



City of Nedlands

Minutes

Council Meeting

22 May 2012

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 Council Meeting next following this meeting to ensure that there has not been a correction made to any resolution.

Table of Contents

Declaration of Opening	4
Present and Apologies and Leave Of Absence (Previously Approved)	4
1. Public Question Time	6
1.1 Mr G Keady, 14 Viewway, Nedlands.....	6
1.2 Mr D Utting, 29 Viewway, Nedlands.....	7
2. Addresses by Members of the Public.....	8
3. Requests for Leave of Absence	9
4. Petitions	9
5. Disclosures of Financial Interest	9
5.1 Mike Cole – Item 13.6 - CEO Recruitment and Selection Committee – Appointment of Councillor Members	9
6. Disclosures of Interests Affecting Impartiality.....	10
6.1 Councillor Hodsdon – Item 17.1 - Settlement of costs – Mr E Marron	10
6.2 Councillor Hassell – Item 17.1 - Settlement of costs – Mr E Marron.....	10
6.3 Councillor James – Item 17.1 - Settlement of costs – Mr E Marron.....	10
6.4 Councillor Porter – Item 17.1 - Settlement of costs – Mr E Marron.....	10
6.5 Councillor Argyle – Item 17.1 - Settlement of costs – Mr E Marron.....	11
6.6 Councillor Argyle – SI10.12 - Black Spot Project 2011/12 – Intersection Upgrade at the Intersections of Stirling Highway and Florence Road and Florence Road and Princess Road, Nedlands.....	11
7. Declarations by Members That They Have Not Given Due Consideration to Papers.....	11
8. Confirmation of Minutes	11
8.1 Ordinary Council meeting 24 April 2012.....	11
9. Announcements of the Presiding Member without discussion	12
10. Members announcements without discussion.....	14
10.1 Councillor Somerville-Brown	14
10.2 Councillor Argyle.....	14
11. Matters for Which the Meeting May Be Closed	15
12. Divisional reports and minutes of Council committees and administrative liaison working groups.....	15
12.1 Minutes of Council Committees	15
12.2 Planning & Development Report No’s PD17.12 to PD18.12 (copy attached)	16
PD17.12 No. 36A (Lot 2) Dalkeith Road, Nedlands – Proposed Single Storey Aged or Dependent Persons Dwelling	16
PD18.12 Final Approval of Proposed Outline Development Plan for complex formerly known as Swanbourne Hospital for the Insane - Lot 12040 Heritage Lane Mt Claremont	19
12.3 Sustainable Infrastructure Report No’s SI09.12 to SI10.12 (copy attached)	25

SI09.12	Request for Retrospective Approval of Verge Development at 26 Genesta Crescent, Dalkeith	25
13.4	Amendment No. 195 to Town Planning Scheme No. 2 – Maximum building height of 12 metres at Lots 49, 50 and 51 Nidjalla Loop, Swanbourne	30
SI10.12	Black Spot Project 2011/12 – Intersection Upgrade at the Intersections of Stirling Highway and Florence Road and Florence Road and Princess Road, Nedlands	45
12.4	Corporate & Strategy Report No’s CP21.12 to CP23.12 (copy attached)	47
CP21.12	Monthly Financial Report – March 2012.....	47
CP22.12	Investment Report – March 2012.....	48
CP23.12	List of Accounts Paid – March 2012.....	49
13.	Reports by the Chief Executive Officer	50
13.1	Common Seal Register Report – April 2012	50
13.2	List of Delegated Authorities – April 2012	50
13.3	Review of Council’s Delegated Authorities.....	51
13.4	Tender No. 2011/12.07 – Stormwater Drainage Construction Contract	58
13.5	Amendment No. 195 to Town Planning Scheme No. 2 – Maximum building height of 12 metres at Lots 49, 50 and 51 Nidjalla Loop, Swanbourne	59
13.6	CEO Recruitment and Selection Committee – Appointment of Councillor Members	60
13.7	Metropolitan Local Government Review - Response to draft findings.....	64
14.	Elected Members Notices of Motions of Which Previous Notice Has Been Given	66
15.	Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 26 June 2012	66
16.	Urgent Business Approved By the Presiding Member or By Decision	67
17.	Confidential Items	67
17.1	Settlement of costs – Mr E Marron.....	67
	Declaration of Closure	68

City of Nedlands

Minutes of an ordinary meeting of Council held in the Council chambers, Nedlands on Tuesday 22 May 2012 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7.00 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	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor K Walker	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

Staff	Mr M Cole	Acting Chief Executive Officer
	Mr R Senathirajah	Acting Director Corporate & Strategy
	Ms J Heyes	A/ Director Planning & Development Services
	Mr A Melville	A/ Director Technical Services
	Ms D Blake	Director Community & Organisational Development
	Ms N Borowicz	Executive Assistant

Public There were 24 members of the public present.

Press The Post Newspaper and Western Suburbs Weekly representatives.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.

Absent Nil.

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1. Public Question Time

1.1 Mr G Keady, 14 Viewway, Nedlands

Question 1

In view of (a) the fact that Nedlands Primary School is between Kingsway and Viewway, both of which are quiet residential street with family housing, and are appropriate with this family housing both for families living in them and as through streets for local children walking, cycling, scootering or whatever to school, and (b) that Directions 2031 (QEII/UWA Specialized Activity Centre) has a map recognizing this and NOT slating the Nedlands Primary School Precinct for higher density, and (c) the block sizes in these older streets are smaller than those of most streets in Nedlands, may we have, in writing an explanation of why the Nedlands Council community consultation document of April 2012 proposes higher density – apparently, potentially, even allowing flat zonings here? Will Council amend the community consultation documents so that these specify a maximum density for the Nedlands Primary School Precinct (and perhaps other areas too)?

Answer 1

The map used in the Integrated Strategic Community Planning (ISCP) process was developed as a starting point to facilitate discussion. The map does not indicate broad brush density increases but indicates areas within the City that may have the potential to accommodate some different housing types. They are study areas only and the intent was to receive community feedback. Participants in the ISCP process were free to agree, disagree and comment as much as possible on anything shown on the map.

The City will not amend the ISCP documents at this stage as the current consultation process is nearing completion. The comments are noted as feedback on the ISCP process and will be collated with other comments received.

Question 2

Will Council amend the community consultation documents so that as done in various earlier surveys (Catalyse, etc), there is a clear distinction between “Broadway – the street” and “Broadway Precinct”, ideally changing the name of the latter to “Nedlands Primary School Precinct”?

Answer 2

The City will always endeavour to name precincts or study areas in a way that is as easy as possible to understand and will define these areas clearly to avoid confusion. For the purposes of the work already commenced on the Hampden, Broadway North Hollywood Precincts Study, the precinct names will be retained for consistency.

Question 3

May I have permission to post Council's written answer to these questions at the site I'm using to communicate with other residents in the area:
<https://sites.google.com/site/zoningsneanedlandsschool>

Answer 3

The answers provided will be documented in the minutes of this meeting and will be available on the City's own website. The City has no objections to the answers being posted or linked to the specified website.

1.2 Mr D Utting, 29 Viewway, Nedlands

Question 1

Can community consultation surveys be improved to allow direct and easy resident feedback that measures perhaps the key issue ie density.

In City of Nedlands surveys, a tsunami of questions overwhelms respondents and none of these questions seems to succinctly address the basic issue which is retainment of current densities in residential areas.

Also, questions such as 'are you in favour of increased housing diversity?' are used which seems to be code for 'do you want increased density?'

Why not have a question that neatly asks: 'are you in favour of increased density?'

Currently, the airy fairy wording and sheer bulk and volume of consultation surveys threaten to undermine public confidence in them and increase non-participation rates.

These questions were taken on notice and will be answered in writing, and both the questions, together with the answers, will be included in the agenda and minutes of the next ordinary Council meeting scheduled for 26 June 2012.

2. Addresses by Members of the Public

Ms L Meaney, 38 Dakeith Road, Nedlands Report PD17.12
(spoke in opposition of the proposal)

The Presiding Member granted Ms Meaney a further 2 minutes.

Mr Tan, 36^a Dalkeith Road, Nedlands Report PD17.12
(spoke in support of the recommendation)

Mr R Simpson, 8 Blenheim Lane, Mt Claremont Report PD18.12
(spoke in support of the recommendation)

The Presiding Member granted Mr Simpson a further 2 minutes.

Ms M Rush, 14 Abbey Gardens, Mt Claremont Report PD18.12
(spoke in opposition to the recommendation)

Mr J Peirce, 2 The Marlows, Mt Claremont Report PD18.12
(spoke in support of the recommendation)

Ms S Folwell, 26 Genesta Crescent, Dalkeith Report SI09.12
(spoke in opposition of the recommendation)

Non-Elector

Moved – Councillor Walker

Seconded – Councillor Collins

That Mr B Doyle, a non-elect of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 13/-

Mr B Doyle, PO Box 8701, Perth Report SI09.12
(spoke in opposition of the recommendation)

Mr R Griffiths, 30 Swansea Street, Swanbourne
(spoke in relation to Our Vision 2030)

Mr C Latchem, 2 Sherwood Road, Dalkeith
(spoke in relation to Our Vision 2030 Workshops)

2.1 Deputation – Mr Marc Halsall & Dr Simon Carlin – Item 13.5 - Scheme Amendment for Lots 49-51 Nidjalla Loop, Swanbourne

Mr Marc Halsall, Town Planning Consultant, Halsall & Associates.
Dr Simon Carlin, Nidjalla Loop, Swanbourne.

Mr A Melville, A/ Director Technical Services left the room at 7.50 pm and returned at 7.55 pm.

Councillor Walker left the room at 7.57 pm.

3. Requests for Leave of Absence

Moved – Councillor Hodsdon
Seconded – Councillor Hassell

That the Mayor be granted leave of absence from 18 June 2012 to 22 July 2012.

CARRIED 12/-

Councillor Walker returned to the room at 7.58 pm.

4. Petitions

Petitions to be tabled at this point.

Nil.

5. 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.

5.1 Mike Cole – Item 13.6 - CEO Recruitment and Selection Committee – Appointment of Councillor Members

Mr M Cole, Acting Chief Executive Officer disclosed a financial interest in Item 13.4 – Recruitment of the Chief Executive Officer. His interest being that the report concerns the recruitment process for the appointment of the Chief Executive Officer for which he intends to be an applicant. He advised that he would leave the meeting during this matter.

6. 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*.

6.1 Councillor Hodsdon – Item 17.1 - Settlement of costs – Mr E Marron

Councillor Hodsdon disclosed an impartiality interest in Item 17.1 – Settlement of cost – Mr E Marron. He disclosed that in the past, he had contact as a tutor with the children of one of the interested parties, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He advised that he would leave the meeting during this matter.

6.2 Councillor Hassell – Item 17.1 - Settlement of costs – Mr E Marron

Councillor Hassell disclosed an impartiality interest in Item 17.1 – Settlement of costs – Mr E Marron. His interest being that he has been contacted by residents in the street regarding the matter and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

6.3 Councillor James – Item 17.1 - Settlement of costs – Mr E Marron

Councillor James disclosed an impartiality interest in Item 17.1 – Settlement of costs – Mr E Marron. She disclosed that she has been contacted by residents in the street regarding the matter, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

6.4 Councillor Porter – Item 17.1 - Settlement of costs – Mr E Marron

Councillor Porter disclosed an impartiality interest in Item 17.1 – Settlement of costs – Mr E Marron. His interest being that he has been contacted by residents in the street regarding the matter and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

6.5 Councillor Argyle – Item 17.1 - Settlement of costs – Mr E Marron

Councillor Argyle disclosed an impartiality interest in Item disclosed an impartiality interest in Item 17.1 – Settlement of costs – Mr E Marron. His interest being that he has been contacted by residents in the street regarding the matter and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

6.6 Councillor Argyle – SI10.12 - Black Spot Project 2011/12 – Intersection Upgrade at the Intersections of Stirling Highway and Florence Road and Florence Road and Princess Road, Nedlands

Councillor Argyle disclosed an impartiality interest in Item SI10.12 Black Spot Project 2011/12 – Intersection Upgrade at the Intersections of Stirling Highway and Florence Road and Florence Road and Princess Road, Nedlands. He disclosed that he lives near Stirling Hwy and his daughter lives in Kinninmont Avenue, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

8. Confirmation of Minutes

8.1 Ordinary Council meeting 24 April 2012

Moved – Councillor Shaw
Seconded – Councillor McManus

The minutes of the ordinary Council meeting held 24 April 2012 are confirmed.

**CARRIED 12/1
(Against: Cr. Walker)**

9. Announcements of the Presiding Member without discussion

Functions the Presiding Member attended and represented the City since the last Council meeting:

25 April 2012	RSL	ANZAC Day Ceremony
26 April 2012	WALGA	Training – Professionally Speaking
26 April 2012	WALGA	Central Metro Zone Meeting
1 May 2012	City of Nedlands	Strategic Community Planning Workshop
1 May 2012	Curtin	Student Interview – Increased Density
2 May 2012	WESROC	Mayoral Forum
2 May 2012	City of Nedlands	Strategic Community Planning Workshop
9 May 2012	Committee for Perth	Perth Waterfront Lunch
12 May 2012	Swanbourne-Nedlands Surf Lifesaving Club	Annual Awards
14 May 2012	WALGA	National Trust Council
15 May 2012	Australian institute of Architects	Urban Design Committee
16 May 2012	Town of Cottesloe	Volunteers Sundowner
17 May 2012	City of Nedlands	Volunteers Sundowner
19 May 2012	Nedlands Rugby Union Club	Changerooms Opening
21 May 2012	Gatekeepers	Perth Waterfront
21 May 2012	WESROC	Mayoral Forum
22 May 2012	WALGA	Mayoral Forum

In addition, he announced that at the Forum of Metropolitan Mayors held this morning to finalise WALGA's response to the Draft Findings of the Metropolitan Local Government Reform Review Committee, there were only two contentious items:

Panel Finding 11, in relation to Consideration should be given to establishing a Local Government Commission to manage the

relationship between State and Local Government, and to oversee implementation of the reform process, this was SUPPORTED 15/14;

Panel Finding 13, dealing with options for local government metropolitan Perth are:

- a. 10 to 12 councils centred on strategic activity centres;
- b. five councils based on the central area and sub-regions; and
- c. one single metropolitan council.

This was NOT SUPPORTED. WALGA supports a Governance model for the Perth metropolitan region consisting of approximately 15-20 Local Governments based on sustainability principles, with reference to Directions 2031, using existing Local government boundaries as a starting point.

An amendment moved by Mayor Hipkins to include the words “if restructuring is voluntary” was lost with most Western Suburbs Mayors being the only supporters.

An additional clause moved by Mayor Hipkins:

“WALGA also supports a variation of option c, being a Metropolitan Authority responsible for waste disposal, regional planning and transport, co-existing with local governments.” was lost 14/15.

A procedural amendment moved by me to include the words “Any structural change of local government should be subject to a community right of veto” was lost with most Western Suburbs Mayors being the only supporters.

Unfortunately all Western Suburbs Mayors did not vote as agreed and this materially affected the outcome in two instances.

10. Members announcements without discussion

10.1 Councillor Somerville-Brown

Councillor Somerville-Brown advised that during May 2012 he was pleased to attend the Nedlands Rugby Club – New Clubrooms Opening Day as a Councillor for the City of Nedlands.

This function was attended by several hundred people for the official opening of the recently upgraded Clubroom on the Nedlands Foreshore. The facility is a credit to the Club led by President Hans Sauer and Committee and its members in raising the required funds and seeking planning approval from various Government and planning authorities.

The facility was funded jointly by the City of Nedlands (\$50,000); Department of Sport & Recreation (approx \$200,000) and over \$500,000 from the Club through cash and in kind contributions.

10.2 Councillor Argyle

Councillor Argyle advised of his involvement in the first week of May with a relay for the Asbestos Diseases Society from Kalgoorlie to Perth. He was in one of the support vehicles. En route he met with people from Westonia and Yilgarn where a proposal to merge was rejected by a vote of 79%.

He added that the tree planting to commemorate the Queen was a wonderful initiative, but queried the English Oak.

Councillor Hodsdon left the room at 8.11 pm.

11. 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.

The meeting will be closed for Confidential Item – 17.1 - Settlement of costs - Mr E Adams Road in accordance with Section 5.23 (2) (c) of the *Local Government Act 1995*.

12. Divisional reports and minutes of Council committees and administrative liaison working groups

12.1 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).

Councillor Hodsdon returned to the room at 8.13 pm.

Moved – Councillor Walker
Seconded – Councillor Hassell

The Minutes of the following Committee meetings (in date order) are received:

Council Committee **8 May 2012**
Unconfirmed, Circulated to Councillors on 15 May 2012

CARRIED UNANIMOUSLY 13/-

12.2 Planning & Development Report No's PD17.12 to PD18.12 (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.

PD17.12	No. 36A (Lot 2) Dalkeith Road, Nedlands – Proposed Single Storey Aged or Dependent Persons Dwelling
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Committee	8 May 2012
Council	22 May 2012

Applicant	Ross North Homes
Owner	Mui Lim Tan & Angeline Tan
Officer	Laura Sabitzer – Planning Officer
Director	Jennifer Heyes - Acting Director Planning & Development Services
Director Signature	
File ref	DA12/44 : DA1/36A
Previous Item No's	E167.02
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

That the Recommendation to Council is adopted.
 (Printed below for ease of reference)

CARRIED 12/1
(Against: Cr. Horley)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council approves an application for a single storey aged or dependent persons dwelling at No. 36A (Lot 2) Dalkeith Road, Nedlands, in accordance with the application dated 14 February 2012 and plans dated 19 April 2012, with the following conditions:

- 1. the aged or dependent persons' dwelling shall have at least one permanent occupant aged 55 years or over or a dependent person, as defined in the *Residential Design Codes of WA*, or the surviving spouse of such a person;**
- 2. all crossovers to street shall be constructed to the Council's Crossover Specifications and the applicant / owner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;**
- 3. concrete footpaths must be retained across crossovers;**
- 4. a grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary and the discharge from this drain to be run to a soak-well situated within the property;**
- 5. all stormwater from building, paved areas and driveways shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 10 year recurrent storm event; and soak-wells shall be a minimum capacity of 1 m³ for every 80 m² of paved or roofed surface on the property;**
- 6. without prior approval from the City, the applicant / landowner shall not place any fill or construct retaining walls on the lot other than that shown on the approved plans;**
- 7. all footings and structures to retaining walls, dividing fences and parapet wall shall be constructed wholly inside the site boundaries of the Certificate of Title;**
- 8. the parapet wall shall be finished to a quality finish and professional standard, to the satisfaction of the City;**
- 9. the use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity**

of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council; and

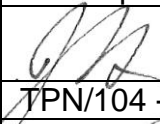
10. any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.

Advice Notes specific to this approval:

1. Any fencing forward of the primary street setback requires further development approval from the City.
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. 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 1.8 m from any building and at least 1.8 m from the boundary of the block.
4. Any proposed structure or addition shall not encroach closer than 1.8 m on any soak-well.
5. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated.
6. The City does not recommend any air-conditioner, swimming pool or spa mechanical equipment is installed near a property boundary where it is likely noise from such mechanical equipment in these locations will intrude on neighbouring properties. Prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties. Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to prevent noise affecting neighbouring properties.

PD18.12	Final Approval of Proposed Outline Development Plan for complex formerly known as Swanbourne Hospital for the Insane - Lot 12040 Heritage Lane Mt Claremont
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Committee	8 May 2012
Council	22 May 2012

Applicant	The Planning Group
Owner	Swanbourne Estate Developments Pty Ltd
Officer	Gabriela Poezyn - Manager Strategic Planning
Director	Jennifer Heyes - Acting Director Planning & Development Services
Director Signature	
File ref	TPN/104 -14
Previous Item No's	D99-06 – 12 December 2006 D18.1 – 8 May 2007 D22.08 – 27 May 2008 D58/10 – 10 August 2010 D37.11- May 2011
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Council agreed to accept the ODP approved by the WAPC on 69 July 2011 and final document endorsed on 27 March 2012 and request the WAPC to add one provision only, being that any service road providing access to Montgomery Hall shall include provision for public parking.

Moved – Councillor Walker
Seconded – Councillor McManus

Council accepts the Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, Lot 12040 St Johns Wood Boulevard, Mt Claremont, approved by the Western Australian planning Commission (WAPC) on 26 July 2011 with the final document endorsed on 27 March 2012, but requests the WAPC add the following provisions:

- a) Height of courtyard building

The maximum height of the building being 10m above the current level of the courtyard;
- b) Number of permitted dwelling units in the historic buildings

The maximum number of dwellings being 28;

- c) Circular drive

There being an easement on title to permit public access to, and where provided use of car parking on, Circular Drive;

- d) That the 10 metre wide public access way be reinstated within the curtilage area; and
- e) Vehicle access to the site be solely from Heritage Lane.

Lost 6/7

(Against: Mayor Hipkins Crs. Collins Argyle
Hassell Porter James & Shaw)

Moved – Councillor Shaw
Seconded – Councillor Argyle

Council accepts the Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, Lot 12040 St Johns Wood Boulevard, Mt Claremont, approved by the Western Australian planning Commission (WAPC) on 26 July 2011 with the final document endorsed on 27 March 2012 and requests the WAPC to add the following provision:

Vehicle movement: any service road providing access to Montgomery Hall shall include provision for public parking.

Mr M Cole, Acting Chief Executive Officer left the room at 9.02 pm and returned at 9.04 pm.

Amendment

Moved - Councillor Walker
Seconded - Councillor McManus

- a) Height of courtyard building

The maximum height of the building being 10m above the current level of the courtyard;

- b) Number of permitted dwelling units in the historic buildings

The maximum number of dwellings being 28;

- c) Circular drive

There being an easement on title to permit public access to, and where provided use of car parking on, Circular Drive;

AMENDMENT Lost 6/7
(Against: Crs. Collins Argyle Hassell Porter
Binks James & Shaw)

Ms N Borowicz, Executive Assistant left the room at 9.16 pm and returned at 9.18 pm.

The substantive motion was put and

CARRIED 8/5
(Against: Crs. Horley McManus Hodsdon
Walker & Somerville-Brown)

Council Resolution

Council accepts the Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, Lot 12040 St Johns Wood Boulevard, Mt Claremont, approved by the Western Australian planning Commission (WAPC) on 26 July 2011 with the final document endorsed on 27 March 2012 and requests the WAPC to add the following provision:

Vehicle movement: any service road providing access to Montgomery Hall shall include provision for public parking.

Amended Administration Recommendation

Council accepts the Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, Lot 12040 St Johns Wood Boulevard, Mt Claremont, approved by the Western Australian planning Commission (WAPC) on 26 July 2011 with the final document endorsed on 27 March 2012, but requests the WAPC add the following provisions:

a) Height of courtyard building

The maximum height of the building being 10m above the current level of the courtyard;

b) Number of permitted dwelling units in the historic buildings

The maximum number of dwellings being 28;

c) Circular drive

There being an easement on title to permit public access to, and where provided use of car parking on, Circular Drive;

- d) That the 10 metre wide public access way be reinstated within the curtilage area; and
- e) Vehicle access to the site be solely from Heritage Lane.

Committee Recommendation

Council:

1. Accepts the Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, Lot 12040 St Johns Wood Boulevard, Mt Claremont, approved by the Western Australian planning Commission (WAPC) on 26 July 2011 with the final document endorsed on 27 March 2012, subject to:
 - a) Height of courtyard building

The maximum height of the building being 10m above the current level of the courtyard;
 - b) Number of permitted dwelling units in the historic buildings

The maximum number of dwellings being 28;
 - c) Circular drive

There being an easement on title to permit public access to, and where provided use of car parking on, Circular Drive.
 - d) That the 10 metre wide public access way be reinstated within the curtilage area.
 - e) Vehicle access to the site be solely from Heritage Lane.
2. Revokes the ODP approved by Council on 24 May 2011; and
3. Amends the planning policy for Lot 12040 to reflect the above.

Recommendation to Committee

Council:

1. does not accept the Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, Lot 12040 Heritage Lane Mt Claremont approved by the WAPC in 26 July 2011 with the final document endorsed in 27 March 2012 because the proposal includes elements that are either;
 - a. contrary to the City Town Planning Scheme No. 2 (TPS2);
 - b. contrary to previous State Administration Tribunal (SAT) decisions for the site; and/or
 - c. had not been canvassed with the community during the community consultation process.
2. approves the Outline Development Plan (ODP) as per attachment 8; and
3. refers the approved Outline Development Plan (ODP) as per attachment 8 to the WAPC in accordance with clause 3.8.7 of the City's Town Planning Scheme No. 2 (TPS2).

Advice Notes:

1. With reference to condition 1 the following elements in the WAPC endorsed ODP are not supported for the following reasons:
 - a. *Height of Courtyard Building:*

Reason - The wording is contrary to the SAT decision and the proposal that was subject to public consultation.
 - b. *Number of permitted dwelling units in the Historic buildings:*

Reason - Leaving the number of permitted dwellings to be determined at development approval stage is contrary to the SAT decision that stipulated that 28 dwellings would be appropriate on the site.
 - c. *Parking area for Montgomery Hall:*

Reason - Parking for Montgomery Hall between the Historic building and the Public Open Space is contrary to the TPS2 provision and was not consulted on with the community as part of the consultation process for the ODP.

- d. *Access from Abbey Gardens to Montgomery Hall parking area to west of Montgomery Hall:*

Reason - Additional access for vehicles other than service vehicles to Montgomery Hall from Abbey Gardens is contrary to the City's scheme and was not consulted on with the community as part of the consultation process for the ODP.

- e. *Circular Drive:*


Reason - Having Circular Drive in private ownership is contrary to the provisions of TPS2 and unacceptable from a practical perspective as vehicles from Heritage Lane are unable to be diverted elsewhere due to the topography of the area should Circular Drive no longer be available to the public because it is privately owned.

12.3 Sustainable Infrastructure Report No's SI09.12 to SI10.12 (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.

SI09.12	Request for Retrospective Approval of Verge Development at 26 Genesta Crescent, Dalkeith
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Committee	8 May 2012
Council	22 May 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Andrew Dickson – Acting Manager Parks Services
Director	Andrew Melville – Acting Director Sustainable Infrastructure
Director Signature	
File ref.	GE1/26-02
Previous Item No's	Item CM09.10 – Council meeting – 27 April 2010
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Councillor Somerville-Brown left the room at 9.22 pm.

Ms J Heyes, Acting Director Planning & Development left the room at 9.22 pm.

Councillor Somerville-Brown returned to the room at 9.23 pm.

Regulation 11(da) – Council resolved that this item lay on the table to the next Council meeting.

Moved – Councillor Hassell
 Seconded – Councillor Binks

That the Committee recommendation be adopted subject to the deletion of sub clause 1 a.)

Amendment

Moved - Councillor Walker

Seconded - Councillor James

That a clause 2 be added as follows:

2. Requires the applicant to enter into an agreement with the City of Nedlands covenanting to repair, maintain or remove the verge treatment as the case requires where this will be supported by the lodgement of an absolute caveat on the title to the applicant's land, and where all legal documentation is to be prepared at the cost of the applicant.

Ms J Heyes, Acting Director Planning & Development returned to the room at 9.29 pm.

Councillor Shaw left the room at 9.36 pm and returned at 9.37 pm.

Councillor Binks left the room at 9.42 pm and returned at 9.43 pm.

Councillor Hodsdon left the room at 9.43 pm and returned at 9.45 pm.

Put Motion

Moved – Councillor Binks

Seconded – Councillor McManus

That the amendment be put.

PUT MOTION CARRIED UNANIMOUSLY 13/-

Adoption – The amendment was put and

Lost UNANIMOUSLY -/13

Put Motion

Moved – Councillor Walker

Seconded – Councillor Horley

That the Substantive motion be put.

**PUT MOTION CARRIED 12/1
(Against: Cr. Porter)**

The Substantive motion was put and

Lost 3/9

(Against: Mayor Hipkins Crs. Horley Argyle Hassell Porter
Binks James Shaw & Somerville-Brown)

Moved – Councillor Somerville-Brown
Seconded – Councillor Binks

That this item lay on the table to the next Council Meeting.

CARRIED 11/2
(Against: Crs. Walker & McManus)

COUNCIL RESOLUTION

That this item lay on the table to the next Council Meeting.

Amended Administration Recommendation to Council

Council:

1. Approves the request for retrospective approval of the verge development adjacent to 26 Genesta Crescent, Dalkeith subject to the following conditions being completed within 28 days ensuring compliance with the City of Nedlands Verge Development policy:
 - a. the artificial grass component of the verge development is to be reduced so as the combined total of artificial grass and all other hard paved areas does not comprise more than 40% of the total verge area;
 - b. drainage is installed to the artificial grass sub base, as approved by Administration, to ensure that all storm water is retained within the verge area;
 - c. the City is indemnified by the owner of 26 Genesta Crescent, Dalkeith against all claims arising out of, or in connection with the verge development.
2. Requires the applicant to enter into an agreement with the City of Nedlands covenanting to repair, maintain or remove the verge treatment as the case requires where this will be supported by the lodgement of an absolute caveat on the title to the applicant's land, and where all legal documentation is to be prepared at the cost of the applicant.

Committee Recommendation / Recommendation to Committee

Council:

1. Approves the request for retrospective approval of the verge development adjacent to 26 Genesta Crescent, Dalkeith subject to the following conditions being completed within 28 days ensuring compliance with the City of Nedlands Verge Development policy:
 - a. the artificial grass component of the verge development is to be reduced so as the combined total of artificial grass and all other hard paved areas does not comprise more than 40% of the total verge area;
 - b. drainage is installed to the artificial grass sub base, as approved by Administration, to ensure that all storm water is retained within the verge area;
 - c. The City is indemnified by the owner of 26 Genesta Crescent, Dalkeith against all claims arising out of, or in connection with the verge development.

The Presiding Member granted an adjournment for 5 minutes for the purposes of a refreshment break.

The meeting adjourned at 9.50 pm and reconvened at 9.56 pm with the following people in attendance:

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor K Walker	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

Staff	Mr M Cole	Acting Chief Executive Officer
	Mr R Senathirajah	Acting Director Corporate & Strategy
	Ms J Heyes	A/ Director Planning & Development Services
	Mr A Melville	A/ Director Technical Services
	Ms D Blake	Director Community & Organisational Development
	Ms N Borowicz	Executive Assistant

Public There were 4 members of the public present.


Press The Post Newspaper and Western Suburbs Weekly representatives.

Moved – Councillor Hodsdon
Seconded – Councillor Walker

That Item 13.4 be brought forward

CARRIED UNANIMOUSLY 13/-

13.4 Amendment No. 195 to Town Planning Scheme No. 2 – Maximum building height of 12 metres at Lots 49, 50 and 51 Nidjalla Loop, Swanbourne

Council	22 May 2012
Applicant	Halsall & Associates Town Planning Consultants
Owner	Mr. and Mrs. Zorzi – No. 6 (Lot 49) Nidjalla Loop Mr. Carlin – No. 4 (Lot 50) Nidjalla Loop Mr. and Mrs. Mori – No. 2 (Lot 51) Nidjalla Loop
Officer	Michael Swanepoel – Acting Manager Strategic Planning
A/CEO	Michael Cole Acting Chief Executive Officer
A/CEO Signature	
File ref.	TPN/A195
Previous Item No's	PD15.12 – 24 April 2012 D25.11 – 22 March 2012 D49.07 – 31 July 2007
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Council considered it appropriate to adopt Scheme Amendment No 195 to the town Planning Scheme No 2 in line with the Council’s previous decision of 22 March 2011.

Moved – Councillor Walker
Seconded – Councillor James

That the Recommendation to Council is adopted.
(Printed below for ease of reference)

Lost 5/8
(Against: Crs. Collins McManus Argyle
Hassell Porter Binks Hodsdon & Shaw)

Moved – Councillor Hassell
Seconded – Councillor Argyle

That Council adopts Amendment No. 195 to the Town Planning Scheme No. 2.

Put Motion

Moved – Councillor Hodsdon
Seconded – Councillor Walker

That the motion be put.

**PUT MOTION CARRIED 11/2
(Against: Crs. McManus & Porter)**

Adoption – **The motion was put and**

**CARRIED 8/5
(Against: Mayor Hipkins Crs. Horley Walker
James & Somerville-Brown)**

Council Resolution

That Council adopts Amendment No. 195 to the Town Planning Scheme No. 2.

Recommendation to Council

That Council does not adopt Amendment No. 195 to the Town Planning Scheme No. 2 for the following reasons:

1. to retain consistent application of height restrictions throughout the City of Nedlands;
2. proceeding with a scheme amendment to facilitate views may create a domino effect that is neither appropriate nor desirable from a planning perspective;
3. proceeding with a scheme amendment every time there is a flaw in the purchasing process has implications that extend well beyond the boundaries of these three lots;
4. proceeding with this amendment undermines Council's ability to maintain a considered, consistent and accountable approach for guiding overall development in the City; and
5. to retain consistent application of RCodings and Design Guidelines for the area.

Purpose

In March 2011, Council initiated Amendment No. 195 to the Town Planning Scheme No. 2 to permit a maximum building height of 12 metres at Lots 49 to 51 at Nidjalla Loop, Swanbourne (formerly Swanbourne High School).

Public consultation of this amendment was concluded and at its meeting of 24 April 2012, Council resolved to not adopt this amendment.

Unfortunately, the owners of the above properties were not advised that this matter was coming back to Council in April and were unable to make an address to Council. As such the owners feel aggrieved. Accordingly, the purpose of bringing this report back to Council is to enable the owners to make their address to Council and for Council to reconsider whether or not to adopt this amendment.

Strategic Plan

- KFA 3: Built Environment
- 3.3 Promote urban design that creates attractive and livable neighbourhoods.
 - 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.

Background

Property Address: Lots 49 to 51 Nidjalla Loop, Swanbourne
Zoning MRS: Residential
Zoning TPS2: R20 (Precinct 5 of Swanbourne Design Guidelines)
Lot Area: No. 2 (Lot 51) Nidjalla Loop – 442 m²
No. 4 (Lot 50) Nidjalla Loop – 442 m²
No. 6 (Lot 49) Nidjalla Loop – 442 m²
Total Area 1326 m²

1. Swanbourne High School redevelopment

The redevelopment of the Swanbourne High School began with the Western Australian Planning Commission approving the subdivision of the site subject to a set of conditions, including the preparation of design guidelines.

The following is noted:

- Nine precincts were established through two sets of design guidelines (A and B) that were prepared by LandCorp and Mirvac.
- Each precinct is intended to have its own distinctive character based on topography and derived from specific provisions.
- Design outcomes for medium density dwellings are covered by Design Guidelines A (Precincts 1, 2, 3, 4, 5 and 9).
- Design outcomes for higher density dwellings are covered by Design Guidelines B (Precincts 6, 7 and 8).

- Each lot was given a residential coding to ensure that they reflected the intended dwelling type and outcome for the precinct.
- Maximum height requirements were based on the intended dwelling outcome and the residential coding that was applied to the site.

The table below summarises the nine precincts:

Precinct	TPS2	Dwelling type	Maximum height	Design Guidelines
1	R25	Single dwellings	10 m	A
2	R30	Single dwellings	10 m	A
3	R25	Single dwellings	10 m	A
4	R20	Single dwellings	10 m	A
5	R20	Single dwellings	10 m	A
6	R60	Single dwellings	12 m (Amd 189)	B
7	R80	Multiple dwellings	21 m (Amd 189)	B
8	R60	Multiple dwellings	10 m	B
9	R30	Grouped dwellings	10 m	A

Lots 49 to 51 Nidjalla Loop are included within Precinct 5. These lots are zoned 'Residential R20' and currently a 10 m maximum building height restriction applies.

2. Objectives of Precinct 5

The objectives of Precinct 5 are:

- A detached built form that is in a landscaped setting (including the setbacks of both side boundaries).
- A contemporary architectural built form where the elevations on all sides are consistent in design quality, composition and detailing.
- A response to the surrounding context of the Public Open Spaces and streetscapes.
- That any two-storey portion is located at the front western part of the Lot to promote streetscape consistency and scale, and to minimise overshadowing of any neighbouring southern lot's rear outdoor living area.
- Outdoor living area that receives winter sunlight.

3. Key Relevant Previous Decisions

- 12 June 2006 Western Australian Planning Commission grants conditional subdivision approval.
- 10 April 2007 Council adopts Swanbourne Design Guidelines A (for precincts 1, 2, 3, 4, 5 and 9).
- 31 July 2007 Council completes Scheme Amendment No. 189 to allow increased height restrictions to 21 m on Lot 60 (precinct 7) and 12 m on Lots 52-59 (precinct 6).
- August 2007 Council adopts Swanbourne Design Guidelines B (for precincts 6, 7 and 8).
- 22 March 2011 Council initiates Amendment No. 195.
- 24 April 2012 Council does not adopt Amendment No. 195 to the Town Planning Scheme No. 2

Proposal Detail

The purpose of Amendment No.195 to the Town Planning Scheme No. 2 is to increase the maximum permissible height of lots 49 to 51 at Nidjalla Loop, Swanbourne (formerly Swanbourne High School) from 10 m to 12 m.

1. Applicant justification for Scheme Amendment

The applicant advises that the primary motivation for the scheme amendment is:

“The owners of Lots 49 to 51 purchased the property from Mirvac/Landcorp and were not provided with information in relation to a scheme amendment that was occurring relevant to Lots 52 to 59 providing a greater height limit up to 12 m. As such, views to the city and suburban vista was envisaged to the east however this could be potentially lost if dwellings are now constructed to a maximum height of 12 m within Lots 52 to 59.”

The applicant has approached the Minister for Planning, Culture and the Arts and the Senior Development Manager at Mirvac and provided their comments which are in support of this proposal.

<p>Stakeholder Senior Development Manager, Mirvac</p> <p>Summary Mirvac has no objection to Lots 49-51 having a maximum building height from natural ground of 12 m.</p> <p>Administration response There is no evidence that this comment includes the assessment of the Mirvac Design Committee.</p>
<p>Stakeholder Minister for Planning, Culture and the Arts</p> <p>Summary I am unable to provide a definitive response in support (or otherwise) at this time, as the proposal is required to follow due planning process before I am able to make a decision on the matter.</p> <p>In making my decision, I must consider all relevant details of the proposal, the recommendation of the local government, the content of any public submissions and the recommendation of the Western Australian Planning Commission</p> <p>Administration response Noted.</p>

The applicant also provided the following planning rationale in support of the proposal:

“This proposal is formulated on the same basis given that current Detailed Area Plans/Design Guideline restrictions result in Lots 49 to 51 probably being able to achieve only a marginally larger sized dwelling to Lots 52 to 59 (Precinct 6). The proposal is therefore so that larger dwellings can be developed on Lots 49 to 51 which is logical given these lots are more than twice the size of Lots 52 to 59.”

To achieve their objective the applicant proposes a Detailed Area Plan (refer to attachment 2) which indicates the potential location and form of a mezzanine level within the additional 2 m.

The applicant notes that this proposal is contingent on specific design guidelines being prepared so that issues of streetscape, access to light and northern sun are addressed and to ensure that no additional storeys are constructed.

The applicant concludes by arguing that the proposal is a minor adjustment to provide additional height opportunities for the subject lots so that additional floor space can be provided.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type:

- Letters were mailed to residents and landowners affected by the proposal with a comment form and explanatory document enclosed.
- The amendment was also advertised in the Post newspaper on 28 January 2012.

Dates:

- The proposal was open to comment for a period of 42 days from 27 January 2012 to 12 March 2012.

1. Response to submissions

- No responses were received from the public.
- Two (2) submissions were received State Government agencies (Western Power and Water Corporation), neither of which objected to the proposal.

Legislation

- *Planning and Development Act 2005*
- Town Planning Scheme No. 2

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

There is no financial impact for the City.

Risk Management

If Council was to adopt Amendment No. 195, the following risk would apply:

- The consistent application of the current height restriction of 10 metres that applies to R20 coded sites around the City would be compromised. On this basis, more ad-hoc proposals of a similar nature may be requested by other landowners/residents.

If Council resolves not to adopt Amendment No. 195, the following risk would apply:

- Under *Planning and Development Act 2005* the Minister can progress a scheme amendments that has been initiated by a Council.

Discussion

In considering this item, the following is relevant:

1. Flaw in purchasing process

From the perspective of landowners an increase in height restriction will result in city views that they believe have been lost. According to the applicant this loss occurred because the owners were not informed of the scheme amendment that increased the height of the lots to the east of the subject properties at the time of purchase.

In this regard, the following is noted:

- The purpose of planning is to achieve good development outcomes. Its role is not to remedy commercial errors.
- Proceeding with a scheme amendment every time there is a flaw in the purchasing process has implications that extend well beyond the boundaries of these three lots.
- It undermines Council's ability to maintain a considered, consistent and accountable approach for guiding overall development in the City.

2. City views

While views from properties are desirable they are not a valid planning consideration. This is acknowledged by the applicant in their submission which states that views are "*not a planning issue*".

Ultimately, proceeding with a scheme amendment to facilitate views may create a domino effect that is neither appropriate nor desirable from a planning perspective.

3. Minimal Impact

The applicant argues that increasing the maximum building height will have a minimal impact on the surrounding properties.

It is noted that this is subjective and that no evidence has been provided to substantiate this claim. A 10 m height limit applies to the majority of single dwellings across the City.

4. Design Guidelines

Design guidelines exist that are based on sound planning grounds where properties of similar character and density code are grouped to achieve specific outcomes.

Precinct 5 is part of Design Guidelines A. Its density code dictates the expected outcome of development which aligns with all the other properties included in Design Guidelines A.

5. Height is non-negotiable

Since the inclusion of Clause 5.11 'Maximum building height' in 2001, building height within the City has become largely non-negotiable as there is no general variation clause in the scheme. Supporting this scheme amendment contradicts this principle.

6. Consistent application of residential coding

The rationale behind allocating residential codings to specific sites is to guide the likely development outcome. In general, lower codings equate to single detached dwellings on larger blocks whilst higher codings are more likely to equate to single detached dwellings on smaller blocks.

In this case, Lots 49 to 51 are zoned as 'Residential R20' in the TPS2, whilst the lots to the east in Precinct 6 are zoned 'Residential R60'. Given these codings, it is reasonable to conclude that the intention for Lots 49 to 51 is for a single detached dwelling to be built on a larger block. This contrasts with the intention of the R60 lots in Precinct 6 which are designed to facilitate single detached dwellings on smaller blocks. The applicant has not adequately justified why lots coded R20 should be given the same height restriction as those lots coded R60.

7. Ad-hoc change

Unplanned changes tend to result in unforeseen consequences. This situation is exacerbated when there are already existing mechanisms, such as design guidelines, in place to guide development.

This proposal is ad-hoc in nature. The Design Guidelines do not include a 'review and monitor' section which makes it difficult to recommend making a change on the run.

8. Submissions

It is acknowledged that there were no submissions from the public objecting to the proposal. This does not absolve the proposal of its flawed town planning approach.

Whilst there is no precedent to be set, adopting the proposal on the basis that there were no objections in the context of the flawed nature of the proposal establishes a risky trend.

Conclusion

In conclusion the arguments for and against this proposal can be summarised as follows:

For	Against
<ul style="list-style-type: none"> • Minimal impact. • Flaw in purchasing process. • Achieve a city centre view. 	<ul style="list-style-type: none"> • Height is on-negotiable which and this principle should not have to be compromised. • Inconsistent application of Rcodings. • Ad-hoc change. • Views are not a planning issue.

On balance the forces 'against' this change outweigh any advantages that may exist. Adopting this proposal would be contrary to orderly and proper planning because it has the potential to have extensive ramifications to the planning process with City-wide implications.

Attachments


1. Locality Plan
2. Scheme Amendment No. 195 documentation

Moved – Councillor McManus
 Seconded – Councillor Walker

That Item 13.5 be brought forward

CARRIED UNANIMOUSLY 13/-

13.5 Tender No. 2011/12.07 – Stormwater Drainage Construction Contract

Council	22 May 2012
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Maria Hulls – Manager Engineering Services
A/CEO	Michael Cole – Acting Chief Executive Officer
A/CEO Signature	
File ref.	TEN/347
Previous Item No's	T07.12 – 28 February 2012; 16.2 – 27 March 2012
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
 Seconded – Councillor McManus

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

Moved – Councillor Porter
 Seconded – Councillor Argyle

That standing orders be suspended to allow Mr L Glamuzina from Spearwood Drainage Company to address Council.

**CARRIED 12/1
 (Against: Cr. Binks)**

Mr L Glamuzina, Spearwood Drainage Company, addressed Council.

Moved – Councillor Binks
Seconded – Councillor Hodsdon

That standing orders are resumed.

CARRIED UNANIMOUSLY 13/-

Put Motion

Moved – Councillor Shaw
Seconded – Councillor Hodsdon

That the motion be put.

**PUT MOTION CARRIED 10/3
(Against: Crs. Horley Porter & James)**

The motion was put and

**CARRIED 9/4
(Against: Crs. Argyle Hassell Porter & James)**

Council Resolution / Recommendation to Council

Council:

- 1. Rescind decision T07.12 to award tender submitted by Spearwood Draining Company for the provision of Stormwater Drainage Services;**
- 2. Award the tender to HAS Earthmoving for the provision of Stormwater Drainage Services as per the schedule of rates (Attachment 1) submitted; and**
- 3. Accept the option to extend the contract for two (2) twelve month periods at the end of the initial period ending 22 May 2015, at the Principals discretion.**

Purpose

The purpose of this report is to rescind the February 2012 decision that awarded the contract for the provision of Stormwater Drainage Construction Services within the City of Nedlands for twelve months to Spearwood Drainage Company and instead award the tender to HAS Earthmoving.

Strategic Plan

KFA 5: Governance

- 5.4 Monitor and review business processes, systems, structure and policies to ensure effective service delivery and organisational performance.
- 5.9 Identify, manage and seek to minimise risk.

Background

Council approved the City's recommendation on report T07.12 to award tender contract RFT 2011/12.07 to Spearwood Draining Company on 28 February 2012.

The City of Nedlands Purchasing and Tender Officer arranged and conducted an induction with the approved contractor Spearwood Draining Company on 1 March 2012. The Works Coordinator (Maintenance) and Manager of Engineering Services were in attendance.

During this meeting, Spearwood Draining Company did not sign the Letter of Acceptance to officially award contract RFT 2011/12.07 as they did not accept the terms of the new contract. Accordingly, a report recommending the award of the tender to the next contender, HAS Earthmoving, was then presented to Council on 27 March 2012. Following an address to Council by Mr Glamuzina from Spearwood Drainage Company, the matter was referred back to Administration for the Acting Chief Executive Officer to consider issues related to the tender as raised in the address by Mr Glamuzina.

Discussions were held with Mr Glamuzina and it was understood outstanding issues had been clarified and accepted by him. An interim arrangement was also agreed for the City to provide a tip truck and operator while Spearwood Drainage sourced a tip truck of their own.

Under previous informal arrangements, Mr Glamuzina had previously been permitted to park his truck when not in use at the City's Depot, an arrangement no longer permitted under the new contract terms. Mr Glamuzina subsequently advised he could not accept the tender as he considered the requirement for him to transport his truck to the work site daily would make it uneconomical for him to comply under the contract terms.

Proposal Detail

It is now proposed to rescind award of contract RFT 2011/12.07 to Spearwood Draining Company as a result of their decline to accept their tender award.

As per the report submitted to Council on 27 March 2012, the City now requests that Council accept the City's advice to award contract RFT 2011/12.07 to HAS Earthmoving.

This contract is for stormwater drainage construction in preparation for drainage maintenance works. Construction services for this contract are to be in accordance with the specifications set out in tender RFT 2011/12.07 inclusive of all labour, services, plant and materials.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Legislation

Local Government Act 1995

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

Allowance has been made in the current capital works budget for stormwater drainage construction services within our drainage maintenance, rehabilitation and various capital works programs.

Risk Management

Key risk areas including financial, health, service interruption, environment and regulatory risks have been addressed through the control measures applied through the tender documentation and evaluation process.

Discussion

At the 1 March 2012 Induction held with Spearwood Draining Company, the company expressed their refusal to meet all requirements detailed within the Specification of RFT 2011/12.07. The terms of the tender were later clarified and it was understood Spearwood Drainage would sign the letter of acceptance. However, Mr Glamuzina subsequently advised he could not accept the tender as he considered the requirement for him to transport his truck to the work

site daily would make it uneconomical for him to comply under the contract terms.

HAS Earthmoving's submission rated 3% higher in qualitative criteria than Spearwood Draining Company.

HAS was not initially the preferred option due to their higher cost although it became apparent in discussions with Spearwood Draining Company that their cheaper submission did not take into account all cost aspects of the tender document.

To minimise delays in achieving Nedlands' drainage renewal program and to provide a service which meets the City of Nedlands' requirements, it is recommended that HAS Earthmoving be awarded contract RFT 2011/12.07.

Conclusion

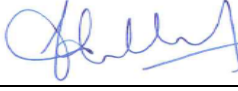
After evaluating the tender submissions, and following the decline of offer to Spearwood Drainage, it is recommended that HAS Earthmoving be awarded the contract for Stormwater Drainage Construction Services for one year at their submitted schedule of rates. The option to extend the contract for two (2) twelve month periods at the end of the initial period ending 22 May 2015, is at the Principals discretion.

Attachments

Attachment 1 – HAS Earthmoving Schedule of Rates (Provided under confidential cover to Councillors prior to meeting.)

SI10.12	Black Spot Project 2011/12 – Intersection Upgrade at the Intersections of Stirling Highway and Florence Road and Florence Road and Princess Road, Nedlands
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Committee	8 May 2012
Council	22 May 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Wayne Mo - Design Engineer
Director	Andrew Melville – Acting Director Sustainable Infrastructure
Director Signature	
File ref.	TEC/009-02
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Councillor Argyle – Impartiality Interest

He disclosed that he lives near Stirling Hwy and his daughter lives in Kinninmont Avenue, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Somerville-Brown
 Seconded – Councillor Hodsdon

That the Recommendation to Council is adopted.
 (Printed below for ease of reference)

Councillor Walker left the room at 10.50 pm and returned at 10.51 pm.

Council:

1. Approves the installation of a traffic island at the intersection of Stirling Highway and Florence Road as approved under the Main Roads WA Black Spot Program (refer to Attachment 1); and

CARRIED 9/4
(Against: Crs. Argyle Hassell Porter & James)

2. Approves the installation of traffic islands at the intersection of Princess Road and Florence Road as approved under the Main Roads WA Black Spot Program (refer to Attachment 2).

CARRIED 10/3
(Against: Crs. Argyle Porter & James)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

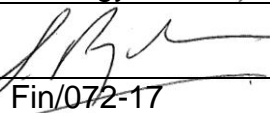
1. Approves the installation of a traffic island at the intersection of Stirling Highway and Florence Road as approved under the Main Roads WA Black Spot Program (refer to Attachment 1); and
2. Approves the installation of traffic islands at the intersection of Princess Road and Florence Road as approved under the Main Roads WA Black Spot Program (refer to Attachment 2).

12.4 Corporate & Strategy Report No's CP21.12 to CP23.12 (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.

CP21.12	Monthly Financial Report – March 2012
----------------	--

Committee	8 May 2012
Council	22 May 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Vanaja Jayaraman – A/Manager Finance
Director	Rajah Senathirajah – A/Director Corporate & Strategy Service
Director Signature	
File ref.	Fin/072-17
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Collins
 Seconded – Councillor James

That the Recommendation to Council is adopted.

(Printed below for ease of reference)


CARRIED UNANIMOUSLY 13/-

Council Resolution / Committee Recommendation / Recommendation to Committee
--

Council receives the Monthly Financial Report for March 2012.

CP22.12	Investment Report – March 2012
----------------	---------------------------------------

Committee	8 May 2012
Council	22 May 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Vanaja Jayaraman – A/Manager Finance
Director	Rajah Senathirajah – A/Director Corporate & Strategy Service
Director Signature	
File ref.	Fin/071-07
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Binks
 Seconded – Councillor Collins

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

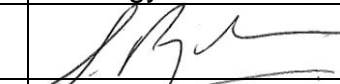
CARRIED UNANIMOUSLY 13/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council receives the Investment Report for the period ended 31 March 2012.

CP23.12	List of Accounts Paid – March 2012
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Committee	8 May 2012
Council	22 May 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Vanaja Jayaraman – A/Manager Finance
Director	Rajah Senathirajah – A/Director Corporate & Strategy Service
Director Signature	
File ref.	Fin/072-17
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
 Seconded – Councillor Collins

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 13/-

<p>Council Resolution / Committee Recommendation / Recommendation to Committee</p> <p>Council receives the List of Accounts Paid for the month of March 2012.</p>

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report – April 2012

Moved – Councillor Shaw
Seconded – Councillor Hassell

The attached Common Seal Register Report for the month of April 2012 is received.

**CARRIED 12/1
(Against: Crs. Walker)**

13.2 List of Delegated Authorities – April 2012

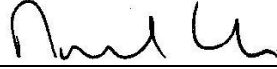
Moved – Councillor Hodsdon
Seconded – Councillor Binks

The attached List of Delegated Authorities for the month of April 2012 is received.

CARRIED UNANIMOUSLY 13/-

13.3 Review of Council’s Delegated Authorities

Committee	08/05/2012
Council	22/05/2012

Applicant	City of Nedlands
Owner	City of Nedlands
Director	Natalie Wilson – Acting Coordinator Corporate Services
CEO	Michael Cole – Acting Chief Executive Officer
Director Signature	
File ref:	CRS/058
Previous Item No’s	Nil.
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
 Seconded – Councillor Walker

That the Recommendation to Council is adopted subject to clause 8 being corrected to read “The following Delegated Authorities will continue in force until Council decides otherwise following a workshop:”

CARRIED UNANIMOUSLY 13/-

Council Resolution	
Council	
1.	Retains without amendment the following Delegated Authorities:
1A	Acting Chief Executive Officer
1B	Office Hours
1C	Staff Vehicle Use
1D	Use of Council’s Common Seal and Authority to Sign Documents
1E	Local Government Act, Executive Functions Delegated to the Chief Executive
1F	Performance Review of Chief Executive Officer
1G	Consumption of Alcohol in Public Places
1H	Authority to Grant Permission for Vehicles on a

- Reserve**
 - 1I Use of Council Chambers**
 - 1J Perth Flying Squadron Yacht Club**
 - 1K Authority to Call Tenders**
 - 1L Management Licences for community Organisations**
 - 3B Debt Recovery**
 - 3D Operation of Council Bank Accounts**
 - 3F Write Off of Minor Debts**
 - 4A Engagement of Contractors**
 - 4B Obstruction of Rights Of Way**
 - 4C Verge Development**
 - 4D Street Trees**
 - 4E Vehicle Crossing Places**
 - 7A Legislative Building Control**
 - 7C Assignment of House Numbers**
 - 7D Fences within Reduced Truncations**
 - 8A Health Act Functions**
 - 8C Caravan and Camping Grounds Act Functions**
 - 8D Environmental Protection Act Functions**
 - 9B Prosecution Officers**
 - 9F Temporary Street Closure and Temporary Suspension of Road Rules**
 - 9G Removal of Obstructions and Deposit on Streets and Public Places**
 - 9H Registration Officers**
 - 10A Tresillian Studio Leases**
 - 10B Erection of Neighbourhood Watch Signs**
 - 10D Signs on Reserves**
- 2. Amends the following Delegated Authorities by including “Coordinator Corporate Services”**
- 1G Consumption of Alcohol in Public Places**
 - 9A Collection of Unpaid Fines (Parking) Authority**
 - 9C Withdrawal of Infringement Notices**
 - 9D Collection of unpaid Fines (Dog Control)**
 - 9E Power to Authorise Withdrawal of Dog Infringements; and**
- 3. Amends the following Delegated Authorities by adding: “Manager Parks Services”**
- 5C Dangerous Trees on Private Property on Adjacent Property.**
- 4. Amends the following Delegated Authority with the words “and in accordance with Council’s investment policy” being added after the words “Local Government Act 1995.”**
- 3A Investment of Funds**

5. **Amends the following Delegated Authority with the words “ and in accordance with Council’s policy” being added after the words**

3E **Invitations for Registrations of Interest**
6. **Amends the following Delegated Authority with the words “in accordance with Council Policy.” being added after the words “a tender should be called.”**

3G **Acceptance of Tenders**
7. **Refers back to a Council workshop the following Delegated Authority:**

3C **Requests for Financial Assistance**
8. **The following Delegated Authorities will continue in force until Council decides otherwise following a workshop:**

4F **Private Works**
4G **Traffic Management Committee**
6A **Town Planning Scheme no. 2 – Approval and Refusal of Planning Applications**
6B **Trading in Public Places**
7E **Issuing Section 3.25 Notices**
7F **Signing of Metropolitan Region Scheme Form 1 Applications**
8B **Liquor Licensing Act Functions**
10C **Active Recreation Area Use**
10E **Community and Cultural Development Fund**
10F **Sponsorship of Youth Initiatives Fund;**
5A **Use of Reserves during Building Operations on Adjacent Property**
5B **Landscaping River Foreshore**

Committee Recommendation

Council

1. **Retains without amendment the following Delegated Authorities:**

1A **Acting Chief Executive Officer**
1B **Office Hours**
1C **Staff Vehicle Use**
1D **Use of Council’s Common Seal and Authority to Sign Documents**
1E **Local Government Act, Executive Functions Delegated to the Chief Executive**

- 1F Performance Review of Chief Executive Officer
- 1G Consumption of Alcohol in Public Places
- 1H Authority to Grant Permission for Vehicles on a Reserve
- 1I Use of Council Chambers
- 1J Perth Flying Squadron Yacht Club
- 1K Authority to Call Tenders
- 1L Management Licences for community Organisations
- 3B Debt Recovery
- 3D Operation of Council Bank Accounts
- 3F Write Off of Minor Debts
- 4A Engagement of Contractors
- 4B Obstruction of Rights Of Way
- 4C Verge Development
- 4D Street Trees
- 4E Vehicle Crossing Places
- 7A Legislative Building Control
- 7C Assignment of House Numbers
- 7D Fences within Reduced Truncations
- 8A Health Act Functions
- 8C Caravan and Camping Grounds Act Functions
- 8D Environmental Protection Act Functions
- 9B Prosecution Officers
- 9F Temporary Street Closure and Temporary Suspension of Road Rules
- 9G Removal of Obstructions and Deposit on Streets and Public Places
- 9H Registration Officers
- 10A Tresillian Studio Leases
- 10B Erection of Neighbourhood Watch Signs
- 10D Signs on Reserves

2. Amends the following Delegated Authorities by including “Coordinator Corporate Services”

- 1G Consumption of Alcohol in Public Places
- 9A Collection of Unpaid Fines (Parking) Authority
- 9C Withdrawal of Infringement Notices
- 9D Collection of unpaid Fines (Dog Control)
- 9E Power to Authorise Withdrawal of Dog Infringements; and

3. Amends the following Delegated Authorities by adding: “Manager Parks Services”

- 5C Dangerous Trees on Private Property on Adjacent Property.

4. Amends the following Delegated Authority with the words “and in accordance with Council’s investment policy” being added after the words “Local Government Act 1995.”

3A Investment of Funds

5. Amends the following Delegated Authority with the words “ and in accordance with Council’s policy” being added after the words

3E Invitations for Registrations of Interest

6. Amends the following Delegated Authority with the words “in accordance with Council Policy.” being added after the words “a tender should be called.”

3G Acceptance of Tenders

7. Refers back to a Council workshop the following Delegated Authority:

3C Requests for Financial Assistance

8. The following Delegated Authorities will continue in force until a Council workshop:

4F Private Works

4G Traffic Management Committee

6A Town Planning Scheme no. 2 – Approval and Refusal of Planning Applications

6B Trading in Public Places

7E Issuing Section 3.25 Notices

7F Signing of Metropolitan Region Scheme Form 1 Applications

8B Liquor Licensing Act Functions

10C Active Recreation Area Use

10E Community and Cultural Development Fund

10F Sponsorship of Youth Initiatives Fund;

5A Use of Reserves during Building Operations on Adjacent Property

5B Landscaping River Foreshore

Recommendation to Committee

Council

1. Retains without amendment the following Delegated Authorities:
 - 1A Acting Chief Executive Officer
 - 1B Office Hours
 - 1C Staff Vehicle Use
 - 1D Use of Council's Common Seal and Authority to Sign Documents
 - 1E Local Government Act, Executive Functions Delegated to the Chief Executive
 - 1F Performance Review of Chief Executive Officer
 - 1G Consumption of Alcohol in Public Places
 - 1H Authority to Grant Permission for Vehicles on a Reserve
 - 1I Use of Council Chambers
 - 1J Perth Flying Squadron Yacht Club
 - 1K Authority to Call Tenders
 - 1L Management Licences for community Organisations
 - 3A Investment of Funds
 - 3B Debt Recovery
 - 3C Requests for Financial Assistance
 - 3D Operation of Council Bank Accounts
 - 3E Invitations for Registrations of Interest
 - 3F Write Off of Minor Debts
 - 3G Acceptance of Tenders
 - 4A Engagement of Contractors
 - 4B Obstruction of Rights Of Way
 - 4C Verge Development
 - 4D Street Trees
 - 4E Vehicle Crossing Places
 - 4F Private Works
 - 4G Traffic Management Committee
 - 6A Town Planning Scheme no. 2 – Approval and Refusal of Planning Applications
 - 6B Trading in Public Places
 - 7A Legislative Building Control
 - 7C Assignment of House Numbers
 - 7D Fences within Reduced Truncations
 - 7E Issuing Section 3.25 Notices
 - 7F Signing of Metropolitan Region Scheme Form 1 Applications
 - 8A Health Act Functions
 - 8B Liquor Licensing Act Functions
 - 8C Caravan and Camping Grounds Act Functions
 - 8D Environmental Protection Act Functions
 - 9B Prosecution Officers
 - 9F Temporary Street Closure and Temporary Suspension of Road Rules

- 9G Removal of Obstructions and Deposit on Streets and Public Places
- 9H Registration Officers
- 10A Tresillian Studio Leases
- 10B Erection of Neighbourhood Watch Signs
- 10C Active Recreation Area Use
- 10D Signs on Reserves
- 10E Community and Cultural Development Fund
- 10F Sponsorship of Youth Initiatives Fund;

2. Amends the following Delegated Authorities by including “Coordinator Corporate Services”


- 1G Consumption of Alcohol in Public Places
- 9A Collection of Unpaid Fines (Parking) Authority
- 9C Withdrawal of Infringement Notices
- 9D Collection of unpaid Fines (Dog Control)
- 9E Power to Authorise Withdrawal of Dog Infringements; and

3. Amends the following Delegated Authorities by adding: “Manager Parks Services”

- 5A Use of Reserves during Building Operations on Adjacent Property
- 5B Landscaping River Foreshore
- 5C Dangerous Trees on Private Property on Adjacent Property.


Please note: this item was brought forward see page 30.

13.4 Tender No. 2011/12.07 – Stormwater Drainage Construction Contract

Council	22 May 2012
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Maria Hulls – Manager Engineering Services
A/CEO	Michael Cole – Acting Chief Executive Officer
A/CEO Signature	
File ref.	TEN/347
Previous Item No's	T07.12 – 28 February 2012; 16.2 – 27 March 2012
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Please note: this item was brought forward see page 40

13.5 Amendment No. 195 to Town Planning Scheme No. 2 – Maximum building height of 12 metres at Lots 49, 50 and 51 Nidjalla Loop, Swanbourne

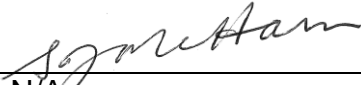
Council	22 May 2012
Applicant	Halsall & Associates Town Planning Consultants
Owner	Mr. and Mrs. Zorzi – No. 6 (Lot 49) Nidjalla Loop Mr. Carlin – No. 4 (Lot 50) Nidjalla Loop Mr. and Mrs. Mori – No. 2 (Lot 51) Nidjalla Loop
Officer	Michael Swanepoel – Acting Manager Strategic Planning
A/CEO	Michael Cole Acting Chief Executive Officer
A/CEO Signature	
File ref.	TPN/A195
Previous Item No's	PD15.12 – 24 April 2012 D25.11 – 22 March 2012 D49.07 – 31 July 2007
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Moved – Councillor Walker
Seconded – Councillor Hassell

That the meeting continue after 11 pm.

CARRIED 10/3
(Against: Crs. Horley Hodsdon & Somerville-Brown)

13.6 CEO Recruitment and Selection Committee – Appointment of Councillor Members

Council	22 May 2012
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Shelley Mettam – Manager Human Resources and Organisational Development
Officer's Signature	
File ref.	N/A
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Mr M Cole - Acting Chief Executive Officer – Financial Interest

His interest being that the report concerns the recruitment process for the appointment of the Chief Executive Officer for which he intends to be an applicant. He advised that he would leave the meeting during this matter.

Mr M Cole, Acting Chief Executive Officer left the room at 11.02 pm.

Nominations were received from the following Councillors – Councillor Shaw, Councillor McManus, Councillor Hodsdon, Councillor James, Councillor Argyle and Councillor Porter.

Votes were cast and Mr R Senathirajah, Acting Director Corporate & Strategy and Ms N Borowicz, Executive Assistant collected the ballot papers and counted the votes. The result of the ballot was then announced by the Presiding Member.

Council appointed the following Councillors to the CEO Recruitment and Selection Committee:

1. **Councillor Shaw**
2. **Councillor McManus**
3. **Councillor Hodsdon**
4. **Councillor Porter**

Purpose

The purpose of this report is to appoint four Councillor representatives to the CEO Recruitment and Selection Committee.

Strategic Plan

KFA 5: Governance

- 5.1 Manage the City's resources in a sustainable and responsible manner.
- 5.6 Ensure compliance with statutory requirements and guidelines.
- 5.7 Identify, manage and seek to minimise risk.

Background

At its meeting of 24 April 2012, Council established the process to recruit and select a suitable Chief Executive Officer (CEO) for the City of Nedlands.

Council also agreed to create the CEO Recruitment and Selection Committee for the duration of the CEO Recruitment and Selection process, comprising the Mayor and four Councillors who are in the opinion of the Council suitably qualified.

Nominations from suitably qualified Councillors will be called at the meeting. Candidates may also forward their nominations in advance to the Manager Human Resources and Organisational Development, who is assisting the CEO Recruitment and Selection Committee.

Discussion

In the event of more than four nominations being received, a secret ballot will be conducted.

Prior to the ballot, Councillors nominated will be given opportunity of stating their claims for nomination.

Ballots will be collected by Administration and counted outside the meeting. Councillors will be appointed on the basis of the number of votes received, with the Councillor receiving most number of votes being elected first, the second most will be elected second, and so on until all four positions are filled.

In the event of a tie for the final position, the last Councillor will be appointed on a draw from a hat.

Consultation

Required by legislation:

Yes

No

Required by City of Nedlands policy: Yes No

Legislation

The *WA Local Government Act 1995* states:

Section 5.36 - Local government employees

- (1) A local government is to employ:
- (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council:
- (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

**Absolute majority required.*

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

Funds are provided in the budget for recruitment. Additional funding has been included in the Mid Year Budget Review.

Risk Management

The WA Local Government Act provisions and risk management parameters need to be observed in sourcing a CEO who is appropriate for the role and who can lead the City's administration in an appropriate and effective manner for the benefit of the City of Nedlands.

A rigorous and effective executive search, screening, recruitment and selection process will enhance the selection of an appropriate candidate to fill the CEO role.

Conclusion

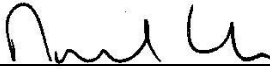
The appointment of four Councillors will finalise the membership of the CEO Recruitment and Selection Committee.

Attachments

Nil.

Mr M Cole, Acting Chief Executive Officer returned to the room at 11.07 pm.

13.7 Metropolitan Local Government Review - Response to draft findings

Council	22 May 2012
Applicant	City of Nedlands
Owner	City of Nedlands
A/CEO	Michael Cole Acting Chief Executive Officer
A/CEO Signature	
File ref.	CRS/004
Previous Item No's	N/A
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Hassell
 Seconded – Councillor Porter

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

**CARRIED 11/2
 (Against: Crs. Horley & Binks)**

Council Resolution / Amended Recommendation to Council

Council:

- 1. agrees that a special council meeting to consider this matter is no longer required; and**
- 2. endorses the submission to the draft findings of the Metropolitan Local Government Review as per Attachment 1 as amended and circulated to Councillors on 21 May 2012.**

Recommendation to Council

Council endorses the submission to the draft findings of the Metropolitan Local Government Review as per Attachment 1.

Purpose

To seek Council endorsement of the submission prepared by the Mayor and Acting Chief Executive Officer in response to the Metropolitan Local Government Review – Response to draft findings.

Strategic Plan

KFA 5: Governance

5.6 Ensure compliance with statutory requirements and guidelines.

Background

At its meeting of 28 February 2012, Council authorised the Mayor and Acting CEO to draft and circulate the submission to all Councillors and that a Special Council meeting be held to endorse the submission. In releasing the draft findings, the Chairman of the Metropolitan Local Government Review has sought comments on the draft findings only.

Proposal Detail

The attached submission prepared by the Mayor and Acting Chief Executive Officer addresses 23 specific draft findings and also provides some general comments.

In summary, the report contains findings only and comprises opinions. There are no facts or evidence presented on which the findings are based.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Legislation

- Schedule 2.1 of the *Local Government Act 1995* refers.

Budget/financial implications

Budget:
Within current approved budget: Yes No
Requires further budget consideration: Yes No
Financial:
No financial implications.

Risk Management

Not applicable.

Discussion

The submission comments that the Review does not appear to have taken any notice of prior submissions and does not require a detailed response as the State Government’s position needs to be known before detailed comments could be provided. Many of the findings are open to interpretation and could justify retaining the existing local governments or sweeping them away;

The essential element of any local government structural reform is that the right of self-determination is retained, so that local communities can veto any proposal that does not have majority public support. The City of Nedlands supports the retention of the Dadour Amendment in the Local Government Act 1995.

Conclusion

The submission is recommended to Council for endorsement. Although a special council meeting to consider the Council's submission was proposed, it was not considered necessary on this occasion.

Attachments

City of Nedlands response to Metropolitan Local Government Review – draft findings

14. 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.

None.

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 26 June 2012

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 26 June 2012 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

None.

16. Urgent Business Approved By the Presiding Member or By Decision

Moved – Councillor Horley
Seconded – Councillor Walker

Instructs the CEO to correspond with the WAPC, Minister for Planning, Local Member of Parliament and the Premier objecting in the strongest possible terms to the adoption by the WAPC of an Outline Development Plan for the Old Swanbourne Hospital Precinct which incorporates matters that are not generally consistent with the Development Plan and SAT determination for the precinct, and formally requests reconsideration of these matters by the WAPC.

**CARRIED 10/3
(Against: Mayor Hipkins Crs. Collins & Shaw)**

Council Resolution

Instructs the CEO to correspond with the WAPC, Minister for Planning, Local Member of Parliament and the Premier objecting in the strongest possible terms to the adoption by the WAPC of an Outline Development Plan for the Old Swanbourne Hospital Precinct which incorporates matters that are not generally consistent with the Development Plan and SAT determination for the precinct, and formally requests reconsideration of these matters by the WAPC.

17. Confidential Items

Any confidential items to be considered at this point.

17.1 Settlement of costs – Mr E Marron

Closure of Meeting to the Public

Moved – Councillor Walker
Seconded - Councillor Collins

That the meeting be closed to the public in accordance with Section 5.23 (c) of the Local Government Act 1995 to allow confidential discussion on the following Items.

**CARRIED 11/2
(Against: Crs. Argyle & Walker)**

The meeting was closed to members of the public at 11.16 pm.

Opening of Meeting to the Public

Moved - Councillor Binks

Seconded - Councillor James

That the meeting be reopened to members of the public and the press.

CARRIED UNANIMOUSLY 13/-

The meeting was reopened to member of the public at 11.29 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Council whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Act.

Council Resolution

Council agrees to the offer of \$60,000 to Mr Errol Marron of 5 Adams Road Dalkeith as full and final settlement of costs incurred by him in the interlocutory injunction granted by the Supreme Court in 2009 with regards to road and drainage works in Adams Road Dalkeith.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 11.29 pm.

Attachment to Item 13.1

Council Meeting – 22 May 2012

Common Seal Register Report – April 2012

April 2012

607	12 April 2012	Planning & Development	Delegated Authority	Notification under Section 70A – (Lot 4) NO. 46 Nidjalla Loop Swanbourne – Restricting use of level one as depicted on plans submitted dated 22 December 2011 ie garage & wine cellar.
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Attachment to Item 13.2

Council Meeting – 22 May 2012

List of Delegated Authorities – April 2012

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - April 2012

Page 1

Date 15/05/2012

Time 1:23:53 PM

Login Name Nicole Borowicz

DEL12/188

18 (Lot 1) Knutsford Street Swanbourne - Amendments to Planning Approval for Single Dwelling
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:30 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Davina Allen (Addressee)

DEL12/189

33 (Lot 309) Stanley Street Nedlands - Retrospective Additionms (Two Patios) to Single Hosue
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:32 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Jane Dymond (Addressee)

DEL12/190

65 (Lot 651) Kingsway Nedlands - Additions (Carport and Ensuite) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:34 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Dale Alcock Home Improvement (A

DEL12/191

118 (Lot 369) Dalkeith Road Nedlands - Outbuilding (Shed) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:39 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Instyle Steel (Addressee)

DEL12/192

27 (Lot 334) Leura Street Nedlands - Additions (Loft) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:40 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Louise & Warwick Dickson (Addres

DEL12/193

25 (Lot 314) Lisle Street Mt Claremont - Retaining Walls Gate Changes to Ground Level
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:41 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Peter & Nicola Netherway (Address

DEL12/194

25 (Lot 29) Loftus Street Nedlands - Re-Roof
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:42 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Advanced Roof Restoration (Addre

DEL12/195

11 (Lot 49) Nandina Avenue Mt Claremont - Pool to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:43 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Freedom Pools & Spas (Addressee)

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - April 2012

DEL12/196

7 (Lot 1) Watkins Road Dalkeith - Tennis Courts Lights
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:44 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Craig Van Heurck (Addressee)

DEL12/197

60 (Lot 9) Wood Street Swanbourne - Two Storey Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:55 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Graeme Follows (Addressee)

DEL12/198

37a (Lot 74) The Avenue Nedlands - Two Storey Single House and Swimming Pool
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 1:59 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Mercedes Developments Pty Ltd an

DEL12/199

135 (Lot 2) Melvista Avenue Nedlands - Retaining Wall
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 2:20 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Wg Burn (Addressee)

DEL12/200

24 (Lot 325) Florence Road Nedlands - Additions (Front Fence) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 2:23 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Webb & Brown-Neaves (Addressee)

DEL12/201

18 (Lot 111) Shann Street Floreat - Retrospective Additions (Patio) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 2:23 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Maree Macpherson (Addressee)

DEL12/202

43 (Lot 99) Strickland Street Mt Claremont - Two Storey Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 2:27 PM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Webb & Brown-Neaves (Addressee)

DEL12/203

57 (Lot 145) Ord Street Nedlands - Additions (Garage) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 4/04/2012 at 2:28 PM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Ian Dick (Addressee)

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - April 2012

DEL12/204**42 (Lot 208) Tyrell Street Nedlands - Outbuilding to Single House***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/04/2012 at 2:30 PM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Sharon Auburn (Addressee)**DEL12/205****77b (Lot 27) Alfred Road Mt Claremont - Two Storey Dwelling***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/04/2012 at 2:31 PM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Broadway Homes (Addressee)**DEL12/206****38 (Lot 42) Birrigan Loop Swanbourne - Two Storey Single House***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/04/2012 at 2:32 PM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Building Corporation WA Pty Ltd (A)**DEL12/207****144 (Lot 404) Stirling Highway Nedlands - Change of Use (From Health Studio Showroom Office Service and Warehouse) to Showroom and Office Service (Plus existing Warehouse) and Signage***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/04/2012 at 2:34 PM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Frank Caputi (Addressee)**DEL12/208****Parking Infringement Withdrawal 502421 & 502422 - Justin Lord***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 5/04/2012 at 9:42 AM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Justin Lord (Addressee)**DEL12/209****Parking Infringement Withdrawal 101436 - Alex Stewart***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 5/04/2012 at 9:44 AM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Alex Stewart (Addressee)**DEL12/210****Approval to write off of minor dept's - March 2012 - \$258.16***Delegation Type* 3F - Write off of Minor Debts*Date Registered* 5/04/2012 at 10:33 AM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Authorisation Form*Applicant* City of Nedlands (Addressee)**DEL12/211****Approval for a vehicle on reserve - Foreshore 3 - 12 April 2012 - Craig Matthews CMD***Delegation Type* 1H - Authority to Grant Permission for Vehicle on Reserve*Date Registered* 10/04/2012 at 4:02 PM*Position Exercising Delegated Authority* Administrator Officer - Community and St*How Delegation Is Recorded* Letter (general)*Applicant* Craige Matthews (Addressee)

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - April 2012

Page 4

Date 15/05/2012

Time 1:23:54 PM

Login Name Nicole Borowicz

DEL12/212**Seal Certification - Seal No: 607 - Notification under Section 70A - (Lot 4) NO. 46 Nidjalla Loop Swanbourne - Restricting use of level one as depicted on plans submitted dated 22 December 2011***Delegation Type* 1D - Use of Council's Common Seal and Authority to Sign Documents*Date Registered* 12/04/2012 at 8:45 AM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Seal Register*Applicant* Ian Bayley (Addressee)**DEL12/213****Infringement Withdrawal 101672 - Grant Reid***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 18/04/2012 at 8:24 AM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Grant Reid (Addressee)**DEL12/214****Parking Infringement Withdrawn 402214 - Kyle Tobitt***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 18/04/2012 at 4:48 PM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Kyle Tobitt (Addressee)**DEL12/215****Community Grant - Street Party***Delegation Type* 10E - Community and Cultural Development Fund*Date Registered* 30/04/2012 at 9:03 AM*Position Exercising Delegated Authority* Manager Community Development*How Delegation Is Recorded* Authorisation Form*Applicant* Carina Marshall (Addressee)**DEL12/216****85 (Lot 267) Philip Road Dalkeith - Two Storey Dwelling and Swimming Pool***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 30/04/2012 at 5:27 PM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Oswald Homes (Addressee)**DEL12/217****22 (Lot 164) Louise Street Nedlands - Addition (Garage & Carport) to Single House***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 30/04/2012 at 5:28 PM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Bradley Howe (Addressee)**DEL12/218****40 (Lot 106) Browne Avenue Dalkeith - Pool to Single House***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 30/04/2012 at 5:29 PM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Buccaneer Pools (Addressee)**DEL12/219****60 (Lot 78) Strickland Street Mt Claremont - Additions (Carport) to Single Dwelling***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 30/04/2012 at 5:30 PM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Westral Outdoor Centre (Addressee)

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - April 2012

Page 5

Date 15/05/2012

Time 1:23:55 PM

Login Name Nicole Borowicz

Continued...**DEL12/220**

63 (Lot 3) Mayfair Street Mt Claremont - Pool to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 5:33 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Poolscape Pools (Addressee)

DEL12/221

51 (Lot 485) Minora Road Dalkeith - Additions (Patio & Pool) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 5:34 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Andrew Mangano (Addressee)

DEL12/222

39 (Lot 59) Vincent Street Nedlands - Retaining Walls to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 5:35 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Peter Stannard Homes (Addressee)

DEL12/223

1c (Lot 109) Doonan Road Nedlands - Additions (Patio) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 5:37 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Oasis Patios (Addressee)

DEL12/224

35 (Lot 217) Robinson Street Nedlands - Additions (Carport Pergola and Fencing) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 5:38 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Officer Woods Architects Pty Ltd (A

DEL12/225

24 (Lot 30) Lynton Street Swanbourne - Single Storey Dwelling and Front Fence
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 5:39 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Peter & Fran Edmeades (Addressee)

DEL12/226

2 (Lot 379) Broome Street Nedlands - Amendments to DA11/334 (Porch and Entry)
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 5:50 PM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Surrender & Krishna Mann (Addressee)

DEL12/227

36 (Lot 20) Gallop Road Dalkeith - Two Storey Single House Front Fence and Secondary Street Fencing
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 5:57 PM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Coastview Australia Pty Ltd (Addressee)

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - April 2012

Continued...**DEL12/228****30 (Lot 111) Browne Avenue Dalkeith - Amendments to DA10/520***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***30/04/2012 at 5:58 PM***Position Exercising Delegated Authority***Senior Statutory Planning Officer***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Mercedes Developments Pty Ltd an****DEL12/229****88a (Lot 1) Bruce Street Nedlands - Swimming Pool***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***30/04/2012 at 6:00 PM***Position Exercising Delegated Authority***Manager Statutory Planning***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***wizard pools (Addressee)****DEL12/230****33 (Lot 165) Bruce Street Nedlands - Front Fence (Pier) to Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***30/04/2012 at 6:01 PM***Position Exercising Delegated Authority***Senior Statutory Planning Officer***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Broadway Homes (Addressee)****DEL12/231****33 (Lot 88) Van Kleef Circuit Mt Claremont - Two Stroy Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***30/04/2012 at 6:02 PM***Position Exercising Delegated Authority***Senior Statutory Planning Officer***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Webb & Brown-Neaves (Addressee)****DEL12/232****66 (Lot 186) Louise Street Nedlands - Outbuilding & Stairs to Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***30/04/2012 at 6:04 PM***Position Exercising Delegated Authority***Senior Statutory Planning Officer***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Kymerley Constructions (Address****DEL12/233****1b (Lot 1) Bulimba Road Nedlands - Additions (Ground Floor) to Grouped Dwelling***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***30/04/2012 at 6:04 PM***Position Exercising Delegated Authority***Senior Statutory Planning Officer***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***President Constructions Pty Ltd (A****DEL12/234****16 (Lot 300) Karrella Street Nedlands - Front Fence to Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***30/04/2012 at 6:06 PM***Position Exercising Delegated Authority***Senior Statutory Planning Officer***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***S Cushion (Addressee)****DEL12/235****140 (Lot 740) Dalkeith Road Nedlands - Two Storey Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***30/04/2012 at 6:07 PM***Position Exercising Delegated Authority***Manager Statutory Planning***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Webb & Brown-Neaves (Addressee)**

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - April 2012

Continued...**DEL12/236**

11 (Lot 49) Nandina Avenue Mt Claremont - Two Storey Single House and Retaining
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 6:08 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Highbury Homes (Addressee)

DEL12/237

6a (70) Hooley Street Swanbourne - Two Storey Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 6:09 PM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Webb & Brown-Neaves (Addressee)

DEL12/238

96 (Lot 600) Tyrell Street Nedlands - Front Fence to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 6:10 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Building Corporation WA Pty Ltd (A

DEL12/239

12 (Lot 800) Hillway Nedlands - 3 Storey Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 6:13 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Webb & Brown-Neaves (Addressee)

DEL12/240

46 (Lot 130) Loftus Street Nedlands - Additions (Carport) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 6:14 PM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant By-Design Carports & Patios (Addr

DEL12/241

50 (Lot 44) Adderley Street Mt Claremont - Retrospective Additions (Shade Sails) to Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 6:15 PM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Tanya & Ragan Stonier (Addressee)

DEL12/242

16 (Lot 330) Baird Avenue Nedlands - Two Storey Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 6:17 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Peter Stannard Homes (Addressee)

DEL12/243

12 (Lot 74) Marita Road Nedlands - Two Storey Single House
Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 30/04/2012 at 6:18 PM
Position Exercising Delegated Authority Senior Statutory Planning Officer
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant APG Homes Pty Ltd (Addressee)



DELEGATED AUTHORITY REPORT

List of Delegated Authority - April 2012

Continued...

DEL12/244

28 (Lot 2) Swansea Street Swanbourne - Carport and Outbuilding (Garage)

Delegation Type

6A - TPS No 2 - Approval and Refusal of Planning Applications

Date Registered

30/04/2012 at 6:19 PM

Position Exercising Delegated Authority

Senior Statutory Planning Officer

How Delegation Is Recorded

Approval Letter (Planning D'A/s)

Applicant

Kalmar Factory Direct (Addressee)

Attachment to Item 13.7

Council 22 May 2012

Metropolitan Local Government Review – Response to draft findings

City of Nedlands - Comments on Metropolitan Local Government Review Draft Findings

In releasing the draft findings, the Chairman of the Metropolitan Local Government Review has sought comments on the draft findings only.

General Comments

Before addressing the 23 specific draft finding listed below, the following general comments are provided.

1. The report contains findings only and comprises opinions. There are no facts or evidence presented on which the findings are based. It is therefore difficult to take the draft findings seriously.
2. The Review does not appear to have taken any notice of prior submissions.
3. The report does not require a detailed response as the State Government's position needs to be known before detailed comments could be provided.
4. Many of the findings are open to interpretation and could justify retaining the existing local governments or sweeping them away;
5. The essential element of any local government structural reform is that the right of self-determination is retained, so that local communities can veto any proposal that does not have majority public support. The City of Nedlands supports the retention of the Dadour Amendment in the Local Government Act 1995.

Comments on Key Findings

1. Enhanced strategic thinking and leadership across the State and local government sector and the wider community will be required to manage the extraordinary growth of metropolitan Perth over the next 50 years.

Comment – The State Government has a significant role to play in managing the significant growth of the metropolitan area over the next 50 years but the draft findings do not address the role of State Government.

2. The current local government arrangements will not provide the best outcomes for the community into the future. The status quo cannot and should not remain.

Comment – No comment as no evidence for the claim is provided.

3. There is a need for significant change in Perth's local government, including changes in local government structures, boundaries and governance.

Comment – No comment as no evidence for the claim is provided.

4. The Panel envisages the outcome of the Review to be a stronger, more effective, more capable local government sector, with an enhanced role and greater authority.

Comment – No comment as no evidence for the claim is provided.

5. Uncertainty about the future needs to be addressed by prompt and decisive government decision making.

Comment – This rings warning bells as it could be used to justify swift action without demonstrated need or adequate community consultation. The Local Government sector is seeking certainty about the future and is awaiting a detailed response from the State Government.

6. A shared vision for the future of Perth should be developed by the State government, together with local government, stakeholder and community groups.

Comment – Agreed, but the State Government should be at the forefront of developing the shared vision. There is no evidence of a shared vision emerging from the draft Findings.

7. A sense of place and local identity can be maintained through appropriate governance regardless of the size of a local government.

Comment – No comment as no detail to support the finding is provided.

8. The primary benefits to be achieved by the proposed reforms of Perth's local government arrangements include:
 - a. increased strategic capacity across the local government sector;
 - b. a more equitable spread of resources across metropolitan Perth and more equitable delivery of services to all residents.;

- c. reduced duplication and better use of infrastructure;
- d. a streamlined regulatory environment with greater transparency, simplicity, consistency, and certainty with attendant costs savings for all sectors of the community;
- e. potential to achieve greater economies of scale;
- f. increased influence with State and Commonwealth governments reflected in improved funding for community projects;
- g. the achievement of metropolitan-wide social, economic and environmental goals.

Comment – These are previously stated benefits of amalgamation but no evidence is provided to support the claims. If local communities have other priorities they should be allowed to pursue them. Many of the above are outside the influence of local government.

- 9. The structure and governance arrangements for local government in Perth cannot be considered in isolation from the role and function of local government, and from the relationship between State government and local governments.

Comment - There is agreement with Finding 9. There should be collaboration between all levels of government, as well as the private sector, not-for-profit sectors and the community in general.

- 10. Some functions need to be managed from a metropolitan-wide perspective, including waste disposal and treatment, transport and planning. A shift in responsibility to the State government may be warranted.

Comment - There is qualified support for this finding 10. The City of Nedlands agrees that some functions need to be managed from a metropolitan-wide perspective, including waste disposal and treatment, transport and planning. However, not all transport and planning, such as community buses, local bikeways and residential development approvals (DA's). But we agree that a shift in responsibility to the state government may be warranted for regional transport and planning as was previously the responsibility of the Metropolitan Region Planning Authority. The same agency could perhaps control the Metropolitan Redevelopment Authority.

There are also comments on page 18 of the report suggesting that a metropolitan regional local government could be created for the above-mentioned functions, otherwise leaving existing local governments untouched. This option is strongly supported.

11. Consideration should be given to establishing a Local Government Commission, comprising an Independent chair and persons with significant State and local government experience, to manage the relationship between State and local government, and to oversee implementation of the reform process.

Comment – This would appear to be a formalisation of existing arrangements established by the Minister’s reform agenda. An alternative could be the proposed metropolitan regional local government having this function.

12. A redefined local government would have its role enhanced including re-empowerment in local planning.

Comment - There could be strong support for this finding. However a redefined local government could have a diminished role and empowerment in local planning. It is hard to envisage the state government handing back planning powers to local government when it has recently introduced Ministerial call-in powers for DA’s and Development Assessment Panels which remove DA’s from local government, while abolishing District Planning Committees of the Western Australian Planning Commission and the ability of local governments to discontinue amendments to their local planning schemes if they wish.

13. The most appropriate options for local government in metropolitan Perth are:
 - a. 10 to 12 councils centred on strategic activity centres
 - b. five councils based on the central area and sub-regions.
 - c. one single metropolitan council

Comment – There could be support for c - a single regional local government with regional transport and planning as was previously the responsibility of the Metropolitan Region Planning Authority. This would allow for existing local governments to remain untouched. There

is no support for options a and b as there is no precedent for these in Perth.

14. In any future model, the size of the City of Perth should be increased and its role enhanced.

Comment – What evidence is there to suggest the City of Perth is not now competitive?

15. It is important to make significant change and create a new structure with robust boundaries to minimise the need for further debate and change in the short to medium term.

Comment - In relation to this finding, the report states on page 20 that “The Panel believes that key institutions such as hospitals, universities and airports should not be split across different local government boundaries.” When these institutions do not pay rates and invariably do whatever they want without listening to local governments, why is this important? Notwithstanding, the City of Nedlands could consider totally including or excluding the University of Western Australia’s Crawley Campus and the QEII Medical Complex.

16. Once a new structure is settled, there should be periodic boundary reviews undertaken by an independent body, to ensure the local government structure is optimal for meeting the changing needs of a growing metropolitan region.

Comment – Provision already exists for boundary reviews.

17. The creation of larger local governments alone will not address all the shortcomings of the present system.

Comment – Agreed. It is interesting to note that the recently elected Queensland State Government is considering a process that will allow for de-amalgamations.

18. Local government's ability to connect to the community is an important asset. In any new local government structure for metropolitan Perth, community engagement must be strengthened, to improve accountability and reduce the power of special interest groups.

Comment –Local government’s ability to connect to the community is an argument for more local governments. Community engagement will be a challenge for any new local government structure.

19. Local government must invest in mechanisms that encourage the whole community to participate. Consideration must be given to the development of formal community engagement networks, which may include the adoption of new institutional arrangements and structures to ensure adequate community engagement and access to council.

Comment – Local government already invests heavily in community participation and has gained knowledge from past experience. Suggestions for improvement are awaited with interest.

20. If the new local government structure for metropolitan Perth comprises more than one local government, a Forum or Council of Perth Mayors should be created, chaired by the Lord Mayor.

Comment – Such a forum already exists via the WA Local Government Association.

21. The role of elected members should be reshaped to enhance their capacity for strategic leadership and reduce their involvement in operational matters.

Comment – The Local Government Act already provides for that separation of powers.

22. The potential for council controlled organisations / local government enterprises should be further considered.

Comment – Developing alternate revenue streams is supported.

23. Amendments to governance arrangements for local government in metropolitan Perth should include the following:

- a. Introduction of compulsory voting at local government elections

Comment - There is strong opposition to this finding. The report on page 22 discusses the advantages of compulsory voting but does not discuss the disadvantages. The inevitable result would be the introduction of party politics into local government, which must be strongly resisted.

- b. Recognition of the leadership role of elected members

Comment – The Local Government Act already provides for this.

- c. Election of Mayors by community

Comment – The Local Government Act already provides for this.

- d. Increased remuneration of elected members

Comment – This is inevitable if the size of local governments is to be increased. Current remuneration is limited by regulation.

e. Training for elected members

Comment – Supported.

f. Clarification of the role of CEO and elected members

Comment – The Local Government Act already provides for this.