***Minutes***

***Council Meeting***

***22 October 2019***

**Attention**

**These Minutes are subject to confirmation.**

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

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**City of Nedlands**

**Minutes of an Ordinary Meeting of Council held in the Council Chambers, Nedlands on Tuesday 22 October 2019 at 7 pm.**

# Declaration of Opening

The Presiding Member declared the meeting open at 7 pm and drew attention to the disclaimer below.

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

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

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

Councillor F J O Bennett Dalkeith Ward

Councillor W R B Hassell Dalkeith Ward

 Councillor A W Mangano Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor G A R Hay Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

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

Mrs V Jayaraman Acting Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr J Duff Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Public** There were 37 members of the public present.

**Press** The Post Newspaper representative.

**Leave of Absence** Nil..

**(Previously Approved)**

**Apologies** Mrs L M Driscoll Director Corporate & Strategy

**Disclaimer**

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

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

# Election of the Deputy Mayor

## Election of Deputy Mayor

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** |  Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

Nominations were received for Councillor Hassell and Councillor Smyth.

Councillor Hassell and Councillor Smyth accepted the nominations.

**Council Resolution**

**A secret ballot was taken and following counting of the votes Councillor Hassell was appointed as the Deputy Mayor for a two-year term ending 21 October 2021.**

The election of a Deputy Mayor is based on First Past the Post and is to be conducted in accordance with the Local Government Act 1995, section 2.15, schedule 2.3 clauses 4, 7 and 8 of the Local Government Act 1995 and voting will be by secret ballot. NOTE: There is no provision for proxy voting. The Chief Executive Officer (CEO) will be the Returning Officer for this election.

Local Government Act 1995, Schedule 2.3 states:

**8. How deputy mayor or deputy president is elected**

1. The council is to elect a councillor (other than the mayor or president) to fill the office.
2. The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
3. Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.

1. If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
2. The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
3. Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
4. As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

**9. Votes may be cast a second time**

1. If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
2. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
3. When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
4. The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

**Ballot Result**

**Following the ballot result, the successful Councillor will be appointed and sworn into the position of Deputy Mayor for a term ending immediately prior to the next Local Government Election in October 2021.**

# Public Question Time

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

Nil.

# Addresses by Members of the Public

Mrs Robyn Hancock, 66 Kingsway, Nedlands 14.6

(spoke in support of the recommendation)

Ms Bronwyn Stuckey, 26 Kingsway, Nedlands 14.6

(spoke in support of the recommendation)

Mr Clive Willis, 57 Kingsway, Nedlands 14.6

(spoke in support of the recommendation)

# Requests for Leave of Absence

Nil.

# Petitions

Nil.

# Disclosures of Financial Interest

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

## Councillor Bennett – 14.6 - Metro West JDAP Application – (Lot 684) No. 135 Broadway, Nedlands – Serviced Apartment and cafe

Councillor Bennett disclosed a financial/proximity financial interest in Item 14.6 – Metro West JDAP Application – (Lot 684) No. 135 Broadway, Nedlands – Serviced Apartment and café. His interest being that he lives next door. Councillor Bennett declared that he would leave the room during discussion on this item.

# 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*.

There were no disclosures affecting impartiality.

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

Nil.

# Confirmation of Minutes

## Ordinary Council Meeting 24 September 2019

Moved – Councillor Smyth

Seconded – Councillor Hodsdon

**The Minutes of the Ordinary Council Meeting held 24 September 2019 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

# Announcements of the Presiding Member without discussion

I’d like to take this opportunity to welcome to our Council three new members; Cr Rebecca Coghlan for Melvista Ward, Cr Rajah Senathirajah for Melvista Ward and Cr Fergus Bennet for Dalkeith Ward. It’s a pleasure to have you on board and I wish you all the best for your term.

Congratulations to Councillors Leo McManus, Andrew Mangano and John Wetherall in being re-elected to your Wards. I wish you all the best for your term.

Commiserations to our former Mayor Max Hipkins, and Councillors Toni James, Ian Argyle and Nigel Shaw who were not re-elected to their positions. Your many years of combined service have had a positive impact on our City, and we thank you for your efforts while on Council.

To those other candidates who campaigned hard but missed out on being elected, I congratulate you for putting yourselves forward. It is not an easy task.

The biggest take home for me from the recent Local Government elections was the low voter turnout. This is a concern. Some say it may be due to the growing dissatisfaction with politics in the country, the timing of the elections clashing with school holidays, various high profile dismissals of Councils such as the City of Perth, and the 20 year review of the Local Government Act that is bringing into focus the weaknesses of our system of local government and arguments about what is the role of local government.

To those who did vote, thank you for having your say. I and my fellow Councillors look forward to serving you to the best of our abilities including respecting, listening and learning from one another. We will strive to form good relationships and work together with our neighbours and State government to deal strategically with land planning and infrastructure issues. In everything we do, we will put the people first.

Thank you.

# Members announcements without discussion

## Councillor Smyth - URISA-SSSI International Exchange Program

[Urban & Regional Information Systems Association (URISA) and Surveying & Spatial Sciences Institute (SSSI)]

Councillor Smyth advised that she attended the **GIS-Pro 2019 Conference** in New Orleans,Louisiana USA held September 28 to October 2, 2019.

This conference is run by the North American based **Urban & Regional Information Systems Association (URISA),** the lead voice for Spatial Science professionals in the Urban and Regional Planning field.

Kerry was selected as the Australian delegate for the URISA-SSSI International Exchange Program.  She was invited in her capacity as National Chair of the Spatial Information & Cartography Commission and delivered an opening address at the URISA Industry Awards lunch.

In addition to the Conference and other strategic meetings, Councillor Smyth attended two half day Masterclass Workshops:

* Introduction to GIS for Equity and Social Justice
* Building Community Using Geospatial Tools

I also invested 3 extra days at my own expense to visit:

* Densification of housing in the historic Garden District of La Fayette;
* Building re-purposing in the Old Warehouse District for Art Gallery and Museum precinct;
* Heritage and tourism initiatives in the Historic French Quarter;
* Recovery progress after the devastation of Hurricane Katrina in 2005;
* The economic drawcard of the American WW2 Museum (3rd most visited museum in USA)
* The re-commissioning of previously de-commissioned light rail system known as Street Cars.

This exchange was funded jointly by the host and guest organisations, URISA & SSSI.  No City of Nedlands funding was involved in this exchange, however significant benefits were gained (both tangible and intangible) through exposure to local planning problems and solutions in geographical and culturally diverse locations.

Summary Comments

It was remarkable to observe both Urban Decay and Urban Renewal in a City that is built largely below sea level in a geographical region that is seasonally under threat of hurricanes and flooding.  Their recovery from Hurricane Katrina demonstrates the resilience of a City and its people along with the importance of Local Government leadership and commitment.

## Councillor Hay

Councillor Hay advised of the passing of Mrs Jeanne Black, a long-term resident at the age of 99. Mrs Black has lived in the city for over 60 years.

## Councillor Hassell

The Deputy Mayor supported and enlarged upon the remarks made in acknowledgment of the service of the past Mayor and Councillors, making the point that there are not many thanks given for the work done and the financial rewards are slight, so it is in effect a community service task.

He also reflected that the low voter turnout is not unusual in places where voting is not compulsory. So, for example, from recollection Margaret Thatcher was elected originally on a 28% vote.

He observed that all parties have worked for the good of Nedlands, and hopefully that will continue.

## Councillor Hodsdon

Councillor Hodsdon advised he attended the QE2 master plan meeting at Perkin Institute.

Councillor Hodsdon advised the main points were as follows:

* The King Edward Hospital is likely to move to the QE2 site. The state government has a budget allocation of 3 million dollars for viability planning. Their stated intention is to use the Funds from the sale of the TAB for the building of the new hospital. Given the extra traffic this will generate coupled with the already 15ooo/day visits to the hospital and close to 25ooo/day to UWA it is very important to negotiate with relevant authorities to provide a set of suitable public transport alternatives (light rail or underground).
* The built form was in my opinion very positive with the likely outcome being a decrease in the buildings and parking footprint and an increase in the green space.

The need to be involved in any future planning and may affect traffic numbers, parking issues and ancillary uses that boarder this area. There may be zoning and land use considerations.

# Matters for which the meeting may be closed

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

Nil.

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

## Minutes of Council Committees

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

Moved – Councillor Hay

Seconded – Councillor Hodsdon

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

**Arts Committee 7 October 2019**

Unconfirmed, circulated to Councillors on 8 October 2019

**Audit & Risk Committee 7 October 2019**

Unconfirmed, circulated to Councillors on 9 October 2019

**Council Committee 8 October 2019**

Unconfirmed, circulated to Councillors on 14 October 2019

**CARRIED UNANIMOUSLY 12/-**

**Note: As far as possible all the following reports under items 13.2, 13.3 and 13.4 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.**

The Presiding Member removed en-bloc voting to give the new Councillors a chance to discuss each item from the Committee Meeting if they wished as they were not present at the Council Committee Meeting.

## Planning & Development Report No’s PD41.19 (copy attached)

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

|  |  |
| --- | --- |
| **PD41.19** | **No. 37 Philip Rd, Dalkeith - Covered Structure for Boat / Trailer Storage to Single House** |
|  |
| **Committee** | 8 October 2019 |
| **Council** | 22 October 2019 |
| **Applicant** | Complete Approvals |
| **Landowner** | Toby and Kathleen Leys |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Report Type**Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19/36345 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is requested to determine the application due to the development proposal being contrary with the City’s working practice. |
| **Attachments** | 1. Plans (Confidential)
2. Assessment (Confidential).
 |

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

Moved – Councillor Mangano

Seconded – Councillor Hassell

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

(Printed below for ease of reference)

**CARRIED 10/2**

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

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

**Council approves the development application dated 5 May 2019 to install a covered boat/trailer parking structure at (Lot 291) 37 Philip Rd, Dalkeith, with the following conditions and advice notes:**

**Conditions:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
2. **This development approval only pertains to the addition of a covered boat/trailer parking structure, as indicated on the plans attached to this approval.**
3. **All sides of the boat/trailer covered parking structure shall remain open and shall not accommodate a door.**
4. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
5. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
6. **The boat/trailer covered parking structure shall be used for the storage of a boat and/or trailer only. No motor vehicles are to be parked within the boat/trailer covered parking structure area.**

**Advice Notes specific to this proposal:**

1. **Any boats and/or trailers proposed to be stored within the boat/trailer covered parking structure area are to be manually manoeuvred (by hand) into the storage area and not by motor vehicle.**

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

## Technical Services Report No’s TS20.19 to TS21.19 (copy attached)

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

|  |
| --- |
| **TS20.19 Railway Aberdare Intersection Improvement** |

|  |  |
| --- | --- |
| **Committee** | 8 October 2019 |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Railway Road/Aberdare Road Concept Design
2. Aberdare Road Land Availability Map
3. Key Stakeholder Endorsements
 |

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

Moved – Councillor Wetherall

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED 10/2**

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

**Council Resolution / Committee Recommendation**

**Council:**

**1. Supports progressing the concept design to detailed construction drawings for Black Spot funding submission, provided the City of Subiaco endorses the project;**

**2. To include the Railway Road/Aberdare Road intersection improvement project as part of the 2021/22 budget, provided the City of Subiaco endorses the project;**

1. **Approves the tree removal as detailed in Table 2 within the City of Nedlands to facilitate construction; and**
2. **That any trees not shown orange on the plan which require removal require Council approval.**

Recommendation to Committee

Council:

1. Supports progressing the concept design to detailed construction drawings for Black Spot funding submission, provided the City of Subiaco endorses the project;

2. To include the Railway Road/Aberdare Road intersection improvement project as part of the 2021/22 budget, provided the City of Subiaco endorses the project; and

3. Approves the tree removal as detailed in Table 2 within the City of Nedlands to facilitate construction.

|  |
| --- |
| **TS21.19 Land Sale to City of Nedlands and Grant of Easements to Water Corporation** |

|  |  |
| --- | --- |
| **Committee** | 8 October 2019 |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services  |
| **Attachments** | 1. Copy of Contract of Sale Documents including Grant of Easements.
2. Map of Lot 50 on Deposited Plan 9602, No.56 Dalkeith Road, Nedlands.
3. Drainage map of Lots 50 and 51 Dalkeith Road, Nedlands.
4. Map of Lot 116 on Deposited Plan 231114, No. 80 Melvista Avenue, Dalkeith (Hackett Road Main Sewer).
5. Map of Lot 1 on Diagram 24967, No. 290 Marine Parade, Swanbourne (Cottesloe Main Sewer).
 |

**Regulation 11(da) – Council agreed that all relevant approval should be obtained prior to any work being carried out.**

Moved – Councillor Wetherall

Seconded – Councillor Mangano

**That the Recommendation to Council be adopted subject to the addition of the following clause 4:**

**4. The following additional clause be added to the Easement Deeds (under Section 3 – Grantees Covenants)**

**“Prior to the Grantee’s Work being carried out, the Grantee will seek all relevant approvals relating to the Grantee’s Work, including environmental approvals and any other approval required under the Water Services Act”.**

**CARRIED 9/3**

**(Against: Crs. Horley Bennett & Smyth)**

**Council Resolution**

**Council:**

1. **approves the Contract of Sale between the Water Corporation (ABN 28 003 434 917) and the City of Nedlands for Lot 50 Dalkeith Road, Nedlands (Lot 50) at a cost of $1:**
	1. **approves the application of the Council Common Seal (the seal) by the Chief Executive Officer to the Contract in triplicate; and**

* 1. **directs the Mayor and Chief Executive Officer to execute the Contract documentation in triplicate by way of signing; and**
1. **Approves the application of the seal by the Chief Executive Officer on the Grant of Easements for:**
	1. **Lot 1 on Diagram 24967, No.290 Marine Parade, Swanbourne (Lot 1); and**
	2. **Lot 116 on Deposited Plan No.80 Melvista Avenue, Dalkeith (Lot 116); and**
2. **Directs the Mayor and Chief Executive Officer to execute the Grant of Easement documentation in triplicate by way of signing for:**
	1. **Lot 1, and**
	2. **Lot 116.**

**4. The following additional clause be added to the Easement Deeds (under Section 3 – Grantees Covenants)**

**“Prior to the Grantee’s Work being carried out, the Grantee will seek all relevant approvals relating to the Grantee’s Work, including environmental approvals and any other approval required under the Water Services Act”.**

Committee Recommendation / Recommendation to Committee

Council:

1. approves the Contract of Sale between the Water Corporation (ABN 28 003 434 917) and the City of Nedlands for Lot 50 Dalkeith Road, Nedlands (Lot 50) at a cost of $1:
	1. approves the application of the Council Common Seal (the seal) by the Chief Executive Officer to the Contract in triplicate; and

* 1. directs the Mayor and Chief Executive Officer to execute the Contract documentation in triplicate by way of signing; and
1. Approves the application of the seal by the Chief Executive Officer on the Grant of Easements for:
	1. Lot 1 on Diagram 24967, No.290 Marine Parade, Swanbourne (Lot 1); and
	2. Lot 116 on Deposited Plan No.80 Melvista Avenue, Dalkeith (Lot 116); and
2. Directs the Mayor and Chief Executive Officer to execute the Grant of Easement documentation in triplicate by way of signing for:
	1. Lot 1, and
	2. Lot 116.

## Corporate & Strategy Report No’s CPS15.19 to CPS17.19 (copy attached)

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

|  |
| --- |
| **CPS15.19 List of Accounts Paid – August 2019** |

|  |  |
| --- | --- |
| **Committee** | 8 October 2019 |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing August 2019
2. Purchasing Card Payments August 2019 (29 July 2019 – 27 August 2019)
 |

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

Moved – Councillor Hassell

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

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

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

|  |
| --- |
| **CPS16.19 Western Suburbs Cricket Club Inc. – Management Licence of John Leckie Pavilion Clubrooms – Reserve 1670** |

|  |  |
| --- | --- |
| **Committee** | 8 October 2019 |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Draft Management Licence
 |

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

Moved – Councillor McManus

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED 11/1**

**(Against: Cr. Horley)**

**Council Resolution / Committee Recommendation**

**That the item be deferred to the November meetings.**

Recommendation to Committee

Council:

1. endorses the draft management licence by Western Suburbs Cricket Club Inc. for a portion of John Leckie Pavilion, College Park, 100 Princess Road, Nedlands as per Attachment 1; and

2. requests that after receiving the Minister for Lands consent to the management licence, the Mayor and Chief Executive Officer sign the agreement and apply the City’s common seal.

|  |
| --- |
| **CPS17.19 Suburban Lions Hockey Club Inc. Management Licence of J.C. Smith Pavilion, Melvista Oval, Nedlands (Reserve 1669)** |

|  |  |
| --- | --- |
| **Committee** | 8 October 2019 |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Draft Management Licence
 |

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

Moved – Councillor Hassell

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Committee Recommendation**

**That the item be deferred to the November meetings.**

Recommendation to Committee

Council:

1. endorses the draft management licence by Suburban Lions Hockey Club Inc. for J.C. Smith Pavilion, 140 Melvista Avenue, Nedlands as per Attachment 1; and

2. requests that after receiving the Minister for Lands consent to the management licence, the Mayor and Chief Executive Officer sign the agreement and apply the City’s common seal.

# Reports by the Chief Executive Officer

## Common Seal Register Report – September 2019

Moved – Councillor Hassell

Seconded – Councillor Hay

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

**CARRIED UNANIMOUSLY 12/-**

**September 2019**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 929 | 2 September 2019 | Technical Services | Council Meeting 27 August 2019 Report No. TS18.19 | Seal Certification - Seal No. 929 Deed of Easement in Gross - Lot 182 on Plan 21826 between the Water Corporation (Grantor) and the City of Nedlands (Grantee) (3 copies) |
| 930 | 10 September 2019 | Planning & Development | Council Meeting 27 August 2019 - PD33.19 - Scheme Amendment No. 1 – Amendment to Clause 32.4(5)  | Seal Certification - Seal No. 930 - Form 6B Documentation for Scheme Amendment No. 1 – Amendment to Clause 32.4(5) to be submitted to Western Australian Planning Commission for endorsement. (2 copies) |

## List of Delegated Authorities – September 2019

Moved – Councillor Senathirajah

Seconded – Councillor Hay

**The attached List of Delegated Authorities for the month of September 2019 is to be received.**

**CARRIED UNANIMOUSLY 12/-**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **Month Year** |
| 2/09/2019 | Approval to write off minor debts August 2019 - $319.63 | Chief Executive Officer | Local Government Act 1995 | Section 6.12 |  |
| 2/09/2019 | (APP) - DA19-36299 - 80 Dalkeith Rd, Nedlands - Addition (Front Fence) to Single Dwelling | Senior Statutory Planning Officer | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Elite Compliance Pty Ltd |
| 2/09/2019 | BA49619 - Certified building permit - Front fence | Manager Building Services | Building Act 2011 | s20.1 | J D Sparks |
| 2/09/2019 | BA49420 - Certified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | The Carport Company |
| 2/09/2019 | BA49310 - Certified building permit - Carport | Manager Building Services | Building Act 2011 | s20.1 | The Carport Company |
| 2/09/2019 | BA49564 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | s20.1 | Grant Allen Construction |
| 2/09/2019 | BA49605 - Certified building permit - Office fitout | Manager Building Services | Building Act 2011 | s20.1 | Dawn Express Partitioning and Construction Pty Ltd |
| 3/09/2019 | BA49551 - Certified building permit - Alterations | Manager Building Services | Building Act 2011 | s20.1 | Minchin and Sim Pty Ltd |
| 3/09/2019 | BA49432 - Demolition permit - Partial | Manager Building Services | Building Act 2011 | s21.1 | Chapex Site Services Pty Ltd |
| 3/09/2019 | BA49679 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Amerex Pty Ltd |
| 4/09/2019 | 3042547 - Withdrawn Parking Infringement Notice Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Jacqui Criddle |
| 4/09/2019 | (APP) - DA19-37369 - 68 Watkins Rd, Dalkeith - Additions to Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mike Richardson Architect |
| 4/09/2019 | BA49858 - Uncertified building permit - Pool Barrier | Manager Building Services | Building Act 2011 | s20.1 | G M Holt |
| 4/09/2019 | BA49748 - Demolition permit - Dwelling | Manager Building Services | Building Act 2011 | s21.1 | Brajkovich Demolition and Salavage Pty Ltd |
| 5/09/2019 | (APP) - DA19-35817 - 51B Haldane St, Mt C - Single House | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Dorian Morelli |
| 5/09/2019 | BA49344 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Marquee Homes Pty Ltd |
| 5/09/2019 | BA48119 - Certified building permit - Alterations | Manager Building Services | Building Act 2011 | s20.1 | Barefoot Renovations Pty Ltd |
| 5/09/2019 | BA49763 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | s20.1 | Tangent Nominees Pty Ltd |
| 3/09/2019 | BA49679 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Amerex Pty Ltd |
| 4/09/2019 | 3042547 - Withdrawn Parking Infringement Notice Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Jacqui Criddle |
| 4/09/2019 | (APP) - DA19-37369 - 68 Watkins Rd, Dalkeith - Additions to Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mike Richardson Architect |
| 4/09/2019 | BA49858 - Uncertified building permit - Pool Barrier | Manager Building Services | Building Act 2011 | s20.1 | G M Holt |
| 4/09/2019 | BA49748 - Demolition permit - Dwelling | Manager Building Services | Building Act 2011 | s21.1 | Brajkovich Demolition and Salavage Pty Ltd |
| 5/09/2019 | (APP) - DA19-35817 - 51B Haldane St, Mt C - Single House | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Dorian Morelli |
| 5/09/2019 | BA49344 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Marquee Homes Pty Ltd |
| 5/09/2019 | BA48119 - Certified building permit - Alterations | Manager Building Services | Building Act 2011 | s20.1 | Barefoot REnovations Pty Ltd |
| 5/09/2019 | BA49763 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | s20.1 | Tangent Nominees Pty Ltd |
| 5/09/2019 | BA49693 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Nexus Home Improvements |
| 6/09/2019 | (APP) - DA19-38243 - 26 Mayfair St, Mt C - Additions (Patio and Carport) to Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Complete Approvals |
| 6/09/2019 | (APP) - DA19-36848 - 110 Clement St, Swanbourne - Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Capella Constructions Pty  |
| 6/09/2019 | BA49839 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Mercedes Group Pty Ltd |
| 6/09/2019 | BA49579 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | s20.1 | Plunkett Homes |
| 9/09/2019 | 3039313 - Withdrawn Parking Infringement Notice Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Philippa Lavell-Lee |
| 4/09/2019 | 3042547 - Withdrawn Parking Infringement Notice Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Jacqui Criddle |
| 4/09/2019 | (APP) - DA19-37369 - 68 Watkins Rd, Dalkeith - Additions to Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mike Richardson Architect |
| 4/09/2019 | BA49858 - Uncertified building permit - Pool Barrier | Manager Building Services | Building Act 2011 | s20.1 | G M Holt |
| 4/09/2019 | BA49748 - Demolition permit - Dwelling | Manager Building Services | Building Act 2011 | s21.1 | Brajkovich Demolition and Salvage Pty Ltd |
| 5/09/2019 | (APP) - DA19-35817 - 51B Haldane St, Mt C - Single House | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Dorian Morelli |
| 5/09/2019 | BA49344 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Marquee Homes Pty Ltd |
| 5/09/2019 | BA48119 - Certified building permit - Alterations | Manager Building Services | Building Act 2011 | s20.1 | Barefoot Renovations Pty Ltd |
| 5/09/2019 | BA49763 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | s20.1 | Tangent Nominees Pty Ltd |
| 5/09/2019 | BA49693 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Nexus Home Improvements |
| 6/09/2019 | (APP) - DA19-38243 - 26 Mayfair St, Mt C - Additions (Patio and Carport) to Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Complete Approvals |
| 6/09/2019 | (APP) - DA19-36848 - 110 Clement St, Swanbourne - Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Capella Constructions Pty  |
| 6/09/2019 | BA49839 - Certified building permit - Addition | Manager Building Services | Building Act 2011 | s20.1 | Mercedes Group Pty Ltd |
| 6/09/2019 | BA49579 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | s20.1 | Plunkett Homes |
| 9/09/2019 | 3039313 - Withdrawn Parking Infringement Notice Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Philippa Lavell-Lee |
| 9/09/2019 | BA49869 - Certified building permit - Office | Manager Building Services | Building Act 2011 | s20.1 | Greared Construction Pty Ltd |
| 9/09/2019 | BA49993 - Certified building permit - Amendments | Manager Building Services | Building Act 2011 | s20.1 | Imperial Homes |
| 9/09/2019 | BA49920 - Certified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | Mass Group WA |
| 9/09/2019 | BA50031 - Demolition permit - Dwelling | Manager Building Services | Building Act 2011 | s21.1 | Brajkovich Demolition and Salvage Pty Ltd |
| 10/09/2019 | (APP) - DA19-37387 - 83 Birkdale St, Floreat - Patio | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Allstyle Patios |
| 10/09/2019 | (APP) - DA19-37458 - 33 Tyrell St, Nedlands - Over-height Dividing Fence | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | T J Cogan |
| 10/09/2019 | (APP) - DA19-35880 - 53 Kirwan St, Floreat - Additions (Carport) to Single House | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mr J Del Dosso |
| 10/09/2019 | DA19-35609 - 16 Walpole St Swanbourne - Two Storey Single Dwelling | A/Director Planning and Development | Planning and Development | Regulation 82 | Coast Homes WA Pty Ltd  |
| 10/09/2019 | DA19-37395 - 67 Stirling Hwy - Additions to Carport and Car park | A/Director Planning and Development | Planning and Development | Regulation 82 | Mr M Sinden |
| 10/09/2019 | BA48926 - Certified building permit - Amendments | Manager Building Services | Building Act 2011 | s20.1 | Ricciardello Nominees |
| 11/09/2019 | BA46719 - Uncertified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | The Patio Factory |
| 12/09/2019 | 3040879 - Withdrawn Parking Infringement Notice Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Ranjini Weerasooriya |
| 12/09/2019 | BA50167 - Certified building permit - Amendment | Manager Building Services | Building Act 2011 | s20.1 | Bright Blue Holdings Pty Ltd |
| 12/09/2019 | BA42175 - Certified building permit - Patio | Manager Building Services | Building Act 2011 | s20.1 | Action Sheds Australia Pty Ltd |
| 13/09/2019 | BA49663 - Uncertified building permit - Fence | Manager Building Services | Building Act 2011 | s20.1 | North Side Fencing |
| 16/09/2019 | BA50249 - Certified building permit - Mental Health Unit and Carpark | Manager Building Services | Building Act 2011 | s20.1 | Georgiou Group Pty Ltd |
| 16/09/2019 | BA49893 - Uncertified building permit - Shed | Manager Building Services | Building Act 2011 | s20.1 | Shedbuild WA |
| 16/09/2019 | BA47856 - Certified building permit - Carports | Manager Building Services | Building Act 2011 | s20.1 | Great Aussie Patios |
| 16/09/2019 | BA45786 - Certified building permit - Fence | Manager Building Services | Building Act 2011 | s20.1 | A J Grant Group |
| 16/09/2019 | BA50072 - Certified building permit - Additions | Manager Building Services | Building Act 2011 | s20.1 | Australian Renovations Group Pty Ltd |
| 16/09/2019 | BA50664 - Occupancy permit - Office Fitout | Manager Building Services | Building Act 2011 | s58.1 | MSA Group Pty Ltd |
| 17/09/2019 | BA50560 - Certified Building Permit - Shed | A/Manager Building Services | Building Act 2011 | s20.1 | Adantino Pty Ltd t/as Outdoor World Wangara |
| 17/09/2019 | BA50457 - Certified Building Permit - Dwelling | A/Manager Building Services | Building Act 2011 | s20.1 | Ventura Homes |
| 17/09/2019 | BA50609 - Demolition Permit - Clearance of site | A/Manager Building Services | Building Act 2011 | s20.1 | AAA Demolition & Tree Services |
| 17/09/2019 | 3040533 - Withdrawn Parking Infringement Notice Other Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Liza Kneebone |
| 18/09/2019 | DA19-37413 - 4 Langham St, Nedlands - Demolition Single House and Ancillary Dwelling | A/Director Planning and Development | Planning and Development | Regulation 82 | Coast Homes WA Pty Ltd  |
| 18/09/2019 | DA19-37864 - 67 Alderbury St, Floreat - Additions to Patio | A/Director Planning and Development | Planning and Development | Regulation 82 | B Trovato |
| 18/09/2019 | DA19-38189 - 63 Philip Rd, Dalkeith - Additions to Upper Floor | Coordinator Statutory Planning | Planning and Development | Regulation 82 | Summit Homes Group |
| 19/09/2019 | (APP) DA19-38952 - 20 Jubaea Grdns - Addition (Patio) to Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Complete Approvals |
| 19/09/2019 | BA49115 - Certified Building Permit - Swimming Pool | A/Manager Building Services | Building Act 2011 | s20.1 | Barrier Reef Pools Perth |
| 19/09/2019 | BA49792 - Uncertified Building Permit - Swimming Pool | A/Manager Building Services | Building Act 2011 | s20.1 | Barrier Reef Pools Perth |
| 19/09/2019 | BA50571 - Certified Building Permit - Re-roof dwelling | A/Manager Building Services | Building Act 2011 | s20.1 | The Roof & Wall Doctor PTY LTD |
| 20/09/2019 | BA50495 - Certified Building Permit - Swimming Pool | A/Manager Building Services | Building Act 2011 | s20.1 | Aquatic Leisure Technologies Pty Ltd |
| 20/09/2019 | BA50009 - Uncertified Building Permit - Pool & Barrier | A/Manager Building Services | Building Act 2011 | s20.1 | Micheal O'Halloran |
| 20/09/2019 | BA51533 - Demolition Permit - Dwellings | A/Manager Building Services | Building Act 2011 | s21.1 | Brajkovich Demolition & Salvage (WA) Pty Ltd |
| 20/09/2019 | BA51293 - Demolition Permit - Dwelling | A/Manager Building Services | Building Act 2011 | s21.1 | Vinsan Contracting Pty Ltd |
| 20/09/2019 | BA50618 - Certified Building Permit - Front fence | A/Manager Building Services | Building Act 2011 | s20.1 | Mr M J McDermott |
| 23/09/2019 | (APP) - DA19-36637 - 15 Beecham Rd, Mt Claremont - Single House | A/Director Planning & Development  | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Exclusive Residence Pty Ltd |
| 23/09/2019 | BA50758 - Certified Building Permit - Car park & Consulting rooms | A/Manager Building Services | Building Act 2011 | s20.1 | Brad Pike - John Massey Group Building Surveyors |
| 24/09/2019 | BA49486 - Uncertified Building Permit - Carport | A/Manager Building Services | Building Act 2011 | s20.1 | Philip Nikulinsky Architect |
| 24/09/2019 | BA50712 - Demolition Permit - Dwelling | A/Manager Building Services | Building Act 2011 | s21.1 | Maxbay Pty Ltd |
| 24/09/2019 | BA50110 - Uncertified Building Permit - Alfresco | A/Manager Building Services | Building Act 2011 | s20.1 | Arutha Pty Ltd |
| 24/09/2019 | BA51605 - Verge Materials Permit - 82 Stanley | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | 6-1 | Australian Renovation Group Pty Ltd |
| 25/09/2019 | BA51548 - Demolition Permit - dwelling | A/Manager Building Services | Building Act 2011 | s21.1 | Hazelton Property Group Pty Ltd |
| 26/09/2019 | BA50516 - Uncertified Building Permit - Spa & Spa-Pool Barrier | A/Manager Building Services | Building Act 2011 | s20.1 | Aquatic Leisure Technologies Pty Ltd |
| 26/09/2019 | BA47161 - Uncertified Building Permit - Patio | A/Manager Building Services | Building Act 2011 | s20.1 | Basilia Trovato |
| 27/09/2019 | BA50727 - Certified Building Permit - Pool | A/Manager Building Services | Building Act 2011 | s20.1 | Quality Dolphin Pools |
| 29/09/2019 | (APP) - DA19-38527 - 13 Robinson St, Nedlands - Addition to Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Outdoor World Wangara |

## Monthly Financial Report – September 2019

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 30 September 2019
2. Capital Works & Acquisitions – 30 September 2019
3. Statement of Net Current Assets – 30 September 2019
4. Statement of Financial Activity – 30 September 2019
5. Borrowings – 30 September 2019
6. Statement of Financial Position – 30 September 2019
7. Operating Income & Expenditure by Reporting Activity – 30 September 2019
8. Operating Income by Reporting Nature & Type – 30 September 2019
 |

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

Moved – Councillor Hassell

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

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

**Executive Summary**

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

**Discussion/Overview**

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

The monthly financial variance from the budget of each business unit is reviewed with the respective Manager and the Executive to identify the need for any remedial action. Significant variances are highlighted to Council in the Monthly Financial Report.

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

The operating revenue at the end of September 2019 was $29.6 M which represents $318k favourable variance compared to the year-to-date budget.

The operating expense at the end of September 2019 was $6.6 M, which represents $316k favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 270,984

Revenue: Unfavourable variance of $ (66,923)

The favourable expenditure variance is mainly due to special projects and professional fees of $171k not incurred yet. Salary and other employee costs in HR, Governance and Communications are lower by $89k due to timing differences and will even out during the year.

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

**Corporate and Strategy**

Expenditure: Favourable variance of $ 370,607

Revenue: Favourable variance of $ 211,912

Favourable expenditure variance is mainly due to timing difference in the use of ICT, Finance and Shared services professional fees and ICT Expenses of $265k. Salaries are lower by $95k due to timing difference and positions not filled.

Favourable revenue variance is due to timing difference of rate income of $243k, offset by lesser interest income of $46k.

The annual budget for Rates is $24.477m compared to Rates levied YTD is $24.411m.

**Community Development and Services**

Expenditure: Favourable variance of $162,770

Revenue: Favourable variance of $111,305

The favourable expenditure variance is mainly due to expenses not expended yet for special projects of $16k and Tresillian tutuor fees of $14k. Salaries are lower by $105k mainly due to positions not filled yet, and timing differences.

Favourable expenditure variance is mainly due to increase in fees & charges income from Tresillian, Positive Ageing and PRCC of $119k.

**Planning and Development**

Expenditure: Favourable variance of $ 281,450

Revenue: Favourable variance of $ 107,109

The favourable expenditure variance is mainly due to expenses not expended yet for Strategic projects, Professional fees, Environmental other expenses, OPRL activities and Ranger services other expenses of $145k. Salaries are lower by $109k mainly due to positions not backfilled, and timing differences.

Favourable revenue variance is mainly due to higher income on fees and charges for Town Planning and Environmental Health of $105K.

**Technical Services**

Expenditure: Unfavourable variance of $ (769,745)

Revenue: Unfavourable variance of $ (45,546)

The unfavourable expenditure variance mainly due to UGP refund from Western Power of $842k budgeted in 2019/20. However, the refund has since been accrued in 2018/19 as the refund was confirmed in June 2019 and relates to expenses incurred in 2017/18 and 2018/19 and will be adjusted during the midyear budget review.

Maintenance and utilities expense for Plant, Parks, Building Maintenance, Waste minimisation and Street road are lower by $775k which are off-set by a lower on-cost charge of $918k, arising due to timing difference and will even out over the remaining year.

Salaries and other employee cost are lower by $144k and insurance lower by $39k due to timing difference.

Small unfavourable variance is mainly due to less Waste management Fees & Charges of $23k and timing difference of street roads grant income of $23k.

**Borrowings**

At 30 September 2019, we have a balance of borrowings of $7 M. There were no additional borrowings for the year in 2019/20 budget and the estimated loan balance as at 30 June 2020 is $5.9 M.

**Net Current Assets Statement**

At 30 September 2019, net current assets were $27 M compared to $28 M as at 30 September 2018. This is mainly due to lower receivable of $427k due to lower UGP service charge and lower payables by $404k.

**Capital Works Programme**

At the end of September, the expenditure on capital works were $1.08 M with further commitments of $3 M which is 32% of a total budget of $12.8 M.

**Conclusion**

The statement of financial activity for the period ended 30 September 2019 indicates that operating expenses are under the year-to-date budget by 4.5% or $316k, while revenue is above the Budget by 1.1% or $318k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – September 2019

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Investment Report for the period ended 30 September 2019
 |

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

Moved – Councillor McManus

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

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

**Executive Summary**

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

**Discussion/Overview**

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

The Investment Policy of the City, which is reviewed each year by the Audit and Risk Committee of Council, is structured so as to minimise any risks associated with the City’s cash investments. The officers adhere to this Policy, and continuously monitor market conditions to ensure that the City obtains attractive and optimum yields without compromising on risk management.

The Investment Summary shows that as at 30 September 2019 the City held the following funds in investments:

Municipal Funds $ 15,051,187.09

Reserve Funds $ 6,585,966.16

Total $ 21,637,153.24

The total interest earned from investments as at 30 September 2019 was $46,382.32.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $6,197,679.78 | 1.40% - 2.73% | 28.64% |
| Westpac | $8,591,203.17 | 1.75% - 2.50% | 39.71% |
| ANZ | $2,182,049.73 | 1.64%-2.20%  |  10.08% |
| CBA | $4,666,220.57 | 1.56% - 2.38% | 21.57% |
| **Total** | **$21,637,153.25** |  | **100.00%** |

**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes [ ]  No [x]

Required by City of Redlands policy: Yes [ ]  No [x]

**Budget/Financial Implications**

Investment income is steady as per budget.

## Execution of caveat removal and re-lodgement to allow transfer of property ownership

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Confidential - Deed Documents
2. Confidential - Withdrawal of Caveat: Landgate Form
 |

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

Moved – Councillor Hassell

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

Councillor Coghlan returned to the meeting at 8.44 pm.

**CARRIED 10/2**

**(Against: Crs. Smyth & Bennett)**

**Council Resolution / Recommendation to Council**

**Council:**

1. **approves the affixing of the City of Nedlands Common Seal (seal) by the CEO on the deed documentation to temporarily remove the caveat on Lot 15 (No 30) The Avenue, Nedlands; and**
2. **directs the Mayor and Chief Executive Officer (CEO) to execute the deed documentation in triplicate by way of signing.**

**Executive Summary**

The purpose of this report is to grant application of the Common Seal to enable the temporary withdrawal of a caveat on a property to facilitate the transfer of fifty percent (50%) of the Land and to register a Surrender of Lease, a Discharge of Mortgage and new Lease over the land for the property at Lot 500 (No. 30) The Avenue, Nedlands.

The confidential documents provided to Council are deed documents to be executed by the City to enable the transfer of fifty percent (50%) to the other party listed in the deed document. The City of Nedlands Caveat L510432 is proposed to be temporarily withdrawn and then re-lodged following the transfer of the property.  Caveat L510432 encumbers the land in favour of the City of Nedlands and is supported by the terms of a deed dated 14 December 2010 between the transferor and the City of Nedlands. See Annexure 1 of Attachment 1.

The deed document has been vetted by the City’s legal representatives- McLeod’s Barristers and Solicitors.

It is recommended that council affix the Common Seal to enable to temporary withdrawal of a caveat on the subject property to facilitate the transfer of property ownership.

**Discussion/Overview**

**Background**

The City has agreed to temporarily withdraw the caveat from at Lot 500 (No. 30) The Avenue, Nedlands subject to the buyers entering into the deed. The temporary withdrawal of the caveat will facilitate the transfer of property ownership. Following the transfer of the property, the caveat will be relodged over the property. The City is entitled to relodge its absolute caveat over the subject property following the transfer.

**Action**

McLeod’s Solicitors and Barristers (McLeod’s) as the City’s legal representatives have emailed a request for the withdrawal of caveat and deed documents to the City on 1 October 2019.

Once approved by Council, the seal will be applied to the deed documents in triplicate in presence of the Mayor and CEO, who are then required to sign the easement documents. At this point the documentation is deemed to be executed. Once executed, the deed documents will be then be collected by McLeod’s. On receipt, McLeod’s will arrange for the temporary withdrawal of the caveat of the titles by lodging of the documents at Landgate.

**Legislation**

The Local Government Act 1995 states:

9.49A.Execution of documents

(1) A document is duly executed by a local government if —

(a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

(b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

(3) The common seal of the local government is to be affixed to a document in the presence of —

(a) the mayor or president; and

(b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.

(4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Nil.

**Budget/Financial Implications**

Legal and lodgment fees for the execution are at the expense of the landowner of No. 30 The Avenue, Nedlands. The owners shall pay the reasonable costs of the City’s solicitors for:

1. The preparation (including preliminary drafts), execution and stamping of this Deed and all stamp duties payable hereon; and
2. The preparation and lodging of any caveat lodge pursuant to the terms of this Deed and any withdrawal or replacement thereof.

**Conclusion**

The withdrawal of the caveats is required to facilitate a property transaction between the deed parties. The application of the common seal by the City will enable the temporary removal of the caveat which will be placed back on the title once the transaction has occurred.

## Metro West JDAP Application – (Lot 684) No. 135 Broadway, Nedlands – Serviced Apartment and cafe

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | Urbanista Town Planning, Peter Mrdja |
| **Landowner** | Cedar Cove PTY LTD |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995***  | Nil.  |
| **Report Type**Information Purposes | Item provided to Council for information purposes only and does not require a decision of Council (i.e. - for 'noting'). |
| **Reference** | DA19/38621DAP/19/01655 |
| **Previous Item** | Nil.  |
| **Attachments** | 1. Responsible Authority Report and attachments
2. Submissions Received - CONFIDENTIAL
 |

**Councillor Bennett – Proximity Interest**

Councillor Bennett disclosed a proximity interest in Item 14.6 – Metro West JDAP Application – (Lot 684) No. 135 Broadway, Nedlands – Serviced Apartment and café. His interest being that he lives next door. Councillor Bennett declared that he would leave the room during discussion on this item.

Councillor Bennett left the room at 7.56 pm.

Procedural Motion

Moved – Councillor Hassell

Seconded – Councillor Hay

**That Council permit Councillor Bennett to return to the room to observe only the debate and decision-making on this item.**

**CARRIED 9/2**

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

Councillor Bennett returned to the room at 8.04 pm.

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

Moved – Councillor Hassell

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

Amendment

Moved - Councillor Mangano

Seconded - Councillor Horley

That Council as representatives of the Community provide comment that relays Community concerns about amenity, height, bulk and scale and resolves that four storeys or equivalent in metres above the street level, is the maximum permissible building height at 135 Broadway, Nedlands.

The AMENDMENT was PUT and was

Lost 5/6

(Against: Mayor de Lacy Crs. Horley McManus Coghlan Hay & Senathirajah)

Put Motion

Moved - Councillor Wetherall

Seconded - Councillor McManus

**That the Motion be put.**

**CARRIED 9/2**

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

**The Original Motion was PUT and was**

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Council**

**Council recommends to the Metropolitan West Joint Development Assessment Panel that the application (reference DAP/19/01655) for Serviced apartments and cafe at (Lot 684) No. 135 Broadway, Nedlands, be refused for the reasons contained in the Responsible Authority Report (dated 11 October 2019).**

**Executive Summary**

In accordance with the Planning and Development (Development Assessment Panels) Regulations 2011, Administration is required to provide a Responsible Authority Report (RAR) to the Joint Development Assessment Panel (JDAP). Council views can also be submitted as a separate submission. The purpose of this report is to obtain Council’s submission.

The development consists of the following:

Ground Floor

* Café (75.8m2)
* Lobby, reception and office.
* 5 car parking bays
* 4 visitor bicycle bays
* Bin store area
* Transformer room
* Other building services

First floor

* 16 car parking bays
* 1 motorcycle parking bay
* 12 bicycle parking bays

Second floor

* 6 x 1-bedroom serviced apartment units; 1 of which is noted as having universal access, and 4 of which are ‘dual key’ (which allows single or dual occupancy depending on the needs of the guests).
* Gym
* Lounge
* Courtyard

Third to Fifth Floor

* 2 x 2-bedroom serviced apartment units
* 4 x 1-bedroom serviced apartment units, all of which are ‘dual key’.

Sixth Floor

* 2 x 2-bedroom apartments
* Roof terrace

The RAR and supporting attachments outline the proposal in detail (see Attachment 1)

Following a Request for Further information sent by Administration on 18 September 2019, amended plans were received at 5:00pm on Thursday 3 October 2019. Due to the reporting timelines, the City has not finalised the RAR and supporting attachments. However, Administration does not foresee any material changes to the RAR report or the RAR recommendation.

1. **Appointment Committees of Council**

## Committee of the Whole of Council (Council Committee)

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** |  Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

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

Moved – Councillor Wetherall

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED 11/1**

**(Against: Cr. Horley)**

**Council Resolution / Recommendation to Council**

**Council:**

1. **appoints the Mayor, Deputy Mayor and all Councillors to the Committee of the Whole of Council (Council Committee) for a period ending immediately prior to the next Local Government Elections in 2021.**
2. **adopts the Terms of Reference of the Committee of the whole Council (Council Committee) as below.**

**ABSOLUTE MAJORITY VOTE REQUIRED**

**Executive Summary**

The purpose of this Report is to appoint members of the Committee of the Whole of Council (Council Committee) and adopt the terms of reference.

**Discussion/Overview**

**Background**

The committee of the Whole of Council (Council Committee) consists of all Councillors and meetings on the Second Tuesday of every Month.

**Terms of Reference for the Committee of the Whole of Council (Council Committee)**

**Purpose**

The Committee of the Whole of Council will consider matters presented to it by the Council administration and only make recommendations to Council to enable the necessary or convenient proper management of the Council functions of the Local Government Act 1995, the Planning and Development Act 2005 and other relevant legislation as amended from time to time.

**Scope**

1. This Committee is established by Council in accordance with the Local Government Act 1995, section 5.8.

2. Clause 3.2(4) of Council’s Standing Orders further states:

“Unless stated otherwise in the Terms of Reference of that Committee, the procedure for meetings of Committees and the order of business shall be the same as the procedure and the order of business for Council meetings”.

**Under these Terms of Reference**

* + - 1. The Presiding Member may invite any members of the public who have prior to the meeting commencing requested, as required under Clause 3.4 of Council’s Standing Orders, to address the Committee on a particular item just prior to the item being considered by Committee. If the Presiding Member invites the speaker/s forward to address the Committee, then it must also be before the item has been moved and seconded.
			2. Committee members and Staff are not required to rise when speaking in a Committee meeting; and
			3. A Committee member may speak more than once on a matter, but no more than twice on a matter, unless so agreed to by the Presiding member.

**Membership**

1. The Mayor, Deputy Mayor and all Councillors will be members of the Council Committee.
2. Meetings of the Committee shall be open to the public, except where the Committee decides by resolution to conduct its business or any specified part thereof behind closed doors, in which case provisions of clause 3.12 inclusive of Council Standing Orders apply.

**Meetings**

1. The Council Committee operates under Council’s Standing Orders Local Law.
2. The Council Committee will meet on the second Tuesday of each month, except for December when the meeting will be held on the first Tuesday of the month, in January when no meeting will be held, or as otherwise determined by Council.
3. The quorum for a meeting will be 50% of the offices of the Council Committee as per section 5.19 of the Local Government Act 1995.

Moved – Mayor de Lacy

Seconded – Councillor Horley

**Council Resolution**

**That items 15.2 – 15.5 and items 16.1 – 16.2 be adjourned to a Special Council Meeting on Tuesday 5 November 2019 at 5.30 pm.**

**CARRIED ON THE CASTING VOTE 6/6**

**(Against: Crs. McManus Hassell Mangano Hodsdon Wetherall & Hay)**

## Audit & Risk Committee

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** |  Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

**Recommendation to Council**

Council:

1. appoints the Mayor and Councillors (four - one from each Ward) to the Audit & Risk Committee for the period ending immediately prior to the next Local Government elections in 2021;
2. notes the CEO has called for expressions of interest from the Community for the Community Member; and
3. adopts the Terms of Reference of the Audit & Risk Committee as below.

ABSOLUTE MAJORITY VOTE REQUIRED

**Executive Summary**

The purpose of this report is to appoint Council members of the Audit and Risk Committee and adopt the terms of reference. Nominations for Community Members have been advertised and close on 28 October 2019 and will be presented to the Committee and Council for consideration.

**Discussion/Overview**

**Background**

The Audit & Risk Committee meets from time to time on an as required basis. Previous members for the period ending October 2019 were the Mayor and Councillors Argyle, McManus, Hodsdon and Hay.

Mr Paul Setchell and Mr Rajah Senathirajah were appointed as Community Members.

**Terms of Reference of Audit & Risk Management Committee**

**Purpose**

This Committee is established by Council in accordance with the Local Government Act 1995, part 7, to assist the Council under Regulation 16 of the Local Government (Audit) Regulations 1995 to discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:

* The reporting of financial information, the application of accounting policies, and the management of the financial affairs of the City,
* The assessment of the adequacy of the management of Risk.

**Scope**

**Local Government (Audit) Regulations 1995**

**Regulation 16 - Functions of audit committee**

An audit committee has the following functions —

(a) to guide and assist the local government in carrying out —

(i) its functions under Part 6 of the Act; and

(ii) its functions relating to other audits and other matters related to financial management;

(b) to guide and assist the local government in carrying out the local government’s functions in relation to audits conducted under Part 7 of the Act;

(c) to review a report given to it by the CEO under regulation 17(3) (the CEO’s report)and is to —

(i) report to the council the results of that review; and

(ii) give a copy of the CEO’s report to the council;

(d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —

(i) regulation 17(1); and

(ii) the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);

(e) to support the auditor of the local government to conduct an audit and carry out the auditor’s other duties under the Act in respect of the local government;

(f) to oversee the implementation of any action that the local government —

(i) is required to take by section 7.12A(3); and

(ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and

(iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and

(iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);

(g) to perform any other function conferred on the audit committee by these regulations or another written law.

The committee shall have as its primary duties and responsibilities the following tasks:

**Audit**

1. To consider and approve the brief for the provision of audit services;

2. To evaluate the responses to the request for the provision of audit services and to make a recommendation to Council on the appointment of an auditor;

3. To meet with Council’s external auditors and review the Audit Plan prior to the conduct of the interim audit each year;

4. To ensure that the audit is being conducted in accordance with the brief and the terms of appointment and that matters of concern to the Council and/or the Committee are being addressed;

5. Ensure that the Council’s financial affairs and systems and processes are being managed and reported in accordance with statutory requirements and Australian Accounting Standards;

6. Ensure that relevant financial information is reported to Council in a form that meets the needs and expectations of Council, clearly setting out the key relevant financial data, such that the Council can confidently understand the financial performance of the Council’s affairs;

7. Review the audit report and make appropriate recommendations to Council; and

8. Where appropriate and with the approval of Council seek advice and/or assistance in relation to matters pertaining to the audit or financial affairs of the City.

1. Monitor the implementation of the Audit Management Plan.

**Risk Management**

At least once every year consider a report in relation to the management of risk within the City of Nedlands and satisfy itself that appropriate controls and processes are in operation and are adequate for dealing with the risks that impact on the City.

To address any specific requests referred to it from Council in relation to issues of risk and risk management.

Monitor the implementation of the Strategic Risk Management Plan.

**Membership**

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting and up to two non-Councillor Members, being residents of The City of Nedlands.
2. Council may if it considers it appropriate appoint deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment.
4. The term of the presiding member and committee members will expire immediately prior to the next ordinary Council election.
5. The presiding member shall be determined by election amongst the members of the committee. The election will take place at the first meeting following the reconstitution of the committee after each ordinary Council election. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member.
6. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 5 above.
7. Community members shall have appropriate qualifications in Audit and/or Risk.

**Staff**

The following staff will attend committee meetings to provide technical support and advice:

* Chief Executive Officer
* Director of Corporate & Strategy
* Manager Financial Services

Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer.

**Invitees/Attendees**

The Committee may invite relevant persons to attend and address or advise the committee, within the ambit of its scope and where necessary with the approval of Council (eg if authorisation of funding is required), as it sees fit including but not limited to:

* The external auditor or his/her representative
* Internal auditors
* Relevant consultants

**Meetings**

1. The Council Committee operates under the Council’s Standing Orders Local Law.
2. The Committee shall have flexibility in relation to when it needs to meet, but as a minimum shall meet twice a year. It is the responsibility of the presiding member to call the meetings of the committee. As a minimum the following business shall be conducted either at each or collectively over the two meetings:
* Meet with the internal auditor with regards to the Audit Plan
* Consider a report in relation to the management of risk and review the insurance requirements of the City of Nedlands
* Meet with the auditor with regards to the Annual Audit and the issue of the interim and/or final Audit Report
1. The quorum for a meeting will be 50% of the offices of the Audit & Risk Committee as per section 5.19 of the Local Government Act 1995.

**Delegated Authority**

The Audit and Risk Committee will have delegated authority to meet with the auditor in accordance with Section 7.12A(2) of the Local Government Act 1995.

## Chief Executive Officer’s Performance Review Committee

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** |  Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

**Recommendation to Council**

Council:

1. appoints the Mayor and Councillors (four – one from each Ward) to the Chief Executive Officer’s Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2021; and
2. adopts the Terms of Reference of the Chief Executive Officer’s Performance Review Committee as below.

ABSOLUTE MAJORITY VOTE REQUIRED

**Executive Summary**

The purpose of this report is to appoint members of the Chief Executive Officer’s Performance Review Committee and adopt the terms of reference.

**Discussion/Overview**

**Background**

The Chief Executive Officer’s Performance Review Committee meets from time to time on an as required basis. Previous members for the period ending October 2019 were the Mayor and Councillors, McManus, Horley, Argyle, Wetherall, de Lacy and James.

**Terms of Reference for Chief Executive Officer’s Performance Review Committee**

**Purpose**

Under delegated authority to manage the performance appraisal process of the Chief Executive Officer in order to meet both Council’s statutory obligations in accordance with the provisions of Section 5.38(1) of the Local Government Act 1995 and any terms and conditions of the employment contract of the Chief Executive Officer.

**Scope**

In managing the performance appraisal process, the Committee:

1. May recommend an independent consultant to Council for the purposes of conducting the performance appraisal;
2. Is to determine and set in place, an appropriate performance appraisal process;
3. Is to make recommendations to Council regarding:
	1. The setting of goals and objectives
	2. The measurement of key performance indicators (KPIs); and
	3. Changes to the remuneration package within the terms of the Chief Executive Officer’s contract; and
4. May draw on the resources and professional advice of the Manager Human Resources and any additional assistance that the Manager Human Resources may recommend to determine the process and plan and conduct the appraisal.

Any goals, objectives, KPI measurement or remuneration package changes approved by Council must be acknowledged in writing by both the Mayor and the Chief Executive Officer.

All Elected Members are to be briefed of the outcomes of the appraisal prior to any decision by Council.

**Membership**

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting.
2. Council may if it considers it appropriate appoint deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment.
4. The term of the presiding member and committee members will expire immediately prior to the next ordinary Council election.
5. The presiding member shall be determined by election amongst the members of the committee. The election will take place at the first meeting following the reconstitution of the committee after each ordinary Council election. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member.
6. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 5 above.

**Meetings**

1. The Council Committee operates under the Council’s Standing Orders Local Law.
2. The quorum for a meeting will be 50% of the offices of the Chief Executive Officer’s Performance Review Committee as per section 5.19 of the Local Government Act 1995.

**Staff**

The following staff will attend committee meetings to provide technical support and advice:

* Manager Human Resources
* Chief Executive Officer; (when invited)
* Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer:

## Arts Committee

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** |  Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Public Art Council Policy
 |

**Recommendation to Council**

Council:

1. appoints the Mayor and four (4) councillors to the Arts Committee;
2. notes the CEO has called for expressions of interest from the Community for the Community Member;
3. adopts the Public Art Council Policy as per attachment 1; and
4. adopts the Terms of Reference of the Arts Committee as below.

**Executive Summary**

The purpose of this report is to appoint Councillor members of the Arts Committee, adopt the Public Art Council Policy and adopt the terms of reference. A call for Expressions of Interest from Community Members has been advertised and will close on 28 October 2019, and then presented to the Arts Committee and Council for consideration.

**Background**

The Arts Committee was established in 2014 and meets from time to time. Current Councillor members for the period ending October 2019 are the Mayor and four Councillors, one from each ward being Councillors James, Hassell, Hodsdon and Wetherall.

The Public Art Council Policy was reviewed by the Arts Committee as per the Terms of Reference on the 7 October 2019 and is now presented as per attachment one with track changes showing the recommended changes. The changes recommended include the Selection Criteria for Public Art as previously developed and adopted by the Arts Committee.

**Terms of Reference for the Art Committee**

**Purpose**

The Arts Committee will be established under the Local Government Act1995to implement public art projects within the City of Nedlands.

**Aim**

To ensure that the City of Nedlands includes artworks of a high standard in the public domain.

**Scope**

The Committee will undertake the following within the City of Nedlands:

1. Initiate, consider and decide on proposals for public artworks.
2. Oversee the implementation of public artworks.
3. Consider external proposals for public artworks to be donated to the City of Nedlands.
4. Promote awareness of the City’s existing public artworks.
5. Review the City’s art collection and make recommendations to Council on its conservation.
6. Review Council’s Public Art Policy as required and make recommendations to Council on any proposed changes.
7. Develop a draft Percent for Art Policy and make recommendation to Council on its adoption.

**Procedure**

After adoption of the City’s budget by Council each year and before commencing its work for the ensuing year the Committee shall:

* Consider the budget and any other available funds for art works to be acquired in the ensuing year.
* Formulate a plan of priorities and objectives for the year including the proposed siting of any public art works.
* Present that plan for review and amendment or approval by the Council.

**Delegated Authority**

The Committee has delegated authority to implement public artworks of not more than $10,000 each to the value of up to, in all, the budget allocation approved by Council within the current financial year’s budget. Artworks over $10,000 shall be recommended to Council for approval.

**Membership**

1. Mayor and four Councillors, appointed by Council.
2. Two community representatives with professional expertise in public art, who are residents of the City.
3. One youth representative with an interest in public art, aged 12 – 25 years, who is a resident of the City.
4. Non-residents of the City of Nedlands may be appointed as non-voting members.

**Meetings**

1. The Council Committee operates under the Council’s Standing Orders Local Law.
2. The quorum for a meeting will be 50% of the offices of the Arts Committee as per section 5.19 of the Local Government Act 1995.
3. Meetings are open to community and Councillors.
4. Voting members are listed under Membership above.
5. Non-voting members may participate in all aspects of the meeting other than voting.
6. Non-voting attendees (as distinct from non-voting members) will have observer status.
7. Meetings with be held quarterly or as required.

**Staff**

The following staff will attend meetings to provide support and advice:

* Manager Community Development, as required.
* Tresillian Arts Centre Coordinator, as required.
* Any other officer, as required.

**Terms of Reference**

The Terms of Reference will be reviewed annually.

## Captain Stirling Hub Committee

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** |  Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

**Recommendation to Council**

Council:

1. Disbands the Captain Stirling Hub Committee;
2. Establishes the Town Centre Precinct Advisory Group;
3. Appoints the following elected member (insert names) to the Captain Stirling Hub Advisory Group for the period ending immediately prior to the next Local Government elections in 2021;
4. instructs the CEO to call for expressions of interest from the Community for two Community Members; and
5. adopts the Terms of Reference of the Captain Stirling Hub Advisory Group as below.

ABSOLUTE MAJORITY VOTE REQUIRED

**Alternate Recommendation**

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

**Executive Summary**

The purpose of this Report is to appoint members of the Stirling Hub Committee and adopt the terms of reference. An alternative recommendation is provided to allow Council to consider the most expedient Council mechanism for dealing with strategic matters relating to precincts.

**Background**

The Captain Stirling Hub Committee was established by Council on 25 May 2015. It has operated as an advisory group rather than a Committee since then.

There are a number of precincts that require expedited strategic planning work. It is proposed that the Chief Executive Officer provide consideration of mechanisms for elected member participation in the engagement process for this work and report to Council in December 2019.

Matters to be considered included:

* Agility. With the City prioritizing the development of the precinct policy work and the need for quick engagement, elected member engagement mechanism needs to be agile and responsive to the developing strategic planning work;
* The ability for all elected members to participate in the engagement process at a level of their choosing; and
* Whether the mechanism is the same for each precinct or area varies depending on the location or the nature of the strategic planning matter.

It is vital to Council decision making and for efficient and effective development of the strategic planning processes that there are not two disconnected strategic planning processes occurring concurrently.

The alternative recommendation is provided for Council to consider the best mechanism for it to progress the broader strategic planning issues across the City of Nedlands.

**Previous Council Decisions**

At the Council Meeting of 26th May 2015 Council resolved the following:

“Council Resolution

1. The City establishes a Steering Committee for the purpose of the Captain Stirling Local Hub Study, comprising of 2 Melvista Ward members; 2 Community members and the Mayor, ex-officio plus a Councillor from the Hollywood ward;
2. That the establishment of the Steering Committee, development of its terms of reference and its activation will occur at a time that best fits with the processes around the completion of the Local Planning Strategy and Town Planning Scheme No.3; and
3. That the Steering Committee comprise of Mayor Hipkins; Councillors James, Hay and Wetherall and the Committee appoint Community Members.”

**Terms of Reference**

The current Captain Stirling Hub Committee terms of reference have not been endorsed by Council. However, they have been agreed by the Committee, as follows:

“**Status**

As an informal advisory committee, the committee can determine its own terms of reference and *modus operandi,* without the need to comply with the Council Standing Orders or other requirements of the Local Government Act 1995.

**Purpose**

To provide advice to Council with regard to the planning of the Captain Stirling Local Hub.

**Scope**

1. The committee shall determine the boundaries of the study area, which may include a core and outer study area.
2. The committee shall consider appropriate design parameters for development within the study area, which may include:
	1. Access
	2. Land Use
	3. Character and Built Form, including building height and setbacks
	4. Heritage Protection
	5. Car Parking
	6. Landscaping
3. The committee may prepare a preferred structure plan for the study area, illustrating major elements to be included in any detailed plans.
4. The committee shall give priority to the protection of the quality of the adjoining residential environment.

**Membership**

1. The membership of the committee shall comprise the Mayor, two Councillors from the Melvista Ward (being Councillors James and Hay), one Councillor from the Hollywood Ward (being Councillor Wetherall) and two non-Councillor Members, being residents of the City of Nedlands, appointed by the committee.
2. The committee may if it considers it appropriate allow deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason, then the committee may appoint a replacement in accordance with the same arrangements as for the original appointment.
4. The quorum for a meeting shall be four.”

There are several issues with the Terms of Reference, as agreed by the committee.

1. It is considered best practice for Council to approve all terms of reference, including those of Advisory Groups, as it currently does with all its committees.
2. There are fundamental principles relating to accountability and transparency that are in the Standing Orders and the Local Government Act 1995, which make the reference to determining its own modus operandi and dispensing with the need to comply with the standing orders and Local Government Act 1995 ill-advisable and potentially in breach of the Local Government Act 1995. An example is declarations of interest.
3. In terms of Scope
	1. the Town Centre precinct area is the preferred boundary of the study area;
	2. the ability for the committee to prepare its own structure plan can only be **by delegation of Council**. This work is operational in nature and there is no budgetary or administrative support determined by Council. Running an administrative process alongside this process would be inefficient and potentially extremely confusing for the community.
	3. The priority in the Scope is to the protection of the quality of the adjoining residential environment. Any scope priorities should be considered and endorsed by Council.

The above-mentioned issues relating to the existing Terms of Reference are of sufficient consequence to provide the alternative recommendation with the inclusion of development of appropriate Terms of Reference. It is noted that a policy on Advisory Group is due to come before the elected members within a month.

1. **Appointment** **of Members to External Committees & Internal Working Groups**

## Lake Claremont Committee

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** |  Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

**Recommendation to Council**

Council appoints one (1) Councillor as delegate and one (1) Councillor be appointed as deputy delegate to the Lake Claremont Committee for a period ending immediately prior to the next Local Government Elections 2021.

ABSOLUTE MAJORITY VOTE REQUIRED

**Executive Summary**

The purpose of this report is to appoint members of the Lake Claremont Committee. Previously, Council resolved to appoint Councillor Smyth as the Delegate and Councillor de Lacy as Deputy Delegate.

**Discussion/Overview**

**Background**

The Committee was established to prepare and implement a Management Plan for the Lake. Lake Claremont Committee, with community participation, ensures that they Lake is Managed by the Town of Claremont, as a healthy natural seasonal lake for both conservation and recreational purposes.

## Development Assessment Panels – City of Nedlands Nomination of Members

|  |  |
| --- | --- |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

**Recommendation to Council**

Council:

1. Pursuant to Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, nominates the following local members to sit on the City of Nedlands Development Assessment Panel:

Local member:

1. (insert nominee)
2. (insert nominee)

Alternate local member:

1. (insert nominee)
2. (insert nominee)
3. Approves this nomination to be submitted to the Department of Planning.

**Executive Summary**

The Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations) requires Council to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the Joint Development Assessment Panel (JDAP).

The purpose of this report is for Council to nominate replacement nominees in the event that one or more of the current nominees are no longer elected members following the local government election on 19 October 2019. The replacement nominees are required to be submitted to the Department of Planning, Lands and Heritage by 8 November 2019. Confirmation is required if there is no change to the nominees.

Any new nominees will be considered by the Minister and will be appointed local government DAP members for the term ending 26 January 2022.

**Background**

**Key Relevant Previous Council Decisions:**

In 2011, Council nominated Councillors Tan and Negus as local members and Mayor Frose and Cr Hodson as alternate members.

In 2013, Council nominated Mayor Hipkins and Councillor Shaw as local members and Councillor Hassell and Councillor Somerville-Brown as alternative members.

In 2015, Council nominated Mayor Hipkins and Councillor Shaw as local members and Councillor Hassell and Councillor Smyth as alternative members.

In 2017, Council nominated Mayor Hipkins and Councillor Shaw as local members and Councillor Smyth and Councillor Wetherall as alternative members.

**Consultation**

Required by legislation: Yes [ ]  No [x]

Required by City of Nedlands policy: Yes [ ]  No [x]

**Legislation / Policy**

* Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations)
* Planning and Development (Development Assessment Panels) Amendment Regulations 2016 (DAP Amendment Regulations)

**Budget/Financial Implications**

Within current approved budget: Yes [x]  No [ ]

Requires further budget consideration: Yes [ ]  No [x]

**Risk Management**

If the Council fails to nominate members and submit nominations to the Department of Planning, the Minister has the power to appoint non-councillors from the community.

**Discussion**

Development Assessment Panels (DAP) were introduced by the (then) Department of Planning during 2011 to assist with decision making involved with complex development applications.

Each DAP consists of three specialist members, one of which is the presiding member, and two local government members.

Appointment of the City’s current DAP members, (Mayor Max Hipkins and Councillor Nigel Shaw as local members, and Councillor Smyth and Councillor Wetherall as alternate local members), expires on 26 January 2020.

The Council is being requested to nominate replacement and alternate replacement nominees in the event that current DAP members are no longer Councillors following the local government election.

DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment.

If Council nominates new members and new alternate members, the nominees will be submitted to the Department of Planning and the Minister of Planning will consider and appoint the nominee for the remainder of the term ending 26 January 2020 and the next term ending 26 January 2022. All appointed members will be placed on the local government member register and advised of DAP training dates and times. Training is only required for those who have not had training already.

The Department of Planning. Lands and Heritage has noted in their letter of advice that:

*“The McGowan Government has recently launched OnBoardWA as part of its commitment to increase the total number of women appointed to Government board and committees to 50 percent by 2019.*

*I encourage you to consider diversity of representation when putting forward your local government nominations in supporting this important election commitment.”*

**Conclusion**

It is recommended that, as requested, Council nominate replacement and alternate DAP members for the consideration of the Minister.

1. **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.

Nil.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on November 2019

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 November 2019 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

## Councillor Smyth - Proposal for a Smart City Committee

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

The primary purpose is to develop a strategic and collaborative approach to:

1. accessing Commonwealth funding that is available through the Department of Infrastructure, Transport, Cities and Regional Development Grants;
2. initiating community-based projects that have proven track records, shared on the Australian Smart Cities Platform; and
3. engaging the diverse skills and capacity of our community to shape the dynamics of artificial intelligence and machine learning.

# Urgent Business Approved By the Presiding Member or By Decision

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 9.12 pm.