidential Attachments** | Nil. |

**Executive Summary**

In local government, a policy void can exist between the legislative requirements of the *Local Government Act 1995*, meeting procedure local laws and contemporary decision making. To fill this void, governance framework policies are often developed.

Upon commencement, Council adopted five (5) Key Responsibility Areas (KRA) for the Interim Chief Executive Officer (CEO). One of these KRAs was the development of a new Governance Framework Policy for the City of Nedlands.

This item recommends that Council adopt a Governance Framework Policy and meeting dates schedule for 2022.

**Recommendation to Council**

**That Council:**

1. **adopt the Governance Framework Policy as per attachment 1 to apply from 1st January 2021; and**
2. **adopt the Agenda Forum Dates Schedule for 2022 as per below:**

**Tuesday 8 February 2022**

**Tuesday 8 March 2022**

**Tuesday 12 April 2022**

**Tuesday 10 May 2022**

**Tuesday 14 June 2022**

**Tuesday 12 July 2022**

**Tuesday 9 August 2022**

**Tuesday 13 September 2022**

**Tuesday 11 October 2022**

**Tuesday 8 November 2022**

**Tuesday 6 December 2022**

1. **adopt the Council Meeting Dates Schedule for 2022 as per below:**

**Tuesday 22 February 2022**

**Tuesday 22 March 2022**

**Tuesday 26 April 2022**

**Tuesday 24 May 2022**

**Tuesday 28 June 2022**

**Tuesday 26 July 2022**

**Tuesday 23 August 2022**

**Tuesday 27 September 2022**

**Tuesday 25 October 2022**

**Tuesday 22 November 2022**

**Tuesday 13 December 2022**

1. **adopt the Audit & Risk Committee Meeting Dates Schedule for 2022 as per below:**

**Monday 28 February 2022**

**Monday 30 May 2022**

**Monday 29 August 2022**

**Monday 21 November 2022**

1. **adopt the Public Art Committee Meeting Dates Schedule for 2022 as per below:**

**Monday 7 February 2022**

**Monday 13 June 2022**

**Monday 12 September 2022**

**Monday 12 December 2022**

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

In local government, a policy void can exist between the legislative requirements of the *Local Government Act 1995,* meeting procedure local laws and contemporary decision making. To fill this void, governance framework policies are often developed.

Such a policy should seek to provide a transparent, participatory and statutorily compliant meeting framework in which:

* Council Members are engaged in the development of strategy and policy from initiation to adoption;
* Council Members are provided with accurate relevant and timely information by the Chief Executive Officer (CEO) to inform quality decision-making; and
* Community members can participate in the decision-making process and have access to information used to inform Council decisions.

The City of Nedlands currently has a governance framework that comprises:

* Councillor Briefings (1st and 3rd Tuesday of each month)
* Committee Meeting (2nd Tuesday of each month)
* Council Meeting (4th Tuesday of each month)

Since commencing in August 2021, the Chief Executive Officer (CEO) has identified improvement opportunities relating to the current governance framework. These include:

* The framework is ‘unofficial’ and not governed by policy
* Inefficiencies in dealing with applications and customer requests
* The Council Briefings have limited procedural controls
* Inconsistency in the decision-making process e.g. some items are presented directly to Council and bypass the briefing and committee process.

One of the key responsibilities of the Chief Executive Officer as defined by the *Local Government Act 1995* is to ensure that advice and information is available to the Council so that informed decisions can be made. It is therefore essential that the Council and the administration work together to establish a robust governance framework to ensure that this occurs.

The Draft Governance Framework Policy proposes the following changes to the existing framework:

1. **Council Meetings**

Ordinary Council Meetings will commence at 6pm rather than the current start time of 7pm. Council will not meet in October every second year to coincide with the Ordinary Election cycle to allow a thorough induction process for new Councillors.

1. **Council Meeting Agenda Forums**

Under the draft Policy, the Committee Meeting currently held on 2nd Tuesday of each month will be replaced with a Council Meeting Agenda Forum. The purpose of the Agenda Forum is for Council Members to ask questions and seek information in respect to items that are to be considered at the forthcoming Ordinary Council Meeting.

No debate is allowed, nor decisions made at Agenda Forums. Agenda Forums are open to the public.

Any items that are not listed on the Council Meeting Agenda Forum, must be treated as urgent business as provided for in section 3.10 of the *Standing Orders Local Law 2016*. This will alleviate the significant variance that currently exists between what is considered at the Whole of Committee of Council and the Council Meeting.

1. **Concept Forums**

Concept Forums will replace the existing Council Briefing Sessions to better align with the Department’s position on meetings occurring outside of the formal council meeting framework. The Policy seeks to address issues relating to accountability, openness, transparency, probity and integrity.

The Draft Policy introduces a forum in which Council Members can be actively involved and engaged in the development, review and performance measurement of the City’s policy and strategy framework on an ongoing basis. The Draft Policy also allows Council Members to be involved in agenda setting.

1. **Dealing with Officer Recommendations and Council Motions**

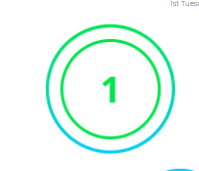
The draft policy provides clarity in terms of revised officer recommendations and the process applied when new information comes to hand. Additionally, the new policy seeks to provide a definition of materiality to further clarify what amendments need to be submitted to the CEO prior to the meeting.

The following is provided to assist in the understanding of the purpose for each session throughout the month:

**Governance Framework Policy**  
A transparent, efficient, participatory, and statutorily compliant meeting framework.

To discuss:

* complex matters
* review and performance measurement of strategies
* other matters supported by 3 Council Members.

****

**First Tuesday** of month

**Concept Forum**

Closed to public

5pm to 7pm

Agenda, briefing, and discussion papers added to Councillor portal by COB Friday before 1st Tuesday of month.



**Second Tuesday** of month

**Agenda Forum**

Open to public

6pm start

**Third Tuesday** of month

**Concept Forum**

Closed to public

5pm to 7pm

Agenda, briefing, and discussion papers added to Councillor portal by COB Friday before 3rd Tuesday of month.

To discuss:

* complex matters
* review and performance measurement of strategies
* other matters supported by 3 Council Members.

Agenda added to Councillor portal and City's website by COB Thursday before Agenda forum.

* Opportunity for Council Members to ask questions and seek information on items to be considered at the forthcoming Ordinary Council Meeting.
* Members of the public may make presentations or ask questions on items contained within the agenda.
* Council members to consider items on the agenda comprising of officer's reports and recommendations.
* Members of the public may make presentations or ask questions on items contained within the agenda.

**Fourth Tuesday** of month\*

**Ordinary Council Meeting**

Open to public

6pm start



Agenda added to Councillor portal and City's website by 2pm Friday before OCM

**\*December OCM is held on 2nd Tuesday of month | No OCM in January | No OCM in October of ordinary election year**

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

The CEO prepared a discussion paper with regard to implementing a new governance framework at the City of Nedlands. The discussion paper was presented at a Councillor Briefing on 21 September 2021, with input received from Council Members in terms of what they would like to see within a new governance framework.

Taking into consideration the feedback received at the Councillor Briefing, the CEO prepared a draft Governance Framework Policy. The draft Governance Framework Policy was presented to Council Members at a Councillor Briefing on 2 November 2021.

During the Councillor Briefing, the CEO received feedback on the proposed Policy. Where possible, this feedback has been incorporated into the Draft Policy for Council consideration.

The matter has also been considered at two (2) Executive Management Team Meetings.

**Comparisons of other Local Governments**

The Executive Officer sent an email to the Local Government Governance Network to obtain information on other local governments who currently work under the proposed framework and whether they found it effective. The following information was received:

|  |  |  |  |
| --- | --- | --- | --- |
| **Local Government** | **Agenda Forum** | **Held** | **Feedback**  **/ opinion whether process is effective** |
| City of Bayswater | Yes | One week prior to OCM | Yes |
| City of Subiaco | Yes | One week prior to OCM | Yes |
| City of Melville | Yes | One week prior to OCM | Yes |
| City of Belmont | Yes | One week prior to OCM | Yes |
| Town of Victoria Park | Yes | Two weeks prior to OCM | Yes |
| City of Bunbury | Yes | One week prior to OCM | Yes |
| Shire of Donnybrook Balingup | Yes | One week prior to OCM | Yes |
| Shire of Chittering | Yes | Wednesday before OCM | Yes |
| Shire of Toodyay | Yes | One week prior to OCM | Yes |

In addition to the above, it is also noted that the following local governments have also applied the agenda forum approach:

1. City of Perth
2. Shire of Peppermint Grove
3. Town of Claremont

Information will be provided to the Community throughout January 2022 to assist the Community in understanding the new framework and the ways in which they are still able to participate in the Agenda Forums as they currently do.

**Strategic Implications**

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

The new policy aligns with the Value - Great Governance and Civic Leadership as contained within the City of Nedlands Strategic Community Plan.

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.

**Who benefits?**

A transparent, efficient, participatory, and statutorily compliant meeting framework will benefit the community, elected members and the administration.

**Does it involve a tolerable risk?**

The City does not currently have a document governance framework. Having such a policy will reduce the risk associated with decisions being made with adequate levels of information.

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

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

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

The draft Governance Framework Policy is in response to Key Result Area 5 - Develop Governance Framework Policy.

**Budget/Financial Implications**

There are budget or financial implications in adopting this framework.

**Conclusion**

It is recommended that this new Governance Framework Policy be adopted to provide a transparent, efficient, participatory, and statutorily compliant meeting framework.

## Annual Financial Report for Year Ended 30 June 2021

|  |  |
| --- | --- |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne - Director Corporate & Strategy |
| **Attachments** | 1. 2020-21 Annual Financial Report; 2. 2020-21 Audit Representation Letter. 3. 2020-21 Audit Opinion |
| **Confidential Attachments** | Nil. |

**Executive Summary**

The Annual Financial Report for the year ended 30 June 2021, together with the audit representation letter and audit opinion, is presented to Council to be received and be included as part of the City’s Annual Report for presentation at the Annual Electors’ Meeting.

**Recommendation to Council**

**That Council:**

**1. accepts the Financial Report for the City of Nedlands for the year ended 30 June 2021;**

**2. accepts the 2021 Audit Opinion as presented.**

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

**Background**

**Financial Performance**

A brief overview of the City’s financial performance for the 2020/21 financial year is provided below.

The City completed the 2020/21 year with a surplus net result of $5.8m compared to the adopted budget surplus of $0.9m. The overall favourable variance was mostly due to an underspend in Capital projects and higher revenue for the year.

Operating Revenue for the year totalled $34.9m, which is higher than the budget target of $33.6m for the year. This is mostly due to higher rates revenue, together with higher operating grants and general fees and charges.

Operating Expenditure marginally increased to $31.9m compared to a budget of $31.6m. This was mostly due to an overspend in Employee costs and Materials and Contracts offset by an underspend in utilities, depreciation and other expenditure.

Capital Works of $5.9m were completed in 2020/21 compared to a budget of $8.1m. This was mostly due to delays in projects.

The City’s key financial ratios in Note 36 provide an overview of the financial performance of the City in 2020/21 compared with the previous two years. All the ratios are within recommended standard benchmarks set by the Department of Local Government, indicating sound financial health for the City.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  | **2021** | **2020** | **2019** |
|  |  | Target | **Actual** | **Actual** | **Actual** |
|  |  |  |  |  |  |
| Current ratio | | >1.10 | 1.50 | 1.18 | 0.98 |
| Asset consumption ratio | | >0.50 | 0.72 | 0.59 | 0.58 |
| Asset renewal funding ratio | | 0.75 - 0.95 | 1.02 | 0.95 | 0.92 |
| Asset sustainability ratio | | 0.9 - 1.10 | 1.36 | 1.61 | 2.33 |
| Debt service cover ratio | | >2.0 | 3.79 | 4.34 | 5.61 |
| Operating surplus ratio | | 0.01 - 0.15 | 0.09 | 0.12 | 0.18 |
| Own source revenue coverage ratio | | >0.4 | 1.03 | 1.06 | 1.14 |
|  |  |  |  |  |  |

**Key Relevant Previous Council Decisions**

Nil.

**Consultation**

Nil.

**Strategic Implications**

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

The Financial Report is required to comply with Local Government Act and regulations and supports the City in sound strategy and governance around its financial health.

The following legislation is adhered to:

*Section 6.4 of the Local Government Act 1995*

*Regulation 36 of the Local Government (Financial Management)*

*Regulations 1996*

*Regulations 9 and 10 of the Local Government (Audit)*

*Regulations 1996*

**Who benefits?**

The City and the Community.

**Does it involve a tolerable risk?**

There is no risk involved.

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

Not applicable.

**Budget/Financial Implications**

There are no financial implications to this report.

**Conclusion**

The audited financial report for the City of Nedlands for 2020/21 is recommended for approval.

## Monthly Financial Report – November 2021

|  |  |
| --- | --- |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 30 November 2021 2. Capital Works & Acquisitions – 30 November 2021 3. Statement of Net Current Assets – 30 November 2021 4. Statement of Financial Activity –30 November 2021 5. Borrowings – 30 November 2021 6. Statement of Financial Position – 30 November 2021 7. Operating Income & Expenditure by Reporting Activity – 30 November 2021 8. Operating Income by Reporting Nature & Type – 30 November 2021 |

**Executive Summary**

Administration is required to provide Council with a monthly financial report in accordance with *Regulation 34(1) of the Local Government (Financial Management) Regulations 1996.* The monthly financial variance from the budget of each business unit is reviewed with the respective manager and the Executive to identify the need for any remedial action. Significant variances are highlighted to Council in the attached Monthly Financial Report.

**Recommendation to Council**

**Council receives the Monthly Financial Report for 30 November 2021.**

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

The monthly financial management report meets the requirements of *Regulation 34(1) and 34(5)* of the *Local Government (Financial Management) Regulations 1996.*

This report gives an overview of the revenue and expenses of the City for the year to date 30 November 2021 together with a Statement of Net Current Assets as at 30 November 2020.

The operating revenue at the end of November 2021 was $31.52m which represents $26k unfavourable variance compared to the year-to-date budget.

The operating expense at the end of November 2021 was $13.79m, which represents $2.49m favourable variance compared to the year-to-date budget.

The attached Operating Statement compares “Actual” with “Budget” by Business Units. The budget figures include subsequent Council approval to budget changes. Variations from the budget of revenue and expenses by Directorates are highlighted in the following paragraphs.

**Governance**

Expenditure: Favourable variance of $ 385,962

Revenue: Favourable Variance of $ 33,182

The Favourable expenditure variances are mainly due to:

* Governance and HR Professional fees, Special projects and other employee costs of $301k not spent yet.
* member of Council cost of $21k not spent yet.
* Communication salary of $44k not spent due to delay in filling current vacancy.

The favourable revenue variance of $33k is mainly due to leased property ESL payment.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 685,133

Revenue: Unfavourable variance of $ (20,006)

The favourable expenditure variances are mainly due to:

* ICT Professional fees, Special projects and expenses of 479k not spent yet,
* Corporate services Professional fees and ICT expenses of $88k not expensed yet,
* ICT and Land & Property salary of 72k not spent due to delay in filling current vacancy.

Unfavourable revenue variance is mainly due to:

* Lower interest income from investments.

**Community Development and Services**

Expenditure: Favourable variance of $ 92,233

Revenue: Favourable variance of $ 153,237

The favourable expenditure variances are mainly due to:

* NCC, PRCC and Library salaries of 133k not spent yet. This will even out at the end of year.
* Offset against over spent expenses on Tresillian courses and PRCC other expenses of $58k.

The favourable income variance is mainly due to:

* Increased Tresillian and PRCC fees & charges of $160k.

**Planning and Development**

Expenditure: Favourable variance of $ 775,373

Revenue: Unfavourable variance of $ (322,187)

The Favourable expenditure variances are mainly due to:

* Urban Planning office, professional fees and projects expenses of $373k not spent yet.
* Planning and Environmental Health salary of $141k not expensed yet due to delay in filling current vacancy.
* Environmental operation activities of $215k not spent yet.

The Unfavourable revenue variance is mainly due to:

* Lower fees & charges from building services of $283k.

**Technical Services**

Expenditure: Favourable variance of $ 557,472

Revenue: Favourable variance of $ 129,410

The favourable expenditure variance is mainly due to:

* Maintenance expense for building, parks and waste management of $963k not expensed yet.
* Off-set against lower charge out of on-cost to projects by $430k.

Favourable revenue variance is mainly due to:

* Increased contribution from clubs and waste fees & charges of $48k.
* Direct grants payment from Main roads of 75k.

**Borrowings**

As at 30 November 2021, we have a balance of borrowings of $835k.

**Net Current Assets Statement**

At 30 November 2021, net current assets were $23.98m compared to $21.84m as at 30 November 2020.Current assets increased by $5.41m compared to 30 November 2020 offset by increased current liabilities of $3.59m.

Outstanding rates debtors are $6.6m as at 30 November 2021 compared to $7.9m as at 30 November 2020. Breakdown as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **30 November 2021**  **($000)** | **30 November2020**  **($000)** | **Variance**  **($000)** |
| **Rates** | $5,672 | $6,884 | ($1,212) |
| **Rubbish & Pool** | $ 176 | $ 151 | $ 25 |
| **Pensioner Rebates** | $ 543 | $ 475 | $ 68 |
| **ESL** | $ 189 | $ 354 | ($ 165) |
| **Total** | **$6,580** | **$7,864** | **($1, 284)** |

**Capital Works Programme**

As at 30 November, expenditure on capital works was $973k with additional capital commitments of $2.3m which represents 40% of a total budget of $8.25m.

**Employee Data**

|  |  |
| --- | --- |
| **Description** | **Number** |
| Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month | 178 |
| Number of contract employees (temporary/agency) as of the last day of the previous month | 7 |
| \*Occupied FTE (Full Time Equivalent) count as of the last day of the previous month | 153.21 |
| Number of unfilled employee positions at the end of each month | 27 |

Reduction in unfilled positions by 7 end November month compared to end October month. Staff turnover has been significant throughout calendar year 2021 but with active recruitment and backfilling of positions, some signs of stability in occupied FTE and staff numbers occurring.

**Conclusion**

The statement of financial activity for the period ended 30 November 2021 indicates that operating expenses are under the year-to-date budget by 15.32% or $2.49m, and revenue is under the budget by 0.08% or $26k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Strategic Implications**

The 2021/22 approved budget is in line with the City’s strategic direction. Our operations and capital spend, and income is undertaken in line with and measured against the budget.

The 2021/22 approved budget ensures that there is an equitable distribution of benefits in the community.

The 2021/22 budget was prepared in line with the City’s level of tolerance of risk and it is managed through budgetary review and control.

The approved budget was based on zero based budgeting concept which requires all income and expenses to be thoroughly reviewed against data and information available to perform the City’s services at a sustainable level.

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – November 2021

|  |  |
| --- | --- |
| **Council** | 14 December 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Investment Report for the period ended 30 November 2021 |

**Executive Summary**

In accordance with the Council’s Investment Policy, Administration is required to present a summary of investments to Council on a monthly basis.

**Recommendation to Council**

**Council receives the Investment Report for the period ended 30 November 2021.**

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

Council’s Investment of Funds report meets the requirements of Section 6.14 of the *Local Government Act 1995*.

The Investment Policy is structured to minimise any risks associated with the City’s cash investments. The officers adhere to this Policy, and continuously monitor market conditions to ensure that the City obtains attractive and optimum yields without compromising on risk management.

The Investment Summary shows that as at 30 November 2021 and 30 November 2020 the City held the following funds in investments:

|  |  |  |
| --- | --- | --- |
|  | 30-Nov-2021 | 30-Nov-2020 |
| Municipal Funds | $ 17,581,852 | $ 11,913,489 |
| Reserve Funds | $ 5,324,032 | $ 5,915,895 |
| Total investments | $ 22,905,883 | $ 17,828,384 |
|  |  |  |

The City has $8.8m in a Westpac online saver account which returns an interest rate of 0.40% per annum. As this rate is higher than the rates quoted for the term deposits as of end November, the surplus cash is maintained in the Westpac online saver account.

The total interest earned from investments as at 30 November 2021 was $12,363.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $6,969,616 | 0.27% - 0.36% | 30.43% |
| Westpac | $5,997,467 | 0.05% - 1.05% | 26.18% |
| ANZ | $2,188,162 | 0.05%- 0.15% | 9.55% |
| CBA | $7,750,638 | 0.16% - 0.32% | 33.84% |
| **Total** | **$22,905,883** |  | **100.00%** |

**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions**

Nil.

**Consultation**

Required by legislation: Yes  No

Required by City of Redlands policy: Yes  No

**Strategic Implications**

The investment of surplus funds in the 2021/22 approved budget is in line with the City’s strategic direction.

The 2021/22 approved budget ensured that there is an equitable distribution of benefits in the community.

The 2021/22 budget was prepared in line with the City’s level of tolerance of risk and it is managed through budgetary review and control.

The interest income on investment in the 2021/22 approved budget was based on economic and financial data available at the time of preparation of the budget.

**Budget/Financial Implications**

The Nov YTD Actual interest income from investments is $12,363 compared to the YTD Nov Budget of $17,500.

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

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Council Member who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

## Councillor Mangano – Permeable Ground Stabilisation System Vehicle Access Track to White Beach Western End of Beatrice Road at Point Resolution

On the 29 November 2021 Councillor Mangano gave notice of her intention to move the following at this meeting.

**That Council instructs the CEO to prepare a report considering a recommendation to regrade and install a permeable ground stabilisation system on the vehicle access track to White beach near the Western end of Beatrice Road at Point Resolution Reserve.**

**The system should allow vegetation to grow rather than create a hard landscaping surface and consideration should be given to geogrid systems such as Geohex (see** [**https://geohex.com.au/case\_studies/trafficable-turf-stabilisation/**](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgeohex.com.au%2Fcase_studies%2Ftrafficable-turf-stabilisation%2F&data=04%7C01%7Cnceric%40nedlands.wa.gov.au%7Cbd7f6fcab83b46360fbf08d9b2cfbeb0%7Cd583947c8c4246bd927527ca45e5e84c%7C0%7C0%7C637737427633623252%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=iLORC6LuKlMyrTQMpLByucJppsLZyc40tcohy5rdZBo%3D&reserved=0)**).**

**Please see image below.**



Justification

This path is extremely eroded due to vehicular traffic down to White Beach. This product will help stabilize the area and make it less likely for vehicles to get bogged or further disturb the surface, and also make it easier for people walking down to White Beach.

Administration Comment

A report will be prepared.

## Councillor Brackenridge – Provisioned Deep Soil Area for Grouped Dwellings

On the 2 December 2021 Councillor Brackenridge gave notice of his intention to move the following at this meeting.

**That Council requires a minimum 10% of site, be provisioned Deep Soil Area for grouped dwellings.**

Justification

1. R-Codes Volumes 1 & 2

* + fill gap between two volumes of the R- codes – grouped vs multi-res
  + open space (vol 1) does not equal Deep Soil Area (vol 2)
  + less rigorous planning assessment favours grouped dwellings over multi-res

2. Environment

* + increases carbon retention in soil
  + reduces heat-island effect
  + encourages wildlife

3. Streetscape

* + - consistency with historical references

4. Technical services

* + takes cost/time pressure off council services for implementing 2028 Strategic Community Plan – “living sustainably within the natural environment”

5. Community

* + in line with ratepayer sentiment
  + in line with world sentiment
  + promotes mental/physical health and wellbeing

6. Local character

* + tree-lined streets and green, leafy gardens form a vital component of the character of The City of Nedlands

7. Tree canopy

* + reduced tree canopy has been identified as a strategic issue facing the community”
  + council taking leadership in addressing the issue.

8. Cost

* + a no-cost motion.

9. Carbon

* + helps off-set carbon generated by LPS3

Administration Comment

A proposal such as this needs to be placed within the planning framework. If Council adopts a motion such as is proposed, in the form proposed, it will have no effect.

For a proposal such as the one suggested within the notice of motion to be effective it would need to be incorporated into the R-Codes at the State level, the City’s Local Planning Scheme or as a local planning policy.

The issue of landscaping / vegetation has been clearly articulated by the community via the precinct planning work which is currently being undertaken and will be presented to Council in 2022. Via this work the opportunity to address proposals such as outlined in the notice of motion will be able to be incorporated into the local planning framework.

If Council’s wishes to adopt the intent of the notice the following is recommended:

“That Council requests that the Chief Executive Officer provide Council with a report on how a requirement of a minimum of 10% of group dwelling development sites, be provided as a Deep Soil Area.”

## Mayor Argyle – Fake Grass Prohibited on All Nature Strips

On the 2 December 2021 Mayor Argyle gave notice of her intention to move the following at this meeting.

**Council prohibits fake grass on any nature strips / verges in the City of Nedlands.**

Justification

1. Blocks soil access to burrowing insects - destroying insect populations - effecting bird population.

2. Production emitting Co2, provides no carbon storage.

3. Replacing soil with a sand substrate releases more co2 into atmosphere.

4. Releases micro-plastics into soil, drainage, food, water, air supply.

5. UV causing physical and chemical degradation releasing into environment - UV fades.

6. Relatively short life span - can’t dispose of so goes to landfill.

7. No mowing, however, still requires blowing or vacuuming to clean.

8. Adds to the heat island effect absorbing high heat.

9. Releases chemical smell on hot days.

Administration Comment

Council’s Nature Strip Development Policy incorporates Council’s position on placement of synthetic grass on nature strips and was last reviewed on 26 April 2017 (Report CPS11.17)

The policy currently states that:

“All privately constructed hard pavement areas (inclusive of crossovers and artificial grass) shall not comprise more than 40% of the total nature strip width.  On corner properties, each nature strip is to be considered independently. Where a property has a nature strip that is less than 15 metres in width, the hard pavement cannot exceed 40% of the width of the nature strip, unless the hard pavement is only crossover.”

The Nature Strip Development Policy is due for review in 2022 and I recommend that this matter be considered as part of the consultation with Council during that review process.

Administration Recommendation

That the City of Nedlands Nature Strip Development Policy be reviewed in 2022.

# Council Members notices of motion given at the meeting for consideration at the following ordinary meeting on 22 February 2022

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Council Member who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Notices of motion for consideration at the Council Meeting to be held on 22 February 2022 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

# Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

# Confidential Items

Any confidential items to be considered at this point.

## Appointment of Senior Employee – Director Planning & Development

Confidential Report circulated separately to Council Members.

## Appointment of Senior Employee – Director Corporate & Strategy

Confidential Report circulated separately to Council Members.

# Declaration of Closure

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