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***Minutes***

***Council Meeting***

***17 December 2019***

**Attention**

**These Minutes are subject to confirmation.**

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.

**Table of Contents**

[Declaration of Opening 4](#_Toc27759737)

[Present and Apologies and Leave of Absence (Previously Approved) 4](#_Toc27759738)

[1. Public Question Time 5](#_Toc27759739)

[1.1 Mrs Robyn Hancock, 66 Kingsway, Nedlands 5](#_Toc27759740)

[1.2 Ms Bronwyn Stuckey, 26 Kingsway, Nedlands 5](#_Toc27759741)

[2. Addresses by Members of the Public 6](#_Toc27759742)

[3. Requests for Leave of Absence 7](#_Toc27759743)

[4. Petitions 7](#_Toc27759744)

[5. Disclosures of Financial Interest 7](#_Toc27759745)

[6. Disclosures of Interests Affecting Impartiality 7](#_Toc27759746)

[6.1 Councillor McManus – CM07.19 - Defibrillator Mt Claremont Community Centre 8](#_Toc27759747)

[7. Declarations by Members That They Have Not Given Due Consideration to Papers 8](#_Toc27759748)

[8. Confirmation of Minutes 8](#_Toc27759749)

[8.1 Special Council Meeting 5 November 2019 8](#_Toc27759750)

[8.2 Ordinary Council Meeting 26 November 2019 8](#_Toc27759751)

[9. Announcements of the Presiding Member without discussion 8](#_Toc27759752)

[10. Members announcements without discussion 9](#_Toc27759753)

[10.1 Councillor Smyth – Meetings and Events Attended December 2019 9](#_Toc27759754)

[11. Matters for Which the Meeting May Be Closed 10](#_Toc27759755)

[12. Divisional reports and minutes of Council committees and administrative liaison working groups 11](#_Toc27759756)

[12.1 Minutes of Council Committees 11](#_Toc27759757)

[12.2 Planning & Development Report No’s PD48.19 to PD56.19 (copy attached) 12](#_Toc27759758)

[PD48.19](#_Toc27759759) [No. 3 Circe Circle, Dalkeith – Additions to a Single House (Carport and Primary Street Fencing) 12](#_Toc27759760)

[PD49.19](#_Toc27759761) [No. 2 Burwood Street, Nedlands – Additions to a Single House (Ancillary Dwelling and Carport) 15](#_Toc27759762)

[PD50.19](#_Toc27759763) [No. 85 Clifton St, Nedlands – Change of Use (Residential to Short Term Accommodation, Holiday House) 18](#_Toc27759764)

[PD51.19](#_Toc27759765) [No. 7 Nidjalla Loop, Swanbourne – Additions to a Single House (Privacy Screen) 21](#_Toc27759766)

[PD52.19](#_Toc27759767) [Local Planning Scheme 3 - Local Planning Policy - Residential Development: Single and Grouped Dwellings 23](#_Toc27759768)

[PD53.19](#_Toc27759769) [Local Planning Scheme 3 – Local Planning Policy Waste Management and Guidelines 25](#_Toc27759770)

[PD54.19](#_Toc27759771) [Local Planning Scheme 3 – Residential Aged Care Facilities 26](#_Toc27759772)

[PD55.19](#_Toc27759773) [Mt Claremont North-East Structure Plan Investigation 27](#_Toc27759774)

[PD56.19](#_Toc27759775) [Local Planning Scheme 3 – Local Planning Policy Waratah Village Laneway Requirements 28](#_Toc27759776)

[12.3 Technical Services Report No’s TS24.19 (copy attached) 29](#_Toc27759777)

[TS24.19 Montgomery Avenue – Leaning Wall 29](#_Toc27759778)

[12.4 Community & Organisational Development Report No’s CM07.19 to CM09.19 (copy attached) 31](#_Toc27759779)

[CM07.19 Defibrillator Mt Claremont Community Centre 31](#_Toc27759780)

[CM08.19 Shared Satellite Depot at Nedlands Golf Club 32](#_Toc27759781)

[CM09.19 Jo Wheatley All Abilities Play Space Food Trucks 33](#_Toc27759782)

[12.5 Corporate & Strategy Report No’s CPS20.19 (copy attached) 34](#_Toc27759783)

[CPS20.19 List of Accounts Paid – October 2019 34](#_Toc27759784)

[13. Reports by the Chief Executive Officer 35](#_Toc27759785)

[13.1 Common Seal Register Report – November 2019 35](#_Toc27759786)

[13.2 List of Delegated Authorities – November 2019 37](#_Toc27759787)

[13.3 Options for Advancing Smart Cities 45](#_Toc27759788)

[13.4 Monthly Financial Report – November 2019 54](#_Toc27759789)

[13.5 Monthly Investment Report – November 2019 59](#_Toc27759790)

[13.6 Annual Review of the City of Nedlands Register of Delegations 62](#_Toc27759791)

[13.7 Council Policies 66](#_Toc27759792)

[13.8 101 Monash Street, Nedlands – Additions to Hospital Comprising Wards, Emergency Department and Associated Hospital Facilities 72](#_Toc27759793)

[13.9 RFT 201920.03 – Nedlands Foreshore Riverwall Restoration Stage 3A 78](#_Toc27759794)

[14. Elected Members Notices of Motions of Which Previous Notice Has Been Given 87](#_Toc27759795)

[14.1 Councillor Hay – Street Tree 87](#_Toc27759796)

[14.2 Mayor de Lacy – Public Art 89](#_Toc27759797)

[15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 February 2020 93](#_Toc27759798)

[15.1 Councillor Hodsdon – Weed Control 93](#_Toc27759799)

[16. Urgent Business Approved By the Presiding Member or By Decision 96](#_Toc27759800)

[16.1 Councillor Smyth – Design Review Panel 96](#_Toc27759801)

[16.2 Councillor Bennett – Nedlands Foreshore Riverwall 99](#_Toc27759802)

[16.3 Councillor Mangano – Safe Active Tree Trial 101](#_Toc27759803)

[17. Confidential Items 104](#_Toc27759804)

[Declaration of Closure 104](#_Toc27759805)

**City of Nedlands**

**Minutes of an Ordinary Meeting of Council held in the Council Chambers, Nedlands on Tuesday 17 December 2019 at 7 pm.**

# Declaration of Opening

The Presiding Member declared the meeting open at 7.02 pm and drew attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

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

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

Councillor F J O Bennett Dalkeith Ward

Councillor W R B Hassell Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor G A R Hay Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

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

Mrs L M Driscoll Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr J Duff Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Public** There were 18 members of the public present.

**Press** The Post Newspaper and Western Suburbs Weekly representatives.

**Leave of Absence** Councillor B G Hodsdon Hollywood Ward

**(Previously Approved)**

**Apologies** Nil.

**Disclaimer**

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

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

# Public Question Time

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

## Mrs Robyn Hancock, 66 Kingsway, Nedlands

Question 1

Can you confirm that there will be a Council meeting in January as stated by the Mayor?

Answer 1

Special Council Meeting confirmed for 30 January 2020.

Question 2

Why is it that although the JDAP members on the 11th November said Nedlands needed a Design Review Panel it would help with JDAP decisions, the Council have decided to ignore this? Last time the Council ignored their advice we have ended up in a terrible mess.

Question 2

Council determined at its April 2019 meeting that it did not want to form a Design Review Panel at this time.

## Ms Bronwyn Stuckey, 26 Kingsway, Nedlands

The 'Perth and Peel @ 3.5M' frameworks estimate that in 2050 Nedlands will require 12,390 dwellings. If taken up fully, LPS3 would equate to an extra

21,000 dwellings.

At the Nedlands Electors’ meeting the Director of Planning stated that only 7-10% of Nedlands is affected by the rezoning

Question 1

What is the denominator of this equation?

a. Is it 10% of the area of Nedlands and if so, does it include parks and cemeteries?

OR

b. Is it 10% of the dwellings in Nedlands which in 2011 numbered 8,070, i.e. around 800 properties.

Answer 1

A - Includes all land area of the City.

Question 2

Does the estimate of those affected include those whose blocks are not rezoned but are disadvantaged in amenity and in equity by being next to, behind, or opposite those rezoned?

Answer 2

No.

Question 3

Does the estimate of extra dwellings required or planned for take into account the Montario Quarter which will deliver 1100 to 1600 new dwellings? If not, why not?

Answer 3

The estimate of extra dwelling required by the State Government does not include Montario Quarter. For the reasons you would need to ask the State Government.

Question 4

Has an analysis of the effect on road traffic on Stirling Highway and Broadway been undertaken either before or after putting this Scheme forward?

Answer 4

No. However Council has agreed to undertake such a study commencing late January.

# 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.

Ms Karen Morriss, 34 Langham Street, Nedlands PD50.19

(spoke in support of the recommendation)

Mr Paul Bitdorf, 7 Nidjalla Loop, Swanbourne PD51.19

(spoke in opposition of the recommendation)

Mr Jerome Barley, 9 Nidjalla Loop, Swanbourne PD51.19

(spoke in opposition to the application)

Mr Jeremy Hofland, Level 3/369 Newcastle Street, Northbridge PD56.19

(spoke in opposition to the recommendation)

Ms Maree Arnason, 48 Webster Street, Nedlands

(Spoke in relation to Safe Active Street Trial)

# Requests for Leave of Absence

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

Moved – Councillor McManus

Seconded – Councillor Wetherall

**Councillor Hassell be granted leave of absence for January 2020.**

**CARRIED UNANIMOUSLY 11/-**

# Petitions

Nil.

# Disclosures of Financial Interest

The Presiding Member reminded Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

There were no disclosures of financial interest.

# Disclosures of Interests Affecting Impartiality

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

## Councillor McManus – CM07.19 - Defibrillator Mt Claremont Community Centre

Councillor McManus disclosed an impartiality interest in Item CM07.19 - Defibrillator Mt Claremont Community Centre. Councillor McManus disclosed that he is a member of the Perth Western Suburbs National Seniors, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

# Confirmation of Minutes

## Special Council Meeting 5 November 2019

Moved – Councillor McManus

Seconded – Councillor Smyth

**The Minutes of the Special Council Meeting held 5 November 2019 be confirmed.**

**CARRIED UNANIMOUSLY 11/-**

## Ordinary Council Meeting 26 November 2019

Moved – Councillor Coghlan

Seconded – Councillor Smyth

**The Minutes of the Ordinary Council Meeting held 26 November 2019 be confirmed.**

**CARRIED UNANIMOUSLY 11/-**

# Announcements of the Presiding Member without discussion

Mayor de Lacy advised that the WAPC Chairman Mr Eric Lumsden passed away yesterday afternoon and expressed her condolences to his family.

Mayor de Lacy advised that it feels like the last Council meeting for 2019 has come around very quickly this year. Perhaps the speed with which the Planning Minister gazetted our new scheme earlier this year and the plethora of Development Applications that has followed has had something to do with that. It has also contributed to 2019 being a year of significant change for Nedlands Council and our community. Change is never easy and its likely we will continue to feel the pressure in the New Year. How we all respond is what matters, and I hope it is with mutual respect, empathy and a willingness to work together.

As I continue to focus on building relationships and community capacity, I have been out and about in December at many end of year Christmas functions. Highlights for me were the Dalkeith Primary School morning tea and the Fellowship of Australian Writers WA events. At the former I met many parents and teachers dedicated to working together to deliver a good education to children. I also spent time at their STEM exhibition where the students had created amazing projects showcasing their talent. One such project even involved the production of a book by students of empowered women, of which I was asked to be a contributor. Which brings me to the Writers event, where I enjoyed poetry and prose from talented local writers including Nicholas Hasluck who has written many novels including his latest ‘Beyond the Equator. An Australian Memoir.’

This month I’ve also met with the Mayor of Mosman Park and Shire President of Peppermint Grove where we discussed similar issues we are facing with management of laneways, redevelopment impacts and management of the urban tree canopy. The CEO and I have also had an update on the Tawarri Hot Springs project and this week we attended a round table meeting with the WAPC Chair and DG of DPLH to discuss the impact of Perth-Peel 3.5m and planning reforms on our City. Just today we also met with the Board Chair and CEO of the Metropolitan Cemeteries Board to discuss issues of common interest. I’m also pleased to say the CEO and I have just secured a meeting in the New Year with the Minister for Planning to discuss LPS3.

As 2019 ends I’d like to thank my Deputy Mayor and fellow Councillors for all the work they have done this year to serve our community. I also thank the Administration for making our jobs so much easier. I wish everyone in our community a very Merry Christmas and a safe, prosperous and Happy New Year.

# Members announcements without discussion

## Councillor Smyth – Meetings and Events Attended December 2019

Councillor Smyth advised she had attended the following events and meetings during December 2019.

* Wandering Warrior’s Charity Event - 8 December 2019

In support of “Happy Wanderer” mission to compete in the [Rolex Sydney to Hobart Yacht Race](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.rolexsydneyhobart.com%2F&data=02%7C01%7Cnceric%40nedlands.wa.gov.au%7C8fda948f7fcb4c76846108d782ab0860%7Cd583947c8c4246bd927527ca45e5e84c%7C1%7C0%7C637121543420846474&sdata=n%2Fi4ho2RC1Zn7%2FAdVqrs1Xz3KiD4O8koLw5TgXzDUHI%3D&reserved=0), raising awareness and funds for [Wandering Warriors](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwanderingwarriors.org%2F&data=02%7C01%7Cnceric%40nedlands.wa.gov.au%7C8fda948f7fcb4c76846108d782ab0860%7Cd583947c8c4246bd927527ca45e5e84c%7C1%7C0%7C637121543420856470&sdata=FQvtvMi88eT0wfe9801fXIwluCcM%2F9xEK3LpWMZAWBA%3D&reserved=0) veterans charity and Veteran Suicide.

The event sponsored by Deli Chi Chi at the Mt Claremont Shopping Centre raised $13,800 from the community.  Celia Hammond, MP Curtin and Councillor Smyth sold over 400 raffle tickets for the cause while mingling with the community.

**The Mission:** Raise funds and awareness for the Wandering Warriors to support their programs of employment, education respite and events to support Special Forces veterans and their families, and, where practicable, extend that care to the wider veteran community.

**The Challenge:** In less than three months, take a group with varied sailing experience, living on opposite sides of the country, and prepare a crew to compete in one of the harshest open-ocean races in the world!

**The Happy Wanderer:** Our team has secured charter of a 50ft TransPacific kevlar composite offshore performance yacht (JV50), named Happy Wanderer. Sail Number: ESP6100 [Donation Link](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwandering-warriors.giveeasy.org%2Fthe-happy-wanderer%3Ffbclid%3DIwAR1RSnXs2ud0m1_hiVVns_n5P7HR7yFNnYhf-InUrwhBTl16eQxHrCaEzac&data=02%7C01%7Cnceric%40nedlands.wa.gov.au%7C8fda948f7fcb4c76846108d782ab0860%7Cd583947c8c4246bd927527ca45e5e84c%7C1%7C0%7C637121543420856470&sdata=ADBEgF9Gov%2BxyyGdShvKXZ3kOsel%2B3nMI6XsDduf43M%3D&reserved=0)

* City of Nedlands Citizenship Ceremony – 11 December 2019 at 6:00pm John Leckie Pavilion, Nedlands
* Councillor Smyth and Councillor Horley - Nedlands Bridge Club, End of Year Celebration and Prize Giving – 14 December 2019 at 5:00pm Melvista Park, Nedlands
* Metro West JDAP meetings:

11 December 2019 at 9:00am at the City of Nedlands to determine the following application for Lot 395 (18) Cooper Street, Nedlands, Ten (10) Residential Multiple Dwellings.

* 18 December 2019 at 9:30am at the City of Nedlands to determine the following application for Lot 684 (135) Broadway, Nedlands, Mixed Use Development (26 serviced apartments and Café).

# 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.

Nil.

# 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).

Moved – Councillor Hassell

Seconded – Councillor Mangano

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

**Audit & Risk Committee 14 November 2019**

Unconfirmed, Circulated to Councillors on 20 November 2019

**Arts Committee 18 November 2019**

Unconfirmed, Circulated to Councillors on 26 November 2019

**Council Committee 3 December 2019**

Unconfirmed, Circulated to Councillors on 10 December 2019

**CARRIED UNANIMOUSLY 11/-**

**Note: As far as possible all the following reports under items 12.2, 12.3, 12.4, 12.5 and 13.3 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.**

En Bloc

Moved - Councillor Hassell

Seconded – Councillor Hay

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4, 12.5 and 13.3 with the exception of Report Nos. PD50.19 and PD51.19 are adopted en bloc.**

**CARRIED UNANIMOUSLY 11/-**

## Planning & Development Report No’s PD48.19 to PD56.19 (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.

|  |  |
| --- | --- |
| **PD48.19** | **No. 3 Circe Circle, Dalkeith – Additions to a Single House (Carport and Primary Street Fencing)** |
|  | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | Alex and Ruth Temelcos |
| **Landowner** | Alex and Ruth Temelcos |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19/36044 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Applicant Submission in Support of the Development Proposal 2. Plans (Confidential) 3. Assessment (Confidential) 4. Submission (Confidential) |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 20 May 2019, to install a carport within the front setback area at No. 3 (Lot 749) Circe Circle, Dalkeith, subject to the following conditions and advice/for the following reasons:**

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. **This development approval only pertains to the addition of a carport to a single dwelling, as indicated on the plans attached.**
3. **Revised drawings shall be submitted with the Building Permit application, to the satisfaction of the City, incorporating the following modifications as shown in red on the approved plans:**
4. **The proposed primary street fencing is to provide a minimum 1.5m visual truncation area in accordance with Clause 5.2.5 of the R-Codes (Sight Lines), where the driveway/crossover intersects with the proposed primary street fencing.**
5. **The carport shall remain open on all sides and shall not accommodate a door.**
6. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
7. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

**Advice Notes specific to this proposal:**

1. **Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Improvement Application and/or a Crossover Permit to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.**
2. **All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.**
3. **All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.**
4. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

|  |  |
| --- | --- |
| **PD49.19** | **No. 2 Burwood Street, Nedlands – Additions to a Single House (Ancillary Dwelling and Carport)** |
|  | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | Michael Cardinale |
| **Landowner** | John Edwards |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19/37053 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the City’s Administration recommending refusal for elements of this application. |
| **Attachments** | 1. Landowner Justification Letter 2. Alternate Recommendation (Confidential) 3. Plans (Confidential) 4. Assessment Sheet (Confidential) |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council:**

1. **refuses the proposed installation a carport within the front setback area for the following reasons:**
2. **The City of Nedlands Draft Residential Development Policy varies the primary street setback requirement for carports on properties zoned R15 or less from 9.0m to a minimum of 3.5m (Clause 4.2). The applicant can provide a complaint 3.5m primary street setback, however, has proposed a 1.5m primary street setback which is inconsistent with this policy.**
3. **The proposed carport does not meet the objectives of the Draft Residential Development Policy or the objectives of the Residential Zone as outlined in LPS3. The proposed carport development is not considered to be appropriate in scale, bulk or setbacks as viewed from the street.**
4. **approves the proposed garage conversion to an ancillary dwelling subject to the following conditions and advice notes be observed for the partial approval:**

**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. **This development approval only pertains to a garage conversion to an ancillary dwelling and the installation of a carport as indicated on the plans attached.**
3. **All footings and shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
4. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

**Advice Notes specific to this proposal:**

1. **All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.**
2. **All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
3. **Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.**

**Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements.**

**Where there is over 10m2 of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.**

1. **The applicant is advised to consult the City’s Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.**

**Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties.**

**Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.**

1. **A sewage treatment and effluent disposal system or greywater reuse or treatment system shall not be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand.**
2. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

|  |  |
| --- | --- |
| **PD50.19** | **No. 85 Clifton St, Nedlands – Change of Use (Residential to Short Term Accommodation, Holiday House)** |
|  | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | Karen Morris |
| **Landowner** | Karen Morris |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19/38823 |
| **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. Management Plan 2. Applicant Justification 3. Assessment Sheet (Confidential) 4. Submissions (Confidential) |

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

Moved – Councillor Wetherall

Seconded – Councillor Hassell

**Council Resolution**

**Council approves the retrospective development application dated 16 August 2019 for short term accommodation at 85 Clifton St, Nedlands, subject to the following conditions and advice notes:**

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. **This development approval only pertains to the use of 85 Clifton St, Nedlands as short-term accommodation.**
3. **A maximum of 6 guests are permitted on the premises at any one time.**
4. **The Management Plan forms part of this approval and is to be complied with at all times to the City’s satisfaction.**
5. **All car parking associated with the short-term accommodation being contained on site.**
6. **The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).**
7. **No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.**
8. **Service and/or delivery vehicles are not to service the premises before 7.00 am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless otherwise approved by the City beforehand.**

**Advice Notes specific to this proposal:**

1. **With regard to condition 6, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with Local Planning Scheme No. 3:**

**‘Holiday House means a single dwelling on one lot used to provide short-term accommodation for persons other than the owner of the lot’.**

1. **This decision does not obviate rights and responsibilities of strata owners under the Strata Titles Act 1985, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works.**
2. **Noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.**

**CARRIED 9/2**

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

Please note: There was no Committee Recommendation made.

Recommendation to Committee

Council approves the retrospective development application dated 16 August 2019 for short term accommodation at 85 Clifton St, Nedlands, subject to the following conditions and advice notes:

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. This development approval only pertains to the use of 85 Clifton St, Nedlands as short-term accommodation.
3. A maximum of 6 guests are permitted on the premises at any one time.
4. The Management Plan forms part of this approval and is to be complied with at all times to the City’s satisfaction.
5. All car parking associated with the short-term accommodation being contained on site.
6. The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).
7. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.
8. Service and/or delivery vehicles are not to service the premises before 7.00 am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless otherwise approved by the City beforehand.

Advice Notes specific to this proposal:

1. With regard to condition 6, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with Local Planning Scheme No. 3:

‘Holiday House means a single dwelling on one lot used to provide short-term accommodation for persons other than the owner of the lot’.

1. This decision does not obviate rights and responsibilities of strata owners under the Strata Titles Act 1985, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works.
2. Noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.

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| --- | --- |
| **PD51.19** | **No. 7 Nidjalla Loop, Swanbourne – Additions to a Single House (Privacy Screen)** |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | Niche Living |
| **Landowner** | Halina and Paul Bitdorf |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19/38434 |
| **Previous Item** | DA16/307 |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Applicants Justification 2. Assessment (Confidential) 3. Plans (Confidential) 4. Submission (Confidential) |

Moved – Councillor Smyth (pro forma)

Seconded – Councillor Mangano

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

(Printed below for ease of reference)

**Regulation 11(da) – Not Applicable – Procedural Motion**

Procedural Motion

Moved – Councillor McManus

Seconded – Councillor Hassell

**That Council move to the next item of business.**

**CARRIED 9/2**

**(Against: Crs. Horley & Mangano**

Committee Recommendation / Recommendation to Committee

1. Council refuses the development application dated 9 August 2019 to install a privacy screen at No. 7 (Lot 12) Nidjalla Loop, Swanbourne for the following reasons:
2. The proposed screen is classified as ‘building on boundary’ and is not compliant with State Planning Policy 7.3 Residential Design Codes in terms of scale and setback requirements.
3. The proposed privacy screen does not meet the objectives of the City’s Fill and Fencing Policy, clauses 2.0 and 9.0.

Advice Notes

1. The applicant is advised that the City deems the screen to be unnecessary due to the screen obscuring non-habitable rooms, and therefore those rooms are not subject to visual privacy provisions as described by State Planning Policy 7.3, Residential Design Codes Volume 1.

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| **PD52.19** | **Local Planning Scheme 3 - Local Planning Policy - Residential Development: Single and Grouped Dwellings** |
|  | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Previous Item** | Item 6 – 2 May 2019 - Special Council Meeting  PD27.19 – 23 July 2019 – Ordinary Council Meeting  PD40.19 – 24 September 2019 – Ordinary Council Meeting |
| **Attachments** | 1. Draft Residential Development: Single and Grouped Dwellings LPP - tracked changes 2. Draft Residential Development: Single and Grouped Dwellings LPP 3. Submission 4. Fill and Fencing LPP – Comparison Table |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation**

**Council:**

1. **proceeds to adopt the Residential Development: Single and Grouped Dwellings Local Planning Policy, with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii);**

1. **refers the Residential Development: Single and Grouped Dwellings Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 2 – Apartments 2019 Clause 1.2.3 and the City’s Local Planning Scheme No 3 Clause 32.4(5);**
2. **revokes the current Fill and Fencing Local Planning Policy in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 6; and**
3. **reviews the Residential Development: Single and Grouped Dwellings Local Planning Policy in 12 months.**

Recommendation to Committee

Council:

1. proceeds to adopt the Residential Development: Single and Grouped Dwellings Local Planning Policy, with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii);
2. refers the Residential Development: Single and Grouped Dwellings Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 2 – Apartments 2019 Clause 1.2.3 and the City’s Local Planning Scheme No 3 Clause 32.4(5); and
3. revokes the current Fill and Fencing Local Planning Policy in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 6.

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| **PD53.19** | **Local Planning Scheme 3 – Local Planning Policy Waste Management and Guidelines** |
|  | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Previous Item** | PD38.19 – OCM 24 September 2019 |
| **Attachments** | * 1. Draft Waste Management LPP   2. Draft Waste Management Guidelines |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation**

**Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Waste Management and Guidelines Local Planning Policy (refer to Attachments 1 & 2) with the deletion of clause 17.1.**

Recommendation to Committee

Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Waste Management and Guidelines Local Planning Policy (refer to Attachments 1 & 2).

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| **PD54.19** | **Local Planning Scheme 3 – Residential Aged Care Facilities** |
|  | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Previous Item** | Nil |
| **Attachments** | 1. Draft Residential Aged Care Facilities LPP 2. WAPC Draft Position Statement Residential Aged Care |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Residential Aged Care Facilities Local Planning Policy (Attachment 1).**

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| **PD55.19** | **Mt Claremont North-East Structure Plan Investigation** |
|  | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Previous Item** | OCM 26 June 2018 – 14.4  PD53.18 – 23 October 2018 |
| **Attachments** | 1. Mt Claremont subject site map 2. Mt Claremont subject site map with zoning 3. Letter from the City to the DPLH 4. Response letter from the DPLH |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation**

**Council resolves to instruct the CEO to cease current work on the Mt Claremont Structure Plan Investigation and commence work on a Master Plan for the area as per the WAPC advice.**

Recommendation to Committee

Council resolves to instruct the CEO to cease current work on the Mt Claremont Structure Plan Investigation until such time as critical priorities of developing Local Precinct Plans can be resolved and when a Statutory Planning Mechanism can be established over the land of concern.

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| **PD56.19** | **Local Planning Scheme 3 – Local Planning Policy Waratah Village Laneway Requirements** |
|  | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Previous Item** | Nil |
| **Attachments** | 1. Draft Waratah Village Laneway Requirements Local Planning Policy (LPP) |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Waratah Village Laneway Requirements Local Planning Policy (Attachment 1).**

## Technical Services Report No’s TS24.19 (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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| **TS24.19 Montgomery Avenue – Leaning Wall** |

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| --- | --- |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Jim Duff |
| **Attachments** | 1. Mount Claremont Subdivision Drawings – Stage 7 2. Temporary Footpath Drawing 3. Legal Advice from McLeods (CONFIDENTIAL) |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation**

**Council:**

1. **approves construction of a temporary alternative footpath to address safety issues for pedestrians and school children on bikes;**
2. **approves funding of the $10,000 cost for the temporary footpath construction from Technical Services Operational budget;**
3. **requests the CEO to seek appropriate recovery of costs excluding by the landowners for the temporary footpath required due to the ongoing unsafe boundary wall at Montgomery Avenue, Mt Claremont; and**
4. **approves Administration waiving the city component of the Development Application and Building Application fees associated with the demolition and reconstruction of the section of boundary wall.**

Recommendation to Committee

Council:

1. approves construction of a temporary alternative footpath to address safety issues for pedestrians and school children on bikes;
2. approves funding of the $10,000 cost for the temporary footpath construction from Technical Services Operational budget;
3. requests the CEO to seek appropriate recovery of costs for the temporary footpath required due to the ongoing unsafe boundary wall at Montgomery Avenue, Mt Claremont; and
4. approves Administration waiving the city component of the Development Application and Building Application fees associated with the demolition and reconstruction of the section of boundary wall.

## Community & Organisational Development Report No’s CM07.19 to CM09.19 (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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| --- | --- |
| **CM07.19 Defibrillator Mt Claremont Community Centre** | |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | Nil. |

**Councillor McManus – Impartiality Interest**

Councillor McManus disclosed that he is a member of the Perth Western Suburbs National Seniors, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus declared that he would consider this matter on its merits and vote accordingly.

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council:**

1. **receives the information on the Western Suburbs Branch of the National Seniors Organisation’s request for a defibrillator at the Mt Claremont Community Centre; and**
2. **requests the CEO to include $3,500 for the item listed above, for Council consideration in the 2019/20 midyear budget review.**

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| **CM08.19 Shared Satellite Depot at Nedlands Golf Club** |

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| --- | --- |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | Nil. |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation**

**Council:**

1. **notes that the City has considered the possibility of a shared depot facility on Melvista Reserve that would meet the needs of both the Nedlands Golf Club and the City of Nedlands;**
2. **established that the City has no need for such a facility; and**
3. **requests the CEO to enter into discussion with the Nedlands Golf Club to consider funding requirements for a new shed.**

Recommendation to Committee

Council:

1. notes that the City has considered the possibility of a shared depot facility on Melvista Reserve that would meet the needs of both the Nedlands Golf Club and the City of Nedlands; and
2. established that the City has no need for such a facility.

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| **CM09.19 Jo Wheatley All Abilities Play Space Food Trucks** |

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| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Lorraine Driscoll |
| **Attachments** | Nil |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council approves:**

1. **splitting the annual Street Trading fee of $1,580 equally between the selected food vendors at the Jo Wheatley All Abilities Play Space; and**
2. **the annual fee to be applied on a pro rata basis.**

## Corporate & Strategy Report No’s CPS20.19 (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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| --- |
| **CPS20.19 List of Accounts Paid – October 2019** |

|  |  |
| --- | --- |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing October 2019 2. Purchasing Card Payments October 2019 (30 September 2019 – 27 October 2019) |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of October 2019** **(refer to attachments).**

Councillor Mangano left the room at 8.08 pm.

# Reports by the Chief Executive Officer

## Common Seal Register Report – November 2019

Moved – Councillor Hay

Seconded – Councillor Wetherall

**The attached Common Seal Register Report for the month of November 2019 be received.**

**CARRIED UNANIMOUSLY 10/-**

**November 2019**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 932 | 18 November 2019 | Planning & Development | Council Meeting  18 December 2018  PD75.18 | Seal Certification - Seal No. 932 - Deed of Surrender of Lease: Portion of Reserve 7804 (in triplicate) between City of Nedlands & West Australian Bridge Club Incorporated. |
| 933 | 18 November 2019 | Planning & Development | Council Meeting  18 December 2018  PD75.18 | Seal Certification - Seal No. 933 - Deed of Lease: Portion of Reserve 7804 (in triplicate) between City of Nedlands & West Australian Bridge Club Incorporated. |
| 934 | 26 November 2019 | Planning & Development | Council Meeting  22 October 2019  CPS17.19 | Seal Certification - Seal No. 934 - Execution of caveat removal to allow for re-lodgement for transfer of property ownership at Lot 15 (No. 30) the Avenue, Nedlands. |

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 935 | 26 November 2019 | Planning & Development | Council Meeting  22 October 2019  CPS17.19 | Seal Certification - Seal No. 934 - Execution re-lodgement of caveat to allow transfer of property ownership at Lot 15 (No. 30) the Avenue, Nedlands. |
| 936 | 29 November 2019 | Technical Services | Council Meeting  22 October 2019  TS21.19 | Seal Certification - Seal No. 936 - Contract of Sale between the Water Corporation & the City of Nedlands for Lot 50 Dalkeith Road, Nedlands (in triplicate) |
| 937 | 29 November 2019 | Technical Services | Council Meeting  22 October 2019  TS21.19 | Seal Certification - Seal No. 936 - Grant of Easement to the Water Corporation and the City of Nedlands over Lot 1 on Diagram 24967, Swanbourne (in triplicate) |
| 938 | 29 November 2019 | Technical Services | Council Meeting  22 October 2019  TS21.19 | Seal Certification - Seal No. 936 - Grant of Easement to the Water Corporation and the City of Nedlands over Lot 116 on Diagram 231114, Dalkeith (in triplicate) |

## List of Delegated Authorities – November 2019

Moved – Councillor Hay

Seconded – Councillor McManus

**The attached List of Delegated Authorities for the month of November 2019 be received.**

**CARRIED UNANIMOUSLY 10/-**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **Month Year** | | | | | |
| 1/11/2019 | BA53249 - Certified Building Permit - Amendment to BA44529 | A/Manager Building Services | Building Act 2011 | S20.1 | Lucy & Ervin Herczeg |
| 1/11/2019 | BA52421 - Certified Building Permit - 4 Grouped Dwellings | A/Manager Building Services | Building Act 2011 | S20.1 | Ian Collins Homes Pty Ltd |
| 4/11/2019 | (APP) - DA19-40243 - 6 Weld Street, Nedlands - Additions (Storage) to Single House | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 105 | Regulation 82 | Axis Building Approvals |
| 4/11/2019 | BA52595 - Uncertified Building Permit - Carport | A/Manager Building Services | Building Act 2011 | S20.1 | Samantha Lynch - Foslyn Consulting |
| 4/11/2019 | BA52774 - Certified Building Permit - Child Care Centre Additions | A/Manager Building Services | Building Act 2011 | S20.1 | Macri Builders Pty Ltd |
| 4/11/2019 | BA44936 - Certified Building Permit - Dwelling, Ancillary Dwelling & Retaining Walls | A/Manager Building Services | Building Act 2011 | S20.1 | Professional Built Group |
| 5/11/2019 | BA53206 - Certified Building Permit - Shed | A/Manager Building Services | Building Act 2011 | S20.1 | Struan Richards |
| 5/11/2019 | BA52957 - Uncertified Building Permit - Patio | A/Manager Building Services | Building Act 2011 | S20.1 | Great Aussie Patios |
| 5/11/2019 | BA52923 - Certified Building Permit - Alfresco & Decking | A/Manager Building Services | Buildign Act 2011 | S20.1 | Seabreeze Outdoor |
| 6/11/2019 | BA53491 - Demolition Permit - Dwelling Demo | A/Manager Building Services | Building Act 2011 | S21.1 | Coogee Contracting Pty Ltd |
| 7/11/2019 | BA53481 - Certified Building Permit - Alterations & Additions | A/Manager Building Services | Building Act 2011 | S20.1 | Rod Tyres |
| 8/11/2019 | BA53090 - Demolition Permit - Partial demolition of dwelling | A/Manager Building Services | Building Act 2011 | S20.1 | Maxbay Pty Ltd |
| 11/11/2019 | BA53507 - Certificate of Building Compliance - slab & footings | A/Manager Building Services | Building Act 2011 | S58.1 | Macri Builders Pty Ltd |
| 12/11/2019 | (APP) - DA19-41707 - 6 Campsie St, Nedlands - Pool Fence | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Freedom Pools & Spas |
| 12/11/2019 | (APP) - DA19-38488 - 15 Kirwan St, Floreat - Single House | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Highbury Homes |
| 12/11/2019 | BA53366 - Certified Building Permit - Fences | A/Manager Building Services | Building Act 2011 | S20.1 | Peter James Esselmont |
| 12/11/2019 | BA53336 - Certified Building Permit - Dwelling, Screen Walls & Retaining Walls | A/Manager Building Services | Building Act 2011 | S20.1 | Capella Constructions Pty Ltd |
| 12/11/2019 | BA53735 - Demolition Permit - Demolition & Clearance of Site | A/Manager Building Services | Building Act 2011 | S21.1 | Civil Con Holdings Pty Ltd |
| 13/11/2019 | (APP) - DA19-41621 - 8 Viewway, Nedlands - Pool Fence | Manager Urban Planning |  | Regulation 82 | Aquatic Leisure Technologies - Sapphire Pools |
| 13/11/2019 | BA53825 - Verge Materials Permit - 40 Doonan | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | 6.1 | Kershaw COnstruction WA Pty Ltd |
| 13/11/2019 | BA53462 - Certified Building Permit - Amendment to BA47115 | A/Manager Building Services | Building Act 2011 | S20.1 | MScope Pty Ltd |
| 4/11/2019 | (APP) - DA19-40243 - 6 Weld Street, Nedlands - Additions (Storage) to Single House | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 105 | Regulation 82 | Axis Building Approvals |
| 14/11/2019 | 3043282 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Beverly Williamson |
| 14/11/2019 | 3040552 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Amit Khetani |
| 14/11/2019 | 3041495 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Stephanie Boyle |
| 14/11/2019 | 3041449 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Jesse Doherty |
| 14/11/2019 | BA53832 - Demolition Permit - Full site clearance | A/Manager Building Services | Building Act 2011 | S21.1 | BJF Holdings |
| 14/11/2019 | BA53061 - Uncertified Building Permit - Pool Barrier | A/Manager Building Services | Building Act 2011 | S20.1 | Mitchell Stone |
| 15/11/2019 | (APP) - DA19-40514 - 12 Colin St, Dalkeith - Addition (Cabana) to Single Dwelling | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Australian Outdoor Living |
| 15/11/2019 | (APP) - DA19-41978 - 77 Thomas St, Nedlands - Pool Fence | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Scott & Katherine Bailey |
| 15/11/2019 | BA53690 - Demolition Permit - Clearance of site | A/Manager Building Services | Building Act 2011 | S21.1 | Di Trento Demolition |
| 15/11/2019 | BA53791 - Certified Building Permit - Dwelling, fences & retaining walls | A/Manager Building Services | Building Act 2011 | S20.1 | Summit Homes Pty Ltd |
| 19/11/2019 | (APP) - DA19-38945 - 6 Leura St, Nedlands - Change of Use (to Shop) | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Sarah Pemberton |
| 19/11/2019 | (APP) - DA19-38055 - 59 Thomas St, Nedlands - Addition (Carport) to Single Dwelling | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Complete Approvals |
| 20/11/2019 | (APP) - DA19-40528 - 7 Pimelea Cr, Mt Claremont - Addition (Screen wall) to Single Dwelling | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Dale Alcock Home Improvement |
| 21/11/2019 | (APP) - DA19-38853 - 53 Browne Ave, Dalkeith - Addition (Cabana) to Single Dwelling | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mr G J & Mrs M A Brennan |
| 22/11/2019 | (APP) - DA19-41046 - 55 Waratah Ave, Dalkeith - Single House | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Webb & Browne Neaves |
| 22/11/2019 | BA54031 - Certified building permit - Amendments | Manager Building Services | Building Act 2011 | s20.1 | Plunkett Homes |
| 22/11/2019 | BA53983 - Certified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | Screenstyle WA Pty Ltd |
| 22/11/2019 | BA53040 - Uncertified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | T Williams |
| 25/11/2019 | BA53670 Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Jan Kolbusz |
| 19/11/2019 | (APP) - DA19-38945 - 6 Leura St, Nedlands - Change of Use (to Shop) | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Sarah Pemberton |
| 19/11/2019 | (APP) - DA19-38945 - 6 Leura St, Nedlands - Change of Use (to Shop) | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Sarah Pemberton |
| 19/11/2019 | (APP) - DA19-38055 - 59 Thomas St, Nedlands - Addition (Carport) to Single Dwelling | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Complete Approvals |
| 21/11/2019 | (APP) - DA19-38853 - 53 Browne Ave, Dalkeith - Addition (Cabana) to Single Dwelling | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mr G J & Mrs M A Brennan |
| 22/11/2019 | (APP) - DA19-41046 - 55 Waratah Ave, Dalkeith - Single House | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Webb & Browne Neaves |
| 22/11/2019 | BA54031 - Certified building permit - Amendments | Manager Building Services | Building Act 2011 | s20.1 | Plunkett Homes |
| 22/11/2019 | BA53983 - Certified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | Screenstyle WA Pty Ltd |
| 22/11/2019 | BA53040 - Uncertified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | T Williams |
| 25/11/2019 | BA53670 Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Jan Kolbusz |
| 21/11/2019 | (APP) - DA19-38853 - 53 Browne Ave, Dalkeith - Addition (Cabana) to Single Dwelling | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mr G J & Mrs M A Brennan |
| 22/11/2019 | BA54031 - Certified building permit - Amendments | Manager Building Services | Building Act 2011 | s20.1 | Plunkett Homes |
| 22/11/2019 | BA53983 - Certified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | Screenstyle WA Pty Ltd |
| 22/11/2019 | BA53040 - Uncertified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | T Williams |
| 25/11/2019 | BA53670 Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Jan Kolbusz |
| 26/11/2019 | (APP) - DA19-41096 - 99 Grovedale Rd, Floreat - Single House | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Ben Caine |
| 26/11/2019 | (APP) - DA19-41764 - 28 Bruce St, Nedlands - Pool Fence | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Aquatic Leisure Technologies - Sapphire Pools |
| 26/11/2019 | (APP) - DA19-40790 - 4 Lambeth Mews, Mt Claremont - Additions (Alfresco & Cabana) to Single Dwelling | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Dale Alcock Home Improvement |
| 26/11/2019 | BA53700 Demolition Permit - Dwelling | Manager Building Services | Building Act 2011 | s21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 26/11/2019 | BA50434 Certified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | Australian Outdoor Living (WA) Pty Ltd |
| 27/11/2019 | (APP) - DA19-37869 - 8 Bishop Rd, Dalkeith - Single House | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Ecotect Architects |
| 28/11/2019 | BA53593 Certified building permit - Boundary Wall | Manager Building Services | Building Act 2011 | s20.1 | Kostadin Kapinkoff |
| 29/11/2019 | 3041077 - Withdrawn Parking Infringement Notice - Other Compassionate | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Mia Palmer |
| 29/11/2019 | 3041064 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds | Manager Health and Compliance |  | 9.20/6.12(1) | Sam Hondros |

## Options for Advancing Smart Cities

|  |  |
| --- | --- |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | N/A |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil |

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

Moved - Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council, while acknowledging the successful outcomes and practice with respect to local innovation within the City, requests the CEO, Mayor and Councillor Smyth investigate regional opportunities for Smart Cities by;**

**presenting the concept of a Smart Cities focus or group to the WESROC local governments, the Town of Cambridge, the City of Perth, the City of Fremantle, the City of Stirling and the City of Vincent, for discussion; and**

**report their findings back to Council.**

**Executive Summary**

This report considers appropriate Council and community representation for Smart City matters including options of a formal committee, advisory group or other mechanisms, and proposed Terms of Reference.

The City has a strong history and ongoing practice of successful innovation at a local level. With the likelihood that a Smart Cities group has the potential to be most successful in attracting funding through a regional focus, it is recommended that this concept be presented to the neighbouring local governments to ascertain their interest.

**Discussion/Overview**

**Key Relevant Previous Council Decisions:**

Special Meeting of Council – 5 November 2019

“Council instructs the Chief Executive Officer to provide a report to Council in December 2019 which considers appropriate Council and community representation for Smart City matters including options of a formal committee, advisory group or other mechanisms, and proposed Terms of Reference.”

**History of Smart Cities**

“Smart Cities” is a term that has been used since the 1990s. It is based on the concept that technological solutions can improve and will continue to improve lives and Cities.

**Federal Government Smart Cities Plan**

Smart Cities has been picked up by the Federal Government in it’s the Smart Cities Plan. This plan has three (3) pillars – Smart Investment, Smart Policy and Smart Technology. It appears that Smart Cities has broadened as a concept to emphasize that well-considered strategic thinking is needed and should be applied to investment and policy as well as to technology. This then integrates finance, strategy and solutions.

***“*We will become smarter investors in our cities’ infrastructure”**

“We will prioritise projects that meet broader economic and city objectives such as accessibility, jobs, affordable housing and healthy environments. We will treat infrastructure funding as a long-term investment not a grant and get involved early to ensure projects create opportunities for urban renewal and raise private capital. By drawing on innovative financing approaches—including value capture—we will leverage our balance sheet and deliver more essential infrastructure sooner.”

***“*We will coordinate and drive smarter city policy”**

“We will work across all levels of government to develop City Deals that unlock public and private investment in key economic centres. By incentivising reforms, we will generate additional benefits for the economy making cities better places to live in and do business.”

“We will collect and analyse data about the performance of our cities, so we can measure our policies’ success and respond to new needs.”

***“*We will drive the take up of smart technology, to improve the sustainability of our cities and drive innovation”**

“We will embrace new technology with the potential to revolutionise how cities are planned, function, and how our economy grows. Disruptive new technology in transport, communications and energy efficiency are becoming a reality—we will position our cities to take full advantage. We will leverage real time open data driven solutions and support investment in sectors commercialising new innovations to grow Australian’s economy.”

The Federal Government has a City Deals funding program that align with Smart Cities. “City Deals are the key mechanism for delivering on the Smart Cities Plan. They are a genuine partnership between the three levels of government and the community to work towards a shared vision for productive and liveable cities.”

City Deals targets large multi-agency projects which are of significance to a whole metropolitan area or a large part of one.

**Strategic Alignment**

The Strategic Community Plan (SCP) does not use the phrase “Smart City” or the word “innovation” and this is not a formal priority of this Plan.

The Strategic Community Plan does refer to innovative leadership, under the Values heading of Great Governance and Civic Leadership.

A value of the City is that it is “Great for Business. Our City has a strong economic base with renowned Centres of Excellence and is attractive to entrepreneurs and start-ups.” A focus on innovation and Smart Cities may be an ally to this value, although it is noted that no specific actions or priorities are assigned to this value in the Strategic Community Plan.

A priority of the Strategic Community Plan is “working with neighbouring Councils to achieve the best outcomes for the western suburbs as a whole”.

**Options to Deliver Smart City Innovation**

**Option 1 - Current Approach**

The current approach works within the existing organisation structure. It relies on information received by the organisation through formal and informal industry affiliations and various government sources of information. Elected members are part of this information gathering through their attendance at conferences and industry contacts.

Individual proposals are considered by the organisation and by Council then implemented as per approved budgets.

The organisation, including the elected members, has formal email network updates for when grant funding is available. As opportunities come through, they are assessed against the pipeline of future work at the City, or as a new community benefit solution.

This approach has delivered a number of innovative projects and continues to do so. Examples include, smart irrigations, asset management with predictive capabilities, smart street lighting, advanced cyber security, Currently the City is assessing smart engagement tools through mobile phone data acquisition and 3D planning assessment software.

If the aim is to provide the organisation with ideas for implementation then a group or committee is not warranted, as the City already follows up on as many ideas as it has the need for and the capacity to deliver.

The current approach will still have a place alongside any other group / committee, but would ideally sit as the local approach, alongside option 4 – the regional approach.

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| --- | --- |
| **Pros** | **Cons** |
| No extra cost. | Does not actively attract and use City of Nedlands talent. |
| The going it alone approach is more agile and less commitment to outside partners. | Makes it very difficult to attract funding at a City Deals scale. |
| At a City of Nedlands level this approach has been successful historically. |  |
| Provides very good transparency and accountability by using the Council reporting and decision-making process. |  |

**Option 2 – Internal Committee**

This option instigates a formal committee with or without delegations to advance the Smart Cities concept.

The purpose of a committee under the Local Government Act 1995 is to “assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees”.

The operative idea is here is to assign some of Council’s work to the committee. Committees are primarily to take some of the workload of Council, making for efficient decision-making in the discharge of its duties. Delegation of duties to a committee is a key mechanism for achieving this.

The committee structure provides for the same level of transparency and accountability as exists for Council itself.

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| **Pros** | **Cons** |
| If Council wishes Smart Cities to be a priority, then a committee structure provides this prominence. | Cost is in the order of $7,000 per meeting including report preparation and meeting time. This doesn’t include the value of the Committee members’ time. |
| Targets local Smart Cities initiatives. | With delegation this committee will need additional administrative support to implement any actions that it has budget for. It is assumed that Council would not intend to provide additional resourcing to carry out any projects of the committee and that they would be programmed within existing resources. |
| Can add significant value by including community expertise from within the City. | Cannot easily target regional Smart Cities initiatives or access federal funding. |
| Community may feel they are more involved/engaged in the process. | Significantly slows down progress of action through a minimum seven (7) week committee to Council reporting and approval cycle. Delegation would assist this only for projects less than $150,000 and not subject to tender approval provisions, so delegation may have limited value in creating efficiency. |
| Provides very good transparency and accountability |  |

**Option 3 – Internal Advisory Group**

The internal Advisory Group is like a committee; however, it cannot have any delegation and must report any proposals through to Council for approval.

This is a way of elevating the Smart Cities into prominence for the City of Nedlands.

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| --- | --- |
| **Pros** | **Cons** |
| If Council wishes Smart Cities to be a priority, then an Advisory Group structure provides this prominence. | Cost is in the order of $7,000 per meeting including report preparation and meeting time. This doesn’t include the value of the Advisory Group members’ time. |
| Targets local Smart Cities initiatives. | No delegation can be made to an Advisory Group and all ideas must come back to Council for approval. |
| Community may feel they are more involved/engaged in the process. | Less agile and slower than the current approach. |
| Provides good transparency and accountability. |  |

**Option 4 – Regional Smart Cities Group**

Under this option the City would team up with neighbouring local governments, potentially under the WESROC banner to explore and develop Smart Cities options. A similar group, the WESROC environmental committee, meets to deliver regional wide environmental initiative.

A regional group could include community expertise from within the participating local governments.

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| **Pros** | **Cons** |
| If Council wishes Smart Cities to be a priority, then a Regional Advisory Group structure provides this prominence. | Cost is in the order of $7,000 per meeting including report preparation and meeting time. This doesn’t include the value of the Advisory Group members’ time. |
| Targets large regional Smart Cities initiatives with access to significant funding. | No delegation can be made to an Advisory Group and all ideas must come back to Council for approval. |
| Community may feel they are more involved/engaged in the process. | Less agile and slower than the current approach, and slower than a local group or committee. |
| Provides good transparency and accountability. | A City Deal will be expensive to develop and implement and must be carefully assessed for return on investment. |
| Aligns with the SCP’s priority to “with neighbouring Councils to achieve the best outcomes for the western suburbs as a whole”. | A City Deal, if done poorly, has the potential to fail financially and must be accompanied by thorough risk assessment and must bring appropriate expertise to the chosen project. |
| Shared funding would enable cost efficiencies of administrative assistance and actions. |  |
| This structure is familiar to western suburbs local governments. |  |
| Currently individual Council reporting and approval process would still apply meaning control and individual autonomy of the Councils is not sacrificed. |  |
| A City Deal has the potential to provide a large return on investment. |  |

**Terms of Reference**

In addition to standard operating parameters the Terms of Reference for a Smart Cities Advisory Group or Committee should address the following matters:

1. Whether it will be primarily addressing local or regional initiatives, as this will shape the stakeholder participation, and direct the efforts of the group;
2. What the key deliverables will be and how the performance will be measured. Without these there is a risk that the group or committee will have little value to the City;
3. Development of assessment, selection and implementation criteria for smart technologies that ensure a positive return to the City;
4. Included of appropriate risk appetite provisions;
5. Development of measures that assess new technologies’ risk appropriately.
6. Selection criteria for suitably qualified and experienced members.
7. Whether the Advisory Group’s role is to generate ideas, assess ideas, or both.

**Relevant Legislation**

Local Government Act 1995, section 5.8 – Establishment of Committees

“A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.”

**Risk**

The most significant Smart Cities strategic risk is investment in technologies that fail.

An example within the City of Nedlands is its early adoption of parking enforcement technology using character recognition to read car number plates. The technology was not sophisticated enough to decipher between car number plates and other writing, leading to significant human intervention to manually review all the data it provided.

At a regional level the DiCom technology at the Western Metropolitan Regional Council failed to meet expectations despite years of endeavour. The City of Nedlands assessed its participation in this Council and elected not to participate.

On the other hand, the City’s deployment of smart streetlights with sensor capabilities has been a success having met functional requirements, running more efficiently with lower maintenance costs going forward, and with the ability to add functionality in the future. It is worth noting that the City explored this option for the Adam Armstrong pavilion car park just three years earlier, however, at that time it was evident that the costs were too high, and the concept was shelved. This is an example therefore of successful deployment at the right time.

In order to mitigate risk related to new technology it is appropriate that:

* Council’s risk appetite be enunciated and included in the terms of reference should this progress to a formal group/committee stage; and
* That assessment, selection and implementation criteria be developed as part of the terms of reference for any group or committee dealing with this.

**Budget/Financial Implications**

Option 1 – no additional cost for the business as usual option.

Option 2 – The following are some indicative costs for the preparation of a Committee agenda assuming 3 reports per agenda. This is the additional governance cost per meeting. It excludes the value of the committee members time.

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| --- | --- | --- | --- | --- | --- |
|  |  |  |  | **Hrs** | **$** |
| **Activity** | **No. off** | **Hrly/rate** | **Rate** | **Amount** | **Amount** |
| Report Preparation | 3 | 15.2 | $100 | 45.6 | $4,560 |
| Report Proof, edit, finalize | 3 | 2 | $ 80 | 6 | $480 |
| Report Approval | 3 | 1 | $150 | 3 | $450 |
| Agenda Preparation | 1 | 2 | $80 | 2 | $160 |
| Public Notice | 1 | 1 | $180 |  | $180 |
| Meeting Setup and dismantle | 1 | 1 | $ 80 | 1 | $80 |
| Meeting Attendance Minute taker | 1 | 2 | $80 | 2 | $160 |
| Meeting Attendance Senior Officer | 1 | 2 | $100 | 2 | $200 |
| Meeting Attendance Report Officer | 1 | 2 | $150 | 2 | $300 |
| Drafting Minutes | 1 | 1 | $80 | 1 | $80 |
| Minutes Approval | 1 | 0.5 | $150 | 0.5 | $75 |
| Minutes Distribution | 1 | 0.5 | $ 80 | 0.5 | $40 |
| Minutes through Council | 1 | 1.5 | $100 | 1.5 | $150 |
|  |  |  | **Total** | 67.1 | **$6,915** |

Option 3 – Costs would be similar to option 2 in that reports would have to be prepared for the Advisory Group to consider; however, additional costs would be facilitator and meeting venue costs. There is possibly a saving in meeting advertising costs if members of the public were excluded from the meetings.

Option 4 – Costs would be similar to option 2, except that these costs would be divided over the stakeholder local governments. In the case of WESROC committee this equates to the City of Nedlands contributing about 15% of costs.

**Consultation**

No consultation has occurred in relation to this report.

It is recommended that the neighbouring local governments be consulted in relation to a Smart Cities focus or group.

**Conclusion**

Innovation has been a strong outcome for the City in delivery of a number of projects over the years. Importantly, knowing when not to move into new technologies has been part of the learning journey for the City. On the whole the organisation captures Smart City ideas as it has the capacity to deliver projects and it is not short of ideas.

The City has many talented and capable experts living within its borders and harnessing this capacity is an attractive proposition for the sake of collaboration with the community and the direct benefit their expertise will bring.

With the focus of grant funding being in the regional sphere it is considered that the City should seek the views of it neighbouring local governments to advancing Smart Cities as a collective, using its local talent.

## Monthly Financial Report – November 2019

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| --- | --- |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 30 November 2019 2. Capital Works & Acquisitions – 30 November 2019 3. Statement of Net Current Assets – 30 November 2019 4. Statement of Financial Activity – 30 November 2019 5. Borrowings – 30 November 2019 6. Statement of Financial Position – 30 November 2019 7. Operating Income & Expenditure by Reporting Activity – 30 November 2019 8. Operating Income by Reporting Nature & Type – 30 November 2019 |

Councillor Mangano returned at 8.10 pm.

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

Moved – Councillor Senathirajah

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Council**

**Council receives the Monthly Financial Report for 30 November 2019.**

**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.

**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.*

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 Monthly Financial Report.

This report gives an overview of the revenue and expenses of the City for the year to date 30 November 2019 together with a Statement of Net Current Assets as at 30 November 2019.

The operating revenue at the end of November 2019 was $30.7 M which represents $129k favourable variance compared to the year-to-date budget.

The operating expense at the end of November 2019 was $12.3 M, which represents $287k unfavourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 314,097

Revenue: Unfavourable variance of $ (89,002)

The favourable expenditure variance is mainly due to special projects and professional fees of $239k and WESROC cost of $82,331 not incurred yet. Other employee costs and staff recruitment cost in HR are lower by $61k which are offset by higher insurance cost of $46k, both of which are due to timing differences and will even out during the year.

The unfavourable revenue variance is due to timing difference of WESROC Invoice to other Western Suburbs.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 411,621

Revenue: Favourable variance of $ 208,465

Favourable expenditure variance is mainly due to timing difference in professional fees of $72k and ICT Expenses of $211k. Customer service and ICT salaries are lower by $118k due vacancies not back filled and timing differences and will even out during the year.

Favourable revenue variance is due to timing difference of rates income of $197k mainly arising from higher instalment interest and administration charges of $138k. The annual budget for Rates is $24.477m compared to Rates levied YTD is $24.434m.

**Community Development and Services**

Expenditure: Favourable variance of $ 95,117

Revenue: Favourable variance of $130,456

The favourable expenditure variance is mainly due to expenses not expended yet for special projects of $34k and Tresillian course tutor fees of $37k.

Favourable expenditure variance is mainly due to increase in fees & charges income Tresillian, NCC, Positive Ageing and PRCC of $115k.

**Planning and Development**

Expenditure: Favourable variance of $ 164,518

Revenue: Favourable variance of $ 158,906

The favourable expenditure variance is mainly due to expenses not expended yet for OPRL activities of $30k. Salaries of Strategic planning and Building services are lower by $111k mainly due to vacant positions not back filled.

Favourable revenue variance is due to higher income on fees and charges for Town Planning and Environmental Health of $170K that partly offset by lower Environmental Health fines & penalties of $20k.

**Technical Services**

Expenditure: Unfavourable variance of $(1,272,561)

Revenue: Unfavourable variance of $ (280,178)

The unfavourable expenditure variance mainly due to UGP refund from Western Power of $842k budgeted in 2019/20. However, the refund has since been accrued in 2018/19 as the refund was confirmed in June 2019 and relates to expenses incurred in 2017/18 and 2018/19 and will be adjusted during the midyear budget review. Due to a lower level of capital works completed than budgeted year to-date, on cost of $610k have also not been costed to projects. This will even out as the level of completed capital works increases.

Unfavourable revenue variance is due to lower Underground Power Service Charges of $92k and timing difference of fees & charges of $50k and grant operating, contribution & reimbursement income of $106k.

**Borrowings**

At 30 November 2019, we have a balance of borrowings of $6.5 M. There were no additional borrowings for the year in 2019/20 budget and the estimated loan balance as at 30 June 2020 is $5.9 M.

**Net Current Assets Statement**

At 30 November 2019, net current assets were similar at $20M compared to $20M as at 30 November 2018. Current assets are higher by $3.4M offset by higher liabilities $3.2M.

**Capital Works Programme**

At the end of November, the expenditure on capital works were $2M with further commitments of $3.3 M which is 41% of a total budget of $12.8 M.

**Budget Review**

Council has approved some changes to capital works budget amounting to a reduction of $29,320, thereby reducing the annual budgeted capital works to $12,773,055 and increasing the surplus to $53,854.

**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 | 177 |
| Number of contract staff (temporary/agency staff) as of the last day of the previous month | 5 |
| FTE (Full Time Equivalent) count as of the last day of the previous month | 150.59 |
| Number of unfilled staff positions at the end of November | 25 |

**Conclusion**

The statement of financial activity for the period ended 30 November 2019 indicates that operating expenses are above the year-to-date budget by 2.4% or $287k, while revenue is above the Budget by 0.4% or $129k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – November 2019

|  |  |
| --- | --- |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Investment Report for the period ended 30 November 2019 |

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

Moved – Councillor McManus

Seconded – Councillor Hassell

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Council**

**Council receives the Investment Report for the period ended 30 November 2019.**

**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.

**Discussion/Overview**

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

The Investment Policy of the City, which is reviewed each year by the Audit and Risk Committee of Council, is structured so as 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 2019 the City held the following funds in investments:

Municipal Funds $ 15,094,727.45

Reserve Funds $ 6,794,125.30

Total $ 21,888,852.75

The total interest earned from investments as at 30 November 2019 was $108,081.84.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $6,405,000.91 | 1.40% - 2.73% | 29.26% |
| Westpac | $8,617,175.03 | 1.75% - 2.50% | 39.37% |
| ANZ | $2,188,025.23 | 1.64%-2.20% | 10.00% |
| CBA | $4,678,651.58 | 1.30% - 2.38% | 21.37% |
| **Total** | **$21,888,852.75** |  | **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

**Budget/Financial Implications**

Investment income is steady as per budget.

## Annual Review of the City of Nedlands Register of Delegations

|  |  |
| --- | --- |
| **Committee** | 3 December 2019 |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Register of Delegations – with track changes 2. Register of Delegated Authority – updated with proposed additional delegations with explanatory comments 3. Register of Delegated Authority – final version for adoption |

**Regulation 11(da) - Council wanted the Planning Delegation exceptions to remain as the same level.**

Moved – Councillor Mangano

Seconded – Councillor Bennett

**That the Recommendation to Council be adopted subject to the removal of Local Planning Scheme 3 - Determination of applications under Clause 68 of Schedule 2 of the Planning and Development (Local Planning Schemes Regulations 2015) reverting back to the original exceptions (no changes).**

Councillor Coghlan left the room at 8.19 pm and returned 8.22 pm.

Put Motion

Moved - Councillor Wetherall

Seconded - Councillor Hay

That the Motion be put.

Lost 5/6

(Against: Crs. Horley Smyth Bennett Hassell Mangano & Coghlan)

**CARRIED 8/4**

**(Against: Mayor de Lacy Crs. McManus Smyth & Wetherall)**

**Council Resolution**

**Council:**

1. **approves the delegations made to the Chief Executive Officer and Committees, as contained in the Register of Delegations, Attachment 3\* subject to the removal of Local Planning Scheme 3 - Determination of applications under Clause 68 of Schedule 2 of the Planning and Development (Local Planning Schemes Regulations 2015) reverting back to the original exceptions (no changes); and**
2. **notes the sub-delegations from the Chief Executive Officer in the Register of Delegations, Attachment 3.**

Recommendation to Committee

Council:

1. approves the delegations made to the Chief Executive Officer and Committees, as contained in the Register of Delegations, Attachment 3\*; and
2. notes the sub-delegations from the Chief Executive Officer in the Register of Delegations, Attachment 3.

**\*ABSOLUTE MAJORITY REQUIRED**

**Executive Summary**

The City is required to review its Register of Delegations annually in accordance with section 5.46(2) of the Local Government Act 1995. This review has now been completed and is presented to Council for approval.

**Discussion/Overview**

**Background**

At least once every financial year, delegations from the Local Government Act 1995 and the City of Nedlands Local Planning Scheme No. 3 are to be reviewed by the delegator, either Council or the Chief Executive Officer.

The last review was undertaken at the Ordinary Council Meeting on 23 April 2019 following gazettal of the City’s Local Planning Scheme No. 3 where minor revisions were made and adopted by Council. The Annual review has now been completed by the Chief Executive Officer and the attached document was presented to Councillors at a briefing session on 17 September 2019 where the recommended changes where explained, discussed and feedback from Councillors was received.

**Attachment 1** is the current Register of Delegations with track changes showing all items proposed to be removed and reasons are summarised below:

* All items noted **‘Suitable for acting through’** are proposed to be removed as these are management type functions and exercisable by the Chief Executive Officer and therefore, there is no discretion in carrying out these functions. They are not required to be in register.
* All items noted **‘Delegation Prohibited under the Local Government Act 1995 and Council is to perform the power of duty’** are proposed to be removed as these governing functions cannot be delegated and are brought to Council for a decision, and therefore not required to be in the register.
* All other minor changes i.e. correction or wording, conditions, duration etc are marked with track changes with comments included to explain reasons for proposed change.

**Attachment 2** is the updated (new layout) Register of Delegations showing all existing delegations and proposed additional delegations with comments explaining reasons for additions.

**Attachment 3** is the final updated Register of Delegations with all changes incorporated.

**Key Relevant Previous Council Decisions:**

Ordinary Council Meeting – 23 April 2019

Item 13.8 - Register of Delegated Authority and Authorisations – Amendments – Local Planning Scheme 3

That Council:

1. notes the review of delegations contained in the attached Register of Delegations in accordance with section 5.46(2) of the Local Government Act 1995; and

2. approves the amendments to the Register of Delegations as contained in the attached document.

**Consultation**

Councillor Briefing – 17 September 2019

**Budget/Financial Implications**

Nil.

**Conclusion**

The Chief Executive Officer has reviewed the Register of Delegations and is recommending the amendments as shown with track changes in the attached Register of Delegations be approved by Council.

## Council Policies

|  |  |
| --- | --- |
| **Council** | 17 December 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Payments to Employees in Addition to Contract or Award Council Policy - Existing 2. Disposal and Acquisition to Contract or Award Council Policy - Existing 3. Fireworks in the City Council Policy - Existing 4. Debt Recovery Council Policy - Existing 5. Investment of Council Funds Council Policy - Existing 6. Demolition and Disposal Council Policy - Existing 7. Freemen of the City Policy- Existing 8. Greenways Policy – Council Existing 9. Bee Keeping Policy – Council Existing 10. Natural Areas Management Council Policy – New 11. Debt Recovery Procedure 12. Freemen of the City Procedure 13. Greenways Procedure |

**Regulation 11(da) – Council agreed further discussion on the Disposal and Acquisition of Land Council Policy and new Natural Areas Management Policy was needed.**

Moved – Councillor Horley

Seconded – Councillor Smyth

**That the Recommendation to Council be adopted subject to the removal of 1 b. Disposal and Acquisition of Land Council Policy and item 2 new Natural Areas Management Council Policy to be referred to the Council Strategy Day on 22 February 2020 or a future Councillor Briefing.**

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution**

**Council:**

1. **adopts the following updated policies;**

* 1. **Payments to Employees in Addition to Contract or Award;**
  2. **Fireworks in the City;**
  3. **Debt Recovery;**
  4. **Investment of Council Funds;**
  5. **Demolition and Disposal of Materials;**
  6. **Freemen of the City;**
  7. **Greenways; and**
  8. **Bee Keeping;**

1. **requests the Chief Executive Officer investigate and report to Council on options to accelerate improvement of the Hollywood Nature Reserve;**
2. **notes the following procedures:**
   1. **Debt Recovery Procedure;**
   2. **Freemen of the City Procedure; and**
   3. **Greenways Procedure; and**
3. **Refers the Disposal and Acquisition of Land Council Policy and new Natural Areas Management Council Policy to Council Strategy Day on 22 February 2020 or a future Councillor Briefing.**

Recommendation to Council

Council:

1. adopts the following updated policies;

* 1. Payments to Employees in Addition to Contract or Award;
  2. Disposal and Acquisition of Land;
  3. Fireworks in the City;
  4. Debt Recovery;
  5. Investment of Council Funds;
  6. Demolition and Disposal of Materials;
  7. Freemen of the City;
  8. Greenways; and
  9. Bee Keeping;

1. adopts the new Natural Areas Management Council Policy;
2. requests the Chief Executive Officer investigate and report to Council on options to accelerate improvement of the Hollywood Nature Reserve; and
3. notes the following procedures:
   1. Debt Recovery Procedure;
   2. Freemen of the City Procedure; and
   3. Greenways Procedure.

**Executive Summary**

All Council policies are required to be reviewed regularly and approved by Council. This report contains policies that have been reviewed and require formal Council adoption with the addition of one new Council Policy for adoption – Natural Areas Management Council Policy.

**Discussion/Overview**

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

The procedure for policy reviews is as follows:

* Policies will be reviewed and updated by staff with any amendments due to changes in any Legislation, Local Laws, Regulations etc. and recommendations made to the Executive Management Team;
* Staff recommendations are reviewed by the Executive Management Team and amended as required and recommendations made to Council;
* Where there are major amendments to existing policies these policies are then presented at a Councillor Briefing for discussion prior to presentation to Council;
* Where a number of policies have common themes, these policies may be combined to establish a new policy. Redundant and old policies will be revoked where they are substantially changed, and a new replacement policy will be presented at a Councillor Briefing for discussion prior to presentation to Council; and
* Administration may at times recommend a policy be revoked with no Council Policy to replace it. This may occur when it has been identified that the policy is operational or covered under legislation and/or the responsibility of the Chief Executive Officer.

Policy statements should provide guidance for decision-making by Council and demonstrate the transparency of the decision-making process.

**Payments to Employees in Addition to Contract or Award Council Policy**

This policy was reviewed as required and it is recommended that the Payments to Employees in Addition to Contract or Award Council Policy (attachment 1) be approved with the following minor changes:

* removal of KFA (Key Focus Area) – Governance and Civic Leadership which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.
* Increase in gift from $150 to $200, to longest servicing staff at 20, 30 and 40 years;
* Inclusion of gift up to $120 value for delivered flowers where there is a death or birth in the immediate family.

The Local Government Act section 5.50 requires a local government to prepare this policy where an employee is finishing their employment with the City.

A similar policy is required for elected members and in this circumstance the maximum gift value is $100 per year. The City’s policy position is $50 per year of service for elected members.

**Disposal and Acquisition of Land Council Policy**

This policy was reviewed as required and it is recommended that the Disposal and Acquisition of Land Council Policy (attachment 2) be adopted with the following changes (as tracked in attachment 2):

* removal of KFA (Key Focus Area) – Governance and Civic Leadership which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan;
* Modifications in red proposed to acknowledge free hold land value and the opportunities this brings; and
* Modifications in blue following Councillor Briefing on 10 December 2019 relating to acknowledge Community benefit from City land ownership.

**Fireworks in the City Council Policy**

This Policy was reviewed as required and it is recommended that the Fireworks in the City Council Policy (attachment 3) be adopted with one minor change (as tracked in attachment 3) being the removal of KFA (Key Focus Area) – Community Development which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.

**Debt Recovery Council Policy**

This policy was reviewed as required and no changes are proposed therefore it is recommended that the Debt Recovery Council Policy (attachment 4) be adopted.

**Investment of Council Funds Council Policy**

This policy was reviewed as required and it is recommended that the Investment of Council Funds Council Policy (attachment 5) be adopted with the changes (as tracked in attachment 5) for the following reasons:

* Changing the name of the policy to Investment of Operating Cash to better reflect the purpose of the policy.
* removal of KFA (Key Focus Area) – Governance and Civic Leadership which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.
* Investment in Term Deposits shall not be fixed longer than 36 months rather than 12 months to bring this policy in line with the updated Financial Management Regulations 1996.

**Demolition and Disposal of Materials Council Policy**

This policy was reviewed as required and it is recommended that the Demolition and Disposal of Materials Council Policy (attachment 6) be adopted with the changes (as tracked in attachment 6) to bring the policy up to date with legislation and regulations.

The removal of KFA (Key Focus Area) – Natural and Built Environment which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.

**Freemen of the City Council Policy**

This Policy was reviewed as required and it is recommended that the Freemen of the City Council Policy (attachment 7) be adopted with one minor change (as tracked in attachment 7) being the removal of KFA (Key Focus Area) – Community Development which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.

**Greenways Council Policy**

This Policy was reviewed as required and it is recommended that the Greenways Council Policy (attachment 8) be adopted with minor changes (as tracked in attachment 8) being:

* the removal of KFA (Key Focus Area) – Natural and Built Environment which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan;
* Addition of the golf clubs; and
* Updating of maps.

**Bee Keeping Council Policy**

This Policy was reviewed as required and it is recommended that the Bee Keeping Council Policy (attachment 9) be adopted with changes (as tracked in attachment 9) to bring it line with the updated Health Local Law 2017 and the removal of KFA (Key Focus Area) – Community Development which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.

**Natural Areas Management Council Policy**

This is a new policy which provides Council’s overall direction and position statement in relation to care of its natural areas. It informs the operational management plans.

While this policy provides the overall direction for natural bushland, it has been observed that Hollywood Nature Reserve in particular, has bushland restoration issues. It is recommended that further investigation of the potential options to accelerate restoration of this parcel of bush land be undertaken and presented to Council.

**Key Relevant Previous Council Decisions**

Nil.

**Consultation**

Policies were discussed at Councillor Briefing on 10 December 2019 prior to presentation to Council.

**Budget/Financial Implications**

Nil.

## 101 Monash Street, Nedlands – Additions to Hospital Comprising Wards, Emergency Department and Associated Hospital Facilities

|  |  |
| --- | --- |
| **Council** | 17 December 2019 |
| **Applicant** | Element Advisory Pty Ltd |
| **Landowner** | Ramsay Hospital Holdings Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development |
| **CEO** | Mark Goodlet |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Report Type**  Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency. |
| **Reference** | DA19-39863 |
| **Previous Item** | Nil |
| **Delegation** | Not applicable – Joint Development Assessment Panel Application. |
| **Attachments** | 1. Development Plans dated 6 December 2019 2. Applicant Planning Report and Supporting Information 3. Summary of Submissions and applicant response 4. Peer Review of Applicant TIS 5. Updated Applicant TIS 6. Submissions (CONFIDENTIAL) |

Councillor Horley left the room at 9.03 pm.

Moved – Councillor Hassell (pro forma)

Seconded – Councillor Mangano

**That the Recommendation to Council be adopted with the additional comments as follows:**

**Council notes its concerns that the effects on the cumulative impacts of development on traffic volumes may impact the area negatively, that public transport needs to be addressed, the UWA QEII Activity Centre Plan needs to be fast tracked and requests the CEO to convey this message to the State Government and to all lower and upper house Parliamentarians for this area.**

Councillor Wetherall left the room at 9.04 pm and returned at 9.05 pm.

Councillor Horley returned to the room at 9.07 pm.

Councillor Hay left the room at 9.11 pm and returned at 9.13 pm.

Councillor Mangano left the room at 9.19 pm.

**CARRIED UNANIMOUSLY 10/-**

**Regulation 11(da) - Council has concerns regarding traffic impacts.**

**Council Resolution**

**That Council notes:**

1. **the assessment undertaken to date on the matters that must be considered in providing a recommendation to the JDAP for the development application dated 17 September 2019 for Additions to Hospital Comprising Wards, Emergency Department and Associated Hospital Facilities at 101 Monash Street, Nedlands; and**
2. **its concerns that the effects on the cumulative impacts of development on traffic volumes may impact the area negatively, that public transport needs to be addressed, the UWA QEII Activity Centre Plan needs to be fast tracked and requests the CEO to convey this message to the State Government and to all lower and upper house Parliamentarians for this area.**

Recommendation to Council

That Council notes the assessment undertaken to date on the matters that must be considered in providing a recommendation to the JDAP for the development application dated 17 September 2019 for Additions to Hospital Comprising Wards, Emergency Department and Associated Hospital Facilities at 101 Monash Street, Nedlands.

**Executive Summary**

The purpose of this report is for Council to make its submission on the Development Assessment Panel (DAP) application for additions to hospital comprising wards, emergency department and associated hospital facilities at No. 101 (Lot 564) Monash Avenue, Nedlands (the site) received from the applicant on the 17 September 2019.

The application was advertised in accordance with LPP – Consultation of Planning Proposals. The issues raised during public consultation were forwarded to the applicant to respond to. The key issue of assessment is traffic.

At the time of writing this report, the assessment of the application is ongoing. The City sought an independent peer review of the Transport Impact Statement (TIS), which has resulted in changes to the TIS. The City is currently engaging the same consultant to undertake a second review of the TIS for the purposes of interrogating the traffic modelling and TIS assumptions. Further, on 6 December 2019, the applicant submitted amended plans. Due to reporting timeframes, the amended plans have not yet been fully assessed, however, they do not appear to involve the requirement for an exercise of discretion.

The applicant has agreed to an extension of time until the 13 January 2020 resolve the outstanding issues of assessment. The Responsibility Authority Report (RAR) will be submitted and published in accordance with the (Development Assessment Panels) Regulations 2011. Whilst there is no statutory requirement for Council to make a submission on the application, Administration is of the view that it is important for Council to communicate its position to the Joint Development Assessment Panel.

Based on the assessment thus far, Administration report that there are no planning provisions that would prevent the application from being recommended for approval.

**Background**

**Land Details**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Special Use Zone |
| **R-Code** | N/A |
| **Land area** | 106,158m2 |
| **Additional Use** | No |
| **Special Use** | Hollywood Hospital |
| **Local Development Plan** | No |
| **Structure Plan** | No |
| **Land Use** | Hospital |
| **Use Class** | Proposed – P |

**Locality Plan**

The subject site is located within the Special Use Zone, which applies to special categories of land use that does not comfortably sit within another zone in the Scheme.

The site is located within the street block bounded by Verdun Street, Gairdner Drive, Aberdare Road, Hospital Avenue and Monash Avenue.

The site is 106,158m2 in area, and has frontage to Monash Avenue and Verdun Street and includes various internal roads. The site is relatively flat and the property appurtenant to the site has no identified heritage value.

**Application Details**

Development approval is sought for the demolition of Hospital wards and buildings, and the construction of a wards, emergency department and associated hospital facilities at No. 101 (Lot 564) Monash Avenue, Nedlands (the site) within the Special Use zone (see **Attachment 1**). The development seeks approval for the demolition of the existing Gastroenterology building, O’Meara Sleep Study Lab, Pharmacy and Pathology buildings and the construction of a 6-storey hospital addition comprising:

* 90 beds (3 x 30 wards);
* Ground floor pharmacy, pathology and nuclear medicine;
* Emergency Department and ambulance drop-off area;
* 14 drop off car parking bays, two of which are access bays;
* Staff facilities improvements;
* Existing radiological façade upgrades; and
* Associated landscaping improvements.

The key changes to the lodged plans (see Attachment 2), are as follows:

* Ambulance drop off bays reconfigured
* Plantroom layout reconfigured slightly
* Overall building height reduced by decreasing the floor to floor heights on the upper levels to 4100 high.
* Sunshades rationalised (but still meets the same design intent)
* Column added at front of building where Level 0 cantilever occurs.

**Consultation**

Given the scale of the development, the application was advertised in accordance with the requirements of a ‘Complex’ application as per City’s Local Planning Policy - Consultation of Planning Proposals which included the following:

* 557 letters were sent to all City of Nedlands landowners and occupiers within a 200m radius of the site;
* A sign on site was installed on the frontage of the site for the advertising period;
* An advertisement was uploaded to the City’s website with all documents relevant to the application made available for viewing during the advertising period;
* An advertisement was placed in the Post newspaper;
* Social media post made on one of the City’s Social Media platforms;
* A notice was affixed to the City’s Noticeboard at the City’s Administration Offices; and
* A community information session was held by City officers attended by approximately 14 residents and elected members.

At the conclusion of advertising, the City received 6 submissions, all of which objected to the proposal.

A comprehensive list of issues raised during advertising including an applicant response, is contained as **Attachment 3**. Given that traffic was the key issue raised during consultation and remains unresolved - the City will complete its response to submissions, after the amended TIS is vetted by the City’s Technical Services.

Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.

**Assessment of Statutory Provisions**

|  |  |  |  |
| --- | --- | --- | --- |
| **Table 1 – Assessment of Development Plans dated 6 December 2019** | | | |
| **Element** | **Requirement** | **Proposed** | **Complies** |
| Land use | Hospital and incidental uses associated with the hospital are not permitted unless the local government has exercised its discretion by granting approval | Hospital wards, emergency, associated hospital facilities (Pharmacy, Nuclear Medicine) | Yes – Permitted  All proposed uses are consistent with the requirements of a modern hospital and the intent of the Special Use Zone. |
| Setbacks | Monash Avenue – 10m  Verdun Street – 10 m  Western boundary – Nil | Proposed additions Set back approximately 39m from Monash Avenue. | Yes – It is noted that the demolition of the existing buildings improves the setback. |
| Wall height | Maximum of 26.7m;  Where within 80m of the Verdun Street maximum height of 10m;  Where within 60m of Monash Avenue, maximum wall height is 18.3m. | Proposed Radiology Building (within 60m of Monash Avenue) wall height is approximately 7.6m, building height is approximately 10.29m above natural ground level.  Proposed screen to existing Radiological/Executive building (within 60m of Monash Avenue) is approximately 8.3m above the natural ground level.  Proposed South Block and Emergency Department maximum building height is approximately 25.3m above natural ground level. | Yes |

**Key Issues of Assessment**

**Traffic**

The TIS provided by the applicant considered the additions proposed, not the development as a whole or wider future development context (Regis Aged Care Development). Following feedback from public consultation and at the Community Information Session, the City engaged ARUP consulting to peer review the TIS (see **Attachment 4**). Further information in relation to the TIS was requested by the City, which the applicant provided on 29 November 2019 (see **Attachment 5**) was provided to the City. ARUP is currently providing a second review, as is the City’s Technical Services. The findings will be communicated in the RAR and published in accordance with the Regulations.

**Conclusion**

The applicant has provided a comprehensive development application package, which satisfies the planning framework. Administration has had due regard to resident’s concerns with respect to traffic generated by the development proposal and sought independent advice. If the issues around traffic can be addressed, Administration is likely to recommend support for the application.

## RFT 201920.03 – Nedlands Foreshore Riverwall Restoration Stage 3A

|  |  |
| --- | --- |
| **Council** | 17/12/2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. RFT 2019-20.03 Nedlands Foreshore River Wall Restoration Stage 3a Evaluation (Confidential) 2. Nedlands Foreshore Rock Revetment Option - Map 3. Detailed Design and Extent of Proposed Works Plan 4. Landscape Plan |

Councillor Mangano returned to the room at 9.22 pm.

Moved – Councillor McManus

Seconded – Councillor Horley (pro forma)

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Lost 5/6

(Against: Mayor de Lacy Crs. Horley Smyth

Bennett Mangano & Coghlan)

Recommendation to Council

Council:

1. agrees to award Tender No. RFT 2019-20.03 to DB Cunningham Pty Ltd T/A Advanteering Civil Engineers for the Nedlands Foreshore Riverwall Restoration Stage 3a project as per the submitted schedule of rates (confidential Attachment 1); and
2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender.

**Executive Summary**

To award the tender for RFT 2019-20.03 Nedlands Foreshore Riverwall Restoration Stage 3a.

**Discussion/Overview**

**Background**

The City of Nedlands manages approximately two (2) kilometres of Swan River foreshore between Broadway and Iris Avenue which is protected by vertical riverwalls and recently constructed rock revetment. Much of the longstanding vertical riverwall is in poor condition due to its age and requires restoration as it approaches the end of its useful life. Pursuant to s. 12(3) of the *Swan and Canning Rivers Management Act 2006* (Act), the Department of Biodiversity, Conservation and Attractions (DBCA) and the City are jointly responsible for the maintenance on the Riverpark shoreline.

At its meeting on 24 November 2015, Council agreed to authorise the Chief Executive Officer to sign a collaborative funding arrangement between the City and the DBCA (formerly Swan River Trust) for restoration of the Nedlands foreshore riverwalls. Collaborative Arrangement P16NL01 Nedlands Riverwall Foreshore Implementation was executed on 10 December 2015 pursuant to s. 37 of the Act (Arrangement). The agreed restoration concept plan under the Arrangement (refer Attachment 2) comprises a combination of rock revetment, pocket beaches and vertical limestone wall, subject to approval of detailed design by the DBCA.

The Arrangement committed the DBCA and the City to jointly fund restoration of the riverwall. The scope of the Arrangement was to deliver 300 linear metres of restored riverwall with associated landscaping by 28 December 2018. Not all funds committed under the Arrangement have been expended to date and the remaining funds are proposed to be applied to deliver Stage 3a. The DBCA has indicated its intention to extend the term of the Arrangement to 11 December 2020 (maximum 5 years) to allow restoration of this section of riverwal to be completed.

**Riverwall Restoration Status**

The City of Nedlands has worked collaboratively with DBCA to compete two (2) stages (approximately 470 linear metres) of the riverwall restoration under the Arrangement:

* Stage 1 – Approximately 130 m of rock revetment works between Iris Avenue and the Tawarri Reception Centre site. This section was completed in February 2017. The project comprised restoring the failing vertical wall and capping with limestone rock revetment, installation of a low crown protection wall, landscaping, reticulation and path replacement.
* Stage 2 – Approximately 340 m of rock revetment and accessible beach works from the Stage 1 works to the Perth Flying Squadron Yacht Club (refer Figures 1 and 2). This section was completed in March 2018 in conjunction with the construction of the Jo Wheatley All Abilities Play Space (JWAAPS). The project comprised restoring the failing vertical wall with limestone rock revetment, installation of low crown protection walls, landscaping, reticulation and path replacement. This stage also included formalising foreshore beach access to complement the JWAAPS.



Figure 1 – Stage 2 works looking west towards Tawarri.



Figure 2 – Stage 2 works looking east towards Perth Flying Squadron Yacht Club.

**Proposed Stage 3a Works**

The proposed scope of riverwall restoration work for Stage 3a consists of approximately 140 linear metres of rock revetment, pocket beach and biscuit rock revetment works at Charles Court Reserve (refer Attachment 3). The DBCA identified this section of riverwall as the next priority following recent condition assessments. Proposed works will commence at the Nedlands Yacht Club boat ramp and progress towards the foreshore exercise equipment opposite Bessell Avenue. Works proposed include the repair and strengthening of the Nedlands Yacht Club boat ramp, formalising of the beach adjacent to the boat ramp, installation of a biscuit rock platform adjacent to the beach, construction of rock revetment and landscaping.

The biscuit rock platform treatment is a new addition which was specified by the DBCA. Biscuit rock platforms have been used successfully at various locations on the river including around the South Perth foreshore. Though more expensive due to the specialised flat rocks that require hand selection and more precise placement, it is a DBCA preferred treatment for the following reasons:

* The treatment has less visual impact than vertical walls;
* Eliminates the need to excavate which reduces the potential for encountering Acid Sulphate Soils / Potential Acid Sulphate Soils and associated costs;
* Dissipates wave energy which reduces wave spray and damage to the foreshore;
* Easier to maintain and reduces future maintenance costs;
* Provides better opportunities for landscape softening and direct access/interaction with the river;
* Provides an effective longer-term foreshore protection solution.

Examples of biscuit rock platforms at the City of South Perth foreshore are illustrated in Figures 3 and 4 below.



Figure 3 – Biscuit rock platform revetment detail at South Perth foreshore



Figure 4 – Biscuit rock platform revetment detail at South Perth foreshore

**Proactive Funding Program**

As a result of the City undertaking thorough investigation of design options and detailed concept development during 2014, the DBCA presented a proactive funding opportunity to the City in recognition of the urgency of the required works. Riverbank project funding is generally based on a 50:50 contribution from the DBCA and the local government vested care and control of the adjoining foreshore reserve. Because of the significantly deteriorating assets, the DBCA agreed to contribute 66.7% project funding through the Arrangement if the City budgeted the additional 33.3%. This Arrangement has presented an exceptional opportunity to the City which is unlikely to be replicated.

**Risk Management**

Failing to award the contract for the Stage 3a riverwall restoration project may impact future preservation of this section of riverwall, protection of the abutting foreshore reserve and amenity of the area for the public. A risk assessment on the wall has identified the loss of the wall itself as the most adverse outcome, with potential subsequent loss of reserve land. This would be a highly undesirable outcome for the City and the DBCA.

The Administration has been working with the DBCA to ensure that their requirements have been met throughout the project planning stage. This includes the detailed design, landscaping and appointment of a supervising engineer to provide specialist assistance in supervising the quality control of the works. There is the potential that any future maintenance and rehabilitation works would require 100% funding from the City if restoration of this section of riverwall is not delivered in collaboration with the DBCA and the Arrangement.

The Arrangement will terminate on 11 December 2020. After this date the City would be required to enter into a new collaborative arrangement with the DBCA to deliver the project. The DBCA has advised there would need to be considerable justification to enter into a new collaborative arrangement. Indications are that deferring of the project beyond the extended five (5) year timeframe would not constitute justification to enter a new arrangement and the $220,763 remaining DBCA funds may be required to be returned. The DBCA have advised any future arrangement would likely be funded in accordance with the conventional 50:50 contribution split.

Other key risk areas, including financial and regulatory risks, have been addressed through the control measures applied through the tender documentation and evaluation process.

**Key Relevant Previous Council Decisions:**

Ordinary Council meeting 24 February 2015 – Item 12.3 – Report TS03.15.

Council Resolution (relevant excerpts) -

Council:

1. Approves Stage 1 detailed design of the rock revetment solution for the river wall;
2. Authorises the Chief Executive Officer to sign a collaborative agreement between the City of Nedlands and Swan River Trust for the Nedlands River Wall Foreshore Restoration P15NL01; and
3. Approves consideration of funding in the 2015/16 budget as follows:
   1. $11,880, being $5,940 from City funds and $5,940 from Swan River Trust grant funds as part of the collaborative agreement between the parties; and
   2. $465,500, being $299,250 from City funds and $166,250 from Swan River Trust funds, for construction of the river wall and subject to a successful grant application.

Ordinary Council meeting 24 November 2015 – Item 12.3 – Report TS30.15.

Council Resolution

Council agrees:

1. To include $400,000 plus overheads in the 2016/17 draft budget, being $150,000 of City funds and $250,000 from Department of Parks and Wildlife funds, for repair of the river wall, and subject to a successful grant application;
2. To include $800,000 plus overheads in the 2017/18 draft budget, being $250,000 of City funds and $550,000 from Department of Parks and Wildlife funds, for repair of the river wall, and subject to a successful grant application;
3. Authorises the Chief Executive Officer to sign a collaborative agreement between the City of Nedlands and The Department of Parks and Wildlife for the Nedlands River Wall Foreshore Restoration P16NL01; and
4. Administration to note that no fencing of the river beyond that essential for public safety on a temporary basis is to be undertaken.

**Consultation**

A community consultation plan was developed and implemented for the ‘long term planning for the riverwall’, to present the overall concept plan (refer Attachment 2) for the riverwall restoration to the community. The community were invited to provide feedback during December 2014 on the proposals to construct a combination of limestone wall, rock revetment and pocket beaches along the foreshore.

The community were notified of the invitation to provide feedback through a letter drop, the City’s website, community engagement newsletters and the POST newspaper. A stand advertising the proposal was also set up at the City’s annual ‘Blessing of the River’ event. A total of 16 formal submissions were received.

Of the respondents that clearly indicated whether they were in support or against the overall proposal, support for the entire concept was high with 86% in favour. Two respondents did not specifically confirm if they were in support of the proposal or not, however their comments did indicate they were in support of the rock revetment protection, but against the proposal to upgrade specific sections in limestone. This brought support for the addition of rock revetment to the foreshore to 94% in favour.

**Budget/Financial Implications**

The Council approved budget for the project is $422,898 (ex GST) as set out below:

|  |  |  |
| --- | --- | --- |
| **CITY OF NEDLANDS ADOPTED CAPITAL BUDGET 2019/20** | | |
| **Account** | **Description** | **Budget** |
| 20.0903 | Charles Court Reserve – Riverwall Design Stage 3 | $22,898 |
| 20.4071 | Charles Court Reserve – Construct Riverwall Stage 3a | $400,00 |
| **Total Project Budget (ex GST)** | | **$422,898** |

The status of funding under Collaborative Arrangement P16NL01 is set out below:

|  |  |  |
| --- | --- | --- |
| **COLLABORATIVE ARRANGEMENT P16NL01 – FUNDING STATUS** | | |
| Total Funding Allocated (ex GST) | City $400,000 | DBCA $800,000 |
| Total Funding Spent to Date (ex GST) | City $289,618 | DBCA $579,237 |
| Remaining Funds (ex GST) | City $110,382 | DBCA $220,763 |
| **Total Remaining Funds (ex GST)** | | **$331,145** |

The cost to deliver the landscape component of the project of the has been estimated at $81,000 (ex GST). Based on the landscaping estimate, the City allocated a budget of $260,000 (ex GST) for the riverwall restoration works. Detailed design of the entire Stage 3 section has been completed, which encompasses approximately 440 linear metres commencing at the Nedlands Yacht Club towards Broadway. The landscaping component will be delivered separate to the scope of this tender.

Retaining Walls Versus Beaches

There are a number of construction options for the interface between the river and shore. Where beaches are provided, they are required to have groins to prevent sand loss, or ongoing sand replacement programs.  They also need to have buried seawalls, as is the case in South Perth and Pt Walter.  Cost comparisons have been done and confirmed at South Perth.  There are no financial savings with beach options coming in at about the same, or more than other solutions.

**Tender Information**

The expenditure for the Stage 3a restoration works will exceed $150,000.

Therefore, to comply with legislative requirements outlined in the *Local Government Act 1995* and ensure the best value for money for the City, this service must be tendered.

Tender RFT 2019-20.03 was publicly advertised on 8 October 2019 in the West Australian Newspaper and on www.tenderlink.com/nedlands. An addendum was issued on 23 October 2019 and the tender closed at 2.00pm on 5 November 2019. The mandatory tender briefing session was conducted at Charles Court Reserve on 15 October 2019 with prospective tenderers.

At the close of the advertising period, six (6) compliant responses were received from the following companies:

* DB Cunningham Pty Ltd T/A Advanteering Civil Engineers
* Aussie Earthworks Pty Ltd
* Italia Stone Group Pty Ltd
* MMM WA Pty Ltd
* Natural Area Consulting Management Services
* WA Limestone Contracting

No non-compliant tenders were received.

The scope of the works was reduced to accommodate a revised budget. Tenderers that had submitted offers were invited to re-submit offers for the maximum portion of work achievable within the revised budget. Responses were received from five (5) tenderers by 5pm on 21 November 2019 and re-evaluation was carried out to determine which tender presented the best value of money. The City selected the top three (3) ranked tenderers to submit a final response to accommodate the revised budget.

**Evaluation**

The revised tender submissions were independently evaluated by two (2) City officers, one (1) officer from the DBCA and one (1) external engineering consultant agreed by the City and the DBCA. The evaluation is based on the linear metres submitted by the tenderers for the revised scope achievable within the available budget amount, in addition to the price and qualitative criteria of a total weighting of 50% allocated across each criterion.

Price criteria was evaluated on a schedule of rates basis, against prices based on the completed itemised price schedule included within the tender submissions, which was further weighted against the total linear metres of restoration works to be delivered within the allocated budget

**Conclusion**

After an assessment of the submitted tenders, the evaluation panel assessed the qualitative and quantitative elements of each tenderer and determined that DB Cunningham Pty Ltd T/A Advanteering Civil Engineers scored highest in the evaluation process.

It is proposed that the tender submission received from the contractor, DB Cunningham Pty Ltd T/A Advanteering Civil Engineers be accepted.

The price summary for the tender is included in the Final Evaluation (Confidential Attachment 1).

The design proposed is the result of investigation and analysis by Perth’s leading coastal engineering firm, which reflects an understanding of wave impacts for this specific section of shoreline, sediment transport here, the ecological values of revetment walls, the location of the most suitable sites for beaches and the design parameters relating to each component.  Opportunities in appropriate locations for beaches have been provided. The proposal has been agreed to by the DBCA who were concerned about the environmental and amenity benefits access to the river could bring.

# Elected 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 Councillor 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 Hay – Street Tree

On 29 November 2019 Councillor Hay gave notice of his intention to move the following at this meeting.

Moved – Councillor Hay

Seconded – Councillor Wetherall

**Council Resolution**

**That Council approves the removal and replacement of the northernmost Tipuana tree on the nature strip abutting 16 Webster Street, Nedlands subject to the following conditions in accordance with Council policy:**

1. **The removal and replacement of the Tipuana tree on the nature strip to be undertaken by the City;**
2. **The tree is to be replaced with the replacement tree to be selected in consultation with the owners of 16 and 18 Webster Street; and**
3. **All costs for removal of the existing tree and supply, planting and maintenance of the replacement tree is to be borne by the owners of 18 Webster Street.**

**CARRIED 10/1**

**(Against: Cr. Bennett)**

Justification

There are two mature Tipuana street trees on the nature strip adjacent to 16 Webster Street. The owners of 18 Webster Street have written to the City requesting that the northernmost street tree be removed on several grounds. The City’s Administration has not previously approved the removal and replacement of the street tree following numerous requests. The owners of 16 Webster Street, on whose nature strip the street tree is located, have confirmed in writing they support removal of the tree.

The owners of 18 Webster Street have outlined how the large street tree is impacting them and local amenity. Large amounts of debris are dropped from the tree onto their crossover, driveway and nature strip leading to a reduction in the amenity of the area. The large tree ‘nuts’ represent a hazard and have resulted in several falls, which luckily have not resulted in serious injury. Roots from the tree are invasive and are impacting the road, kerb and the crossover paving which presents a trip hazard. Partial die-back has affected the tree and large tree branches have fallen in high winds suggesting the tree is brittle. The tree is also considered an environmental weed pest in some states of Australia and consequently should not be planted as street trees.

In consideration of the outlined issues, and that pruning of the tree will not alleviate the issues raised, Council should consider the tree as not suitable for the location and approve removal and replacement of the street with a species more suitable for the nature strip.

Administration Comment

The City has not previously approved removal of the street tree as there are no clear provisions within Council’s Street Trees policy, associated with the present issues raised, that authorises the Administration to remove the tree.

The Rosewood or Pride of Bolivia (*Tipuana tipu*) is a large spreading tree that is associated with a vigorous root system prone to damaging nearby built environments. Mature trees can reach 20 m in height and 30 m in width. They are best suited to planting in locations that can suitably accommodate their size and spread. The species is not listed on the City’s preferred street tree species list and is not generally considered suitable for planting in streetscapes. The Tipuana is a declared plant species in some states of Australia, however, is not assigned any statutory control category in Western Australia.

The subject street tree is in reasonable health displaying moderate vigour and sound structural integrity. The structural root system of the tree is extensive and is impacting the adjacent kerb, road and crossover to varying degrees. The tree is semi-mature and, given the potential future growth of the tree, the root system will increasingly impact the surrounding built environment. There are few practicable options to address the root system impacts that would be effective and economic over the life of the tree. In this respect there is the consideration that it may be best to allow removal and replacement of the tree prior to problems compounding. A suitable replacement tree can then be found.

## Mayor de Lacy – Public Art

On 28 November 2019 Mayor de Lacy gave notice of her intention to move the following at this meeting.

Moved – Mayor de Lacy

Seconded – Councillor Smyth

The Council instructs the CEO to:

* + - 1. suspend the Public Art Committee’s operations going forward except for the completion of extant contractual obligations;
      2. prepare a Public Art Strategy by July 2020 for endorsement by Council as a precursor to a ‘Percent for Public Art’ Scheme; and
      3. not allocate any funds in the 2020/21 Budget to the Public Art Reserve.

This direction applies until the matter is reviewed by Council before and no later than 30 October 2020.

Procedural Motion

Moved – Mayor de Lacy

Seconded - Councillor Horley

**That Council proceed to the next item of business.**

**CARRIED 10/1**

**(Against: Cr. McManus)**

Justification

1. The Public Art Committee began when $0.5m was gifted to the City for expenditure on public art. To ensure appropriate expenditure occurred a Committee was established. Those funds have now been spent and in the past few years an allocation of ratepayer funds has been made as part of budgetary processes to the Public Art Reserve. This has seen the purchase and installation of various artworks from Sculptures by the Sea, and the commissioning and installation of a work in Mt Claremont.
2. With the gazettal of LPS3 in April 2019, the City now has an opportunity to introduce a Percent for Art Scheme. This scheme would allow Council to require new non-residential developments over a certain value to spend a percentage of the cost of the development on public art. However, before Council can introduce such a scheme, it must have in place a Public Art Strategy.
3. Drafting this Public Art Strategy and presenting it to Council for consideration now needs to be the focus of the City’s public art program. Should Council wish to adopt such a strategy, it would then be integrated into the City’s planning system. This approach has the potential to result in far greater expenditure on public art in the City of Nedlands – with the artworks funded by developers - than it would be possible for the City alone to achieve through commissioning its own works. Percent for Art Schemes typically specify criteria for the selection of artworks that lead to high calibre artworks by recognised and awarded artists.
4. The City is a significant supporter of the arts through the Tresillian Arts Centre and we are largely reliant on residential rates for much of our income. With the refurbishment of infrastructure (roads, buildings etc) and the protection of our urban form both significant priorities in our Strategic Community Plan we must focus residential rates on funding much needed work in these areas.

Administration Comment

Temporary suspension of the Arts Committee can be undertaken without any negative impact on the City’s public art program. The current timing is opportune as the Arts Committee is at the stage of having finished one major public artwork and not yet made any major decisions about the next work.

**Impact on Public Art Program**

The Arts Committee could be temporarily suspended without any negative impact on Council’s public art program. The Arts Committee’s Terms of Reference are such that key decisions about public art – the nature of the work to be commissioned, expenditure and location – are all made by Council. The Arts Committee considers these matters and makes recommendation on them to Council, with Council making the final decision.

Therefore, if the Arts Committee were to be suspended, any such decisions could simply go directly to Council for consideration, rather than coming to Council via the Arts Committee. This would also have the advantage of expediating decision-making.

**Timing**

The Arts Committee has achieved a strong record in relation to the commissioning and purchasing of some significant public artworks in the City, since its inception. It has recommended to Council the purchase of two works from Sculptures by the Sea; and the commissioning of one work for a park in Mt Claremont. This commissioned work is the Arts Committee’s most recent achievement.

The artwork commissioned for the Annie Dorrington Park in Mt Claremont will be installed in the near future. Having completed its decision-making about the Annie Dorrington Park artwork, the Arts Committee was in the earliest stages of considering its next public artwork. The first step for any public artwork is to identify the site. The Arts Committee has been considering two possible sites in Swanbourne but has not yet decided on a site. Therefore, this (potential) public art project is still in its very earliest stage, with no commitment having been undertaken.

If the Arts Committee is to be temporarily suspended, now is a good time for this to occur as decision-making for the Annie Dorrington Park project is complete; and the next (potential) project is not yet underway.

**Budget**

In the current financial year, Council approved expenditure of $50,000 on public art. $39,000 of this amount has already been spent and a further $7,800 is already committed, being the final payment to the artist for the Annie Dorrington Park artwork. Therefore, most of the $50,000 allocated to public art in the current financial year has been spent or committed.

If the Arts Committee does continue to exist in the current financial year and it wishes to proceed with its next public artwork, then it would need to request approval from Council to spend unbudgeted funds, in order to undertake the next public art project. So, in this respect too, the timing is opportune: the Arts Committee has already committed most of the funds approved by Council for expenditure on public art in the current financial year. And has not yet embarked on the next project, which would require further budget approval from Council.

**Focus on Strategic Priorities**

Perhaps most importantly, the City’s public art program now needs to be focus on its strategic priority. The City’s new Local Planning Scheme now presents a unique opportunity to introduce a Percent for Art Scheme, should Council wish to do so. In essence, such a scheme would allow Council to require new non-residential developments over a certain value to spend a percentage of the cost of the development on public art. However, before Council can introduce such a scheme, it must have in place a Public Art Strategy.

Drafting this Public Art Strategy and presenting it to Council for consideration now needs to be the focus of the City’s public art program. Should Council wish to adopt such strategy, it would then be integrated into the City’s planning system. This approach has the potential to result in far greater expenditure on public art in the City of Nedlands – with the artworks funded by developers - than it would be possible for Council alone to achieve through commissioning its own works. Percent for Art Schemes typically specify criteria for the selection of artworks that lead to high calibre artworks by recognised and awarded artists.

A temporary suspension of the Arts Committee will allow Administration to focus on presenting Council with a draft Public Art Strategy, as the initial statutory requirement for a Percent for Art Scheme, rather than on implementing the next Council-funded public artwork.

**History of Public Art in City of Nedlands**

The City’s owns a significant collection of public art that has been acquired in two distinct phases:

* 2001 – 2011:
  + The Nedlands Cultural Community Society commissioned 10 major public artworks and donated them to the City of Nedlands.
  + No Council Arts Committee existed during this time. All decisions on public art were made by Council.
* 2013 – 2019:
  + On 10 December 2013 Council resolved to create an Arts Committee.
  + The Arts Committee has commissioned/purchased 4 major public artworks.

**Summary**

Temporarily suspending the Arts Committee can be undertaken without any negative impact on the City’s public art program. The public art program can continue, with significant decisions going directly to Council, rather than going firstly to the Arts Committee and then to Council. The expertise held by Councillors on the Arts Committee will, in any case, still be available on Council. If Council does decide to pause the work of the Arts Committee, now is a good time to do that, given the completion of the Annie Dorrington Park Artwork and the fact that the next public artwork has not been decided on or entered into. Pausing the work of the Committee will also allow the City to focus on the strategic opportunity presented by the LPS3, of considering the introduction of a Percent for Art Scheme.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 February 2020

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor 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 February 2020 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

## Councillor Hodsdon – Weed Control

**Council:**

1. **Request the Chief Executive Officer investigates alternatives to use of glyphosate free weed control on verges in the city; and**
2. **considers a trial area within the City for 12 months to determine more accurately cost, effectiveness and customer satisfaction.**

Administration Comment

Alternatives to glyphosate are a priority consideration by most WA local governments. Each new product is reviewed and assessed for cost, safety, efficacy and should a suitable alternative be found it would be an instant success.

Below is an extract from a report released by the Eastern Metropolitan Regional Council (EMRC) regarding alternative weed control trials of steam, pine oil, pelargonic acid and, salt and vinegar. As is the case with all weed control, different control methods have varying success with different weed types and impacts upon endemic species.

The City of Wanneroo, like the City of Nedlands, undertook a trial. The chemical free coastal bushland that in the City of Wanneroo, has since returned to herbicide use due to the grass weeds becoming unmanageable. Initially they tried to supplement the alternative controls with hand weeding but the cost was too high for contractors and the job too large for volunteers to handle in the long-term. The site has been back on the spray rotation for ten years now.

The Manager Biodiversity Conservation at Kings Park, and an Environmental Officer at the City of Kalamunda, who shared their experiences with the City. Their experiences were very similar with trialling pine oil, pelargonic acid, steam, and acetic acid. The issues are summarized below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Control method** | **Information** | **Issues** | **Cost (Approximate)** | **Comments** |
| Pine oil | * Works on most weed types (not woody weeds) * Must target plants when young * Works best in hot, sunny conditions | * Adverse health effects for personnel applying it, even when using PPE. * Can pose a health risk to general public passing by during application. * Schedule 6 product. * Raises pH of soil. | $20/L | If the issue of operator health can be resolved, this would be an effective alternative weed control option for natural areas where residential access is limited or denied during application. |
| Pelargonic acid | * Effective against grasses, broadleaf flat weeds, and legumes * Must target plants when young * Only works in dry, sunny conditions * Mixture must be agitated before application | * Strong scent associated that lasts 3 to 7 days. * Schedule 5 product. | $23/L |  |
| Steam | * With correct application, can be very effective again grasses, broadleaf flat weeds, and legumes. * Must target plants when young. * Must saturate both sides of the leaf and go slowly. | * Not effective for bulbs, tubers, runners, or some perennial grass weeds. * Limited by equipment (hose length, access of trailer). * Limited by weather conditions | Hire costs are very expensive due to frequency of repeat work needed to achieve reasonable results – in the order of 300% increase. | Time consuming but a highly visible operation for the public. Recommended for verges and council garden beds.  Not particularly effective on footpath weeds. |
| Acetic Acid | * Limited effectiveness. * High concentrations required. | * Schedule 6 product. * Strong vinegar scent. * Outcomes are poor in mulched areas. | $15/L |  |

Council can be confident that the City of Nedlands, along with WESROC local governments and many others are actively looking for alternatives to glyphosate and will bring anything positive to Council. For these reasons the trial is deemed unnecessary at this time and the recommendation is not supported.

# Urgent Business Approved By the Presiding Member or By Decision

Moved – Councillor Smyth

Seconded – Councillor McManus

**That this item be accepted as urgent business.**

**CARRIED 10/2**

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

## Councillor Smyth – Design Review Panel

On 13th December 2019 Councillor Smyth gave notice of her intention to move the following at this meeting.

Moved – Councillor Smyth

Seconded – Councillor McManus

**Council Resolution**

**That Council reconsider its decision PD14.19 dated 23 April 2019 “That Council does not establish a Design Review Panel” and resolves to:**

* + - 1. **Instructs the CEO to recommend to Council a Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals;**
      2. **Instructs the CEO to prepare a Local Planning Policy outlining the types of development, policies and projects that will be referred to the Panel, a set of Design Principles that the panel will use for a basis for review and relevant operations and procedures for the panel;**
      3. **The cost of the Design Review Panel be borne by the applicants;**
      4. **That the Design Review Panel be reviewed in 9 months from the date of establishment; and**
      5. **That the CEO investigates opportunities for a cooperative arrangement with other Western Suburb Councils to share the use of a Design Review Panel if established.**

**CARRIED 8/3**

**(Against: Crs. Hassell Mangano & Hay)**

Justification

This motion to reconsider is put for the following reasons:

1. It has become apparent that since the gazettal of Local Planning Scheme 3 the number and complexity of Development Applications being lodged in the City requires reinforcement of the structures that underpin the planning support framework. One such structure being the Design Review Panel.
2. Clauses 1, 2 & 3 above constitute Administrations’ Option 2 Recommendation to Committee PD14.19 dated 9th April 2019 which was disregarded for Option1 “Do nothing” by a 5/4 vote. The Committee recommendation was then carried en-bloc without further debate by the full Council.
3. The reason for the Committee’s alternate motion as stated in the Committee Minutes of 9th April 2019 was “Regulation 11(da) – The Committee did not believe that establishing a Design Review Panel was appropriate at this point in time and that it imposed on property rights”. This statement acknowledges that the decision could be reviewed at a later time when circumstances warranted.

Background

As background I offer these comments from close range experience having spent time immersed in the DAP process. The Manager Urban Planning, Mr Ross Jutras-Minett, has also provided supporting commentary (not included herein) in response to the many email questions of Councillors concerning this matter.

**JDAP #251 CoN RAR for 18 Cooper St Nedlands -lessons learned. AGENDA LINK**

1. Design Review Panel references in RAR Page 13 “As noted previously the City lacks an appointed Design Review Panel, which would otherwise offer critical design advice to the review of planning proposals. It is not uncommon to have development proposals reviewed twice before lodgement, outside of the statutory timeframe. Unfortunately, this was not available to Administration, and instead are obliged to assess it with available resources within the statutory timeframe.” There are several similar comments by Admin Planners in RAR on the Development Application.
2. Architectural Peer Review (James Christou of Christou Design Group) Page 12 “Conclusion: The current design is not supported due to its mass and scale, lack of context, the dominance of the under croft on the street scape and lack of meaningful external communal spaces.” The detail of this Peer Review was provided by the City to the applicant for consideration. Modifications were made and returned to the City for further assessment. Page 11 “Given the limited time remaining to submit the RAR and the fact that there is no statutory weight given to the feedback, Administration did not request a second peer review of the amended plans. It seems questionable that the assessment of the modifications was done by Planners without reference to the Peer Review Architect.
3. Concept Stage is Before 90 Days clock starts Ideally the Design Review Panel is brought in to provide comment before the DA is formally lodged; this is before the applicant has invested heavily in the detail drawing and other supporting reports. Once the DA is lodged there are 90 days for assessment making it difficult and expensive to follow through with changes from a late stage Peer Review.
4. JDAP Does Refuse DA’s with Sufficient Ground At the meeting Deputy Presiding Officer Clayton Higham referred to a similar group 3 storey apartment proposal in City of Stirling. I looked up these JDAP minutes:

* 23 May 2019 Refuse DAP Application reference DAP/18/01558 CARRIED UNANIMOUSLY
* Went to SAT
* 7 Nov 2019 Reconsider its decision dated 23 May 2019 and Refuse DAP Application reference DAP/18/01558 LOST 2/3
* Alternate approval CARRIED 3/2 (reduced number of dwellings, less height and more parking)

It appears from the RAR that City of Stirling had far more backing from their Planning Framework documents than City of Nedlands. Nedlands needs a greater arsenal of Planning Instruments to assert its decisions. Therefore, I believe Development Review Panel should be reconsidered, at least as a trial to strengthen our position.

Councillor Coghlan left the room at 10.59 pm.

Moved – Councillor Mangano

Seconded – Councillor Hassell

**That the meeting proceeds past 11pm.**

**CARRIED 8/2**

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

Councillor Coghlan returned to the room at 11.03 pm.

Councillor Hassell left the room at 11.03 pm.

Councillor McManus left the room at 11.03 pm and returned to the room at 11.05 pm.

Moved – Councillor Bennett

Seconded – Councillor Mangano

**That this item be accepted as urgent business.**

**CARRIED 9/1**

**(Against: Cr. McManus)**

## Councillor Bennett – Nedlands Foreshore Riverwall

On 13th December 2019 Councillor Bennett gave notice of his intention to move the following at this meeting.

Moved – Councillor Bennett

Seconded – Councillor Mangano

**Council Resolution**

**That Council:**

1. **decides to delay acceptance of any tendered contracts associated with the Nedlands Foreshore Riverwall Restoration to allow the Council and the City time to explore other community benefit and nature-based options;**
2. **requests the City be receptive to any offers by UWA Marine and Environmental Engineering Academics to hold a workshop to assist the City in creating alternative options. Specifically, to explore the benefits of the addition of groins and pocket beaches along the Charles Court reserve shoreline.**

Councillor Hassell returned to the room at 11.10 pm.

**CARRIED 10/1**

**(Against: Cr. McManus)**

Justification

1. The Nedlands Jetty, river shoreline and Charles Court reserve area is a high profile and important tourism/visitor gateway to Nedlands from Perth and deserves more careful thought and attention.
2. The current revetment wall design does not reflect an understanding of coastal ecology, coastal engineering or the relevant physical forces that need to be considered.
3. Unnecessarily covering large sections of Swan river shoreline in limestone boulders damages the aesthetic, recreational, tourism, heritage and significant environmental values of this area.
4. Large savings in reduction of bulk limestone tonnage required if works are completed with pocket beaches instead of continuous revetment wall.
5. Opportunity to involve UWA world experts who know the area very well and can quickly develop a best practice solution to enhance values in line with Pelican Point reserve objectives.
6. Access provided by pocket beaches will have community recreational benefits to activate the foreshore and encourage fishing, swimming, sailing, boating, dog walking, pedestrians, cyclists, dog walkers and naturalists. All these activities are prevented by continuous revetment wall.
7. Increased beach space, tidal shallows and protected coves from pocket beaches will benefit marine birds of the Swan River marine park ecosystem, particularly the nearby Pelican Point bird sanctuary and Birdwood Parade bush land.
8. The current proposed uneven limestone boulders within the continuous revetment wall would be a safety risk for slips and falls into the river with no access to get out.

Moved – Councillor Mangano

Seconded – Councillor Bennett

**That this item be accepted as urgent business.**

**CARRIED 6/5**

**(Against: Mayor de Lacy Crs. Horley McManus**

**Wetherall & Senathirajah)**

## Councillor Mangano – Safe Active Tree Trial

On 12th December 2019 Councillor Mangano gave notice of his intention to move the following at this meeting.

Moved – Councillor Mangano

Seconded – Councillor Bennett

Council directs the CEO to:

* 1. widen the Safe Active Streets to 5.5m width for its entire length;
  2. remove the 3 speed bumps on Dalkeith Road;
  3. investigate the removal of the closure at the bottom of Elizabeth Street; and
  4. install a dual use path on the southern verge along Elizabeth and Jenkins Streets.

Put Motion

Moved - Councillor Horley

Seconded - Councillor Wetherall

**That the Motion be put.**

**CARRIED 8/3**

**(Against: Mayor de Lacy Crs. Bennett & Coghlan)**

The Motion was PUT and was

Lost 3/8

(Against: Mayor de Lacy Crs. Horley McManus Smyth

Hassell Wetherall Hay & Senathirajah)

Justification

1. Cars stopping in the middle of intersections because they cannot pass a car coming the other way.
2. Insufficient road width for cars to pass bikes safely (1m gap required by law – serious safety issue).
3. Cars travelling east towards Broadway east of Kingsway could collide with vehicles coming up the hill (west).
4. The closure at the base of Elizabeth St at Broadway is dangerous.
5. The 3 speed bumps on Dalkeith Road in succession will cause issues to all through traffic including PTA buses.

It should be noted that the road width is 1m less than Austroads Guidelines which is 5.5m minimum.

Administration Comment

1. There is sufficient space for two standard vehicles to pass in opposite directions provided the drivers approach with care and slow down while safely passing each other. With respect to vehicles stopping in the middle of the intersection, initially drivers will approach the new road layout with a level of caution however, as they become more familiar with the new road configuration, new coloured pavement material and signage, it will assist drivers to become more aware of the changed road environment. Designing for speed limits of less than 30km/h is not common in Western Australia and motorists need to adjust to the new road conditions.
2. The reduction in road width improves road safety for both motorists and cyclists. The purpose of the Safe Active Street is to give equal priority to motor vehicles and cyclists. Where it is not safe for a car to pass a cyclist, the driver must observe the Roadcode 2000 and share the pavement area of the Safe Active Street until such time as a suitable passing opportunity presents. The 4.5m carriageway allows sufficient space for a car to pass a cyclist safely with a gap in excess of the 1.0m minimum.
3. Cars travelling east towards Broadway, east of Kingsway, will not collide with vehicles coming up the hill. It is incumbent on the driver to drive in accordance with the Roadcode 2000 and to be observant and respectful of the changed road environment by slowing down to an appropriate speed to negotiate opposing vehicles.
4. The verge build out to allow left out only from Elizabeth Street on to Broadway is considered to be a significant safety improvement. The design resolves dangerous turning movements that were occurring at the intersection on Broadway based on the feedback received during the public consultation phase of the project. Furthermore, Porter Consulting Engineers prepared a detailed design on behalf of Broadway Shopping Centre that was adopted by the City after peer review by three independent consulting engineers engaged by the Department of Transport. Main Roads WA will be installing signs and lines in the near future that includes a chevron sign and a 23m long unbroken separation line with four uni-directional reflective raised pavement markers at the bottom of Elizabeth Street. This will make the road termination clear to all vehicles.
5. The plateau lengths and height have been designed in accordance with PTA standards to safely accommodate all PTA buses.

The Safe Active Streets Program is a Department of Transport program designed to allow pedestrians, motorists and bike riders to travel together in a safer manner. It gives cyclists as much priority on the trafficable lanes as vehicles. The design speed of 30km/h is achieved through various treatments including a relatively narrow pavement width of 4.5m. The pavement width is a critical component of the design and the design speed of 30km/h will not be approved by Main Roads without it. The 30km/h design speed was selected as there is substantial evidence to support the reduced risk of serious injury in comparison to a marginally higher speed of 40km/h (refer Figure 1).

The Safe Active Street design has gone through a rigorous assessment and approval process carried out over several years. The detailed design was endorsed by all key stakeholders including Main Roads WA, in addition to the project being peer reviewed by three reputable traffic consultants engaged by the Department of Transport who all endorsed design, including the two-way 4.5m pavement width.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 11.44 pm.