



City of Nedlands

Agenda

Council Meeting

22 September 2015

Dear Council Member

The next ordinary meeting of the City of Nedlands will be held on Tuesday, 22 September 2015 in the Council Chambers at 71 Stirling Highway Nedlands, commencing at 7.00pm.

Michael Cole
ACTING CHIEF EXECUTIVE OFFICER
17 September 2015

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City of Nedlands

Notice of an Ordinary Meeting of Council to be held at the City of Nedlands Council Chambers, Tuesday 22 September 2015 at 7.00pm.

Council Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 7.00pm and will draw your attention to the disclaimer below:

(Note: At the Ordinary Meeting held on 24 August 2014, Council resolved that should the meeting time reach 11.00pm, the meeting is to consider an adjournment motion to reconvene the next day).

Present and Apologies and Leave of Absence (Previously Approved)

Leave of Absence

(previously approved)

His Worship the Mayor, R M Hipkins (Presiding Member)
Councillor J Wetherall Hollywood Ward

Apologies

Greg Trevaskis

CEO

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 a Council's position. For example, by reference to the Confirmed Minutes of a 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.

1. Public Question Time

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

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

2. Address by Members of the Public

(only items listed on the Agenda)

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

3. Requests for Leave of Absence

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

4. Petitions

Petitions to be tabled at this point.

5. Disclosure of Financial Interest

The Presiding Member to remind 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.

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

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

6. Disclosures of Interests Affecting Impartiality

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

Councillors and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

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

"With regard to the matter in item x..... I disclose that I have an association with the applicant (or person seeking a decision). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

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

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

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

8. Confirmation of Minutes

8.1 Ordinary Council Meeting 25 August 2015

The minutes of the ordinary Council meeting held 25 August 2015 to be confirmed.

9. Announcements of the Presiding Member without discussion

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

10. Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

11. Matters for Which the Meeting May Be Closed

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

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

12.1 Minutes of Council Committees

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

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

Risk & Audit Committee

Circulated to Councillors on 9 September 2015

3 September 2015

Council Committee

Circulated to Councillors on 15 September 2015

8 September 2015

12.2 Planning & Development Report No's PD39.15 to PD41.15 (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.

PD39.15 (LOT 3) No. 7 Nardina Crescent, Dalkeith – Two Storey Single House

Committee	8 September 2015
Council	22 September 2015
Applicant	Glory Holdings (WA) Pty Ltd
Owner	C Wang
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/150
Previous Item	Nil.
Attachments	1 – Site Plan and Survey Plan 2 – Ground Floor Plan 3 – Upper Floor Plan 4 – Elevations 5 – Site photographs

Recommendation to Council / Committee Recommendation

Council approves the application for a Two Storey Single House and Pool at (Lot 3) No. 7 Nardina Crescent, Dalkeith, in accordance with the application received on 1 May 2015 and amended plans received on 19 June 2015, subject to the following conditions and advice:

- 1. Amended plans are to be submitted with the building permit application demonstrating the upper floor balcony being setback 9m from the front boundary.**
- 2. The development shall at all times comply with the approved plans.**
- 3. All proposed visual privacy screens and obscure glass panels to Major Openings and Active Habitable Spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2013 (R-Codes)*. The structures shall be installed and remain in place permanently, unless otherwise approved by the City.**

4. The crossover to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for the crossover from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.
5. The redundant portion of the existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.
6. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property.
7. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
8. All footings and structures to retaining walls and fences, shall be constructed wholly inside the site boundaries of the Certificate of Title.
9. The street tree is to be retained and shall not be removed without prior written approval from the City.

Advice Notes specific to this approval:

1. The applicant is advised that a further planning application will be required for any new primary or secondary street fencing.
2. Any construction in the nature-strip / verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services, prior to construction.
3. Dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the *City of Nedlands Fencing Local Law 2007* are deemed-to-comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line.
4. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
5. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.

6. The swimming pool fencing installed is to comply with the *Building Act 2011*, the *Building Regulations 2012* and Australian Standard S 1926.1-1992.
7. The swimming pool, whether partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
8. 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.
9. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.
Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties.
Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.
10. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an 5
Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.
Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
11. 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.

PD40.15	(LOT 300) No. 3/29 Asquith Street, Mount Claremont – Proposed Change Of Use (From Shop To Lunch Bar)
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Committee	8 September 2015
Council	22 September 2015
Applicant	K Hughie-Williams
Landowner	Burgess Rawson
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/183 – AS2/29
Previous Item	Nil
Attachments	1. Site Plan (A3) 2. Floor Plan (A3)

Recommendation to Council / Recommendation to Committee

1. Council approves the retrospective application for a lunch bar to continue operating at (Lot 300) No. 3/29 Asquith Street, Mount Claremont, subject to the following conditions and advice:
 - a) The development shall at all times comply with the approved plans.
 - b) Unless otherwise approved by the City, there shall be no tables and chairs available for customers.
 - c) The existing tables and chairs shall be removed from the premises within 14 days from this decision, to the City's satisfaction.
 - d) The use complying with the lunch bar definition as stipulated under Town Planning Scheme No. 2 (refer to advice note 1).
 - e) No unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.
 - f) The operating hours of the lunch bar are restricted to:

Monday and Friday 7.00am to 6.00pm;
Saturday 7.00am to 4.00pm; and
Sunday 7.00am to 2.00pm.

Advice Notes specific to this approval:

1. The applicant is advised that the use 'Lunch Bar' is defined as being the following under the City's Town Planning Scheme No. 2:

"Means premises used for the preparation and/or sale of take-away sandwiches and similar foodstuffs within industrial and commercial areas in a form ready to be consumed without further preparation off the premises."

2. The applicant shall lodge with the City an *Application for Food Premises Alteration / Fit-out* which an Environmental Health Officer at the City is satisfied demonstrates food safety outcomes.
3. Prior to commencing a Food Business, the premises shall receive an inspection from an Environmental Health Officer at the City which cites the Food Business may commence operation.
4. Upon commencement of a Food Business, a Food Safety Program which meets the requirements of the *Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs* shall be implemented and maintained.
5. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
6. Noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays.
7. Prior to commencing a Food Business* a proprietor shall lodge with the City a *Food Business Registration / Notification Form*.
**A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.*

PD41.15	Girl Guides Western Australia Inc. – Lease Of Guides Hall At 121 Monash Avenue, Nedlands – Portion Of Reserve 20838
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Committee	15 September 2015
Council	29 September 2015
Applicant	Girl Guides Western Australia Inc.
Owner	City of Nedlands
Officer	Rebecca Boley – Leased Assets Co-ordinator
Director	Peter Mickleson – Planning & Development
File Reference	CAP-LB-00007
Previous Item	D22.10 on 27 April 2010

Recommendation to Council / Recommendation to Committee

Council

1. Approves and endorses the lease agreement (as amended) with Girl Guides Western Australia Inc. for premises at Reserve 20838 in the terms contained in Attachment 1 and
2. Authorises the Mayor and CEO to execute the Deed of Lease with application of the City's common seal.

UPDATE – 15/09/2015

As required, the Draft Lease was sent to the Department of Lands for review. The Department has confirmed "in principal" approval subject to the following amendments:

- Clause 8.2 "indemnity" – to include indemnification to the Minister for Lands.
- Clause 24.1 "No assignment or sub-letting without consent" – to also include prior consent of the Minister of Lands.
- Clause 31 "Variation – to also include prior consent of the Minister of Lands.
- Clause 38.1 "No absolute caveat" - to also include prior consent of the Minister of Lands.

The proposed new Lease has now been updated to include all amendments as requested by the Department.

12.3 Technical Services Report No: TS22.15 (copy attached)

TS22.15	Mt Claremont Shopping Centre Parking
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Committee	8 September 2015
Council	22 September 2015
Applicant	City of Nedlands
Officer	Mark Goodlet – Director Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	TS-008753
Previous Item	Nil

Recommendation to Council / Recommendation to Committee**Council:**

1. **Agrees to investigate the provision of an extra 15 parking bays in Asquith Street by:**
 - a) **Relocation of the bus stop at Asquith Park and the provision of angled parking; and**
 - b) **The addition of parallel parking bays adjacent to 32 Strickland Street (corner lot).**
 - c) **Review street parking bays availability.**

2. **Agrees to investigate the provision of an extra 16 parking bays in the residential block known as Asquith Park by:**
 - a) **Redesign of the park layout to incorporate the existing 8 bays; and**
 - b) **Creation of an improved village centre park with landscaped garden, shelter and upgraded furniture.**

3. **Agrees to investigate the provision of an alternative park at 26a Adderley Street by:**
 - a) **Re-engineer of the council owned drainage sump;**
 - b) **Design of a park layout to incorporate a playground and 4 new car bays; and**
 - c) **Allocation of \$5,000 to fund feasibility of work.**

4. **Agrees to investigate the provision of an alternative park at west Asquith St cul-de-sac by:**
 - a) **Dual purposing of the un-constructed road reserve servicing golf course;**
 - d) **Design of a thoroughfare layout to incorporate the mulberry tree and 4 new car bays;**

e) Maximising the goodwill landscaping of adjacent property stakeholders.

5. Writes to the owners of Strata Title 30656 for the Mt Claremont Village requesting measures be taken to:

- a) Maximising the availability of onsite parking, including the use of a multi-levelled parking structure;**
- b) Ideally provide an additional 53 of 73 bays of the onsite shortfall;**
- c) Be within the extent permitted under Town Planning Scheme No. 2 and Strata Titles Act 1985.**

Recommendation to Committee

Council:

- 1. Agrees to investigate the provision of an extra 15 parking bays in Asquith Street by removal of the bus stop at Asquith Park and the provision of angled parking and by the addition of parallel parking bays adjacent to 32 Strickland Street, subject to the owners of the Mt Claremont Shopping Centre maximising the availability of onsite parking including the use of second storey parking to the extent permitted under Town Planning Scheme No. 2.
- 2. Requests that the CEO write to the owners of the Mt Claremont Shopping Centre advising the owner of Council's position on this matter.

12.4 Community & Organisational Development Report No: CM06.15 (copy attached)

CM06.15	Community Sport And Recreation Facilities Fund Application – Allen Park Pavilion Upgrade
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Committee	8 September 2015
Council	22 September 2015
Applicant	City of Nedlands
Officer	Amanda Cronin – Senior Community Development Officer (Recreation) Marion Granich - Manager Community Development
Director	Michael Cole – Director Corporate and Strategy
File Reference	CD-004384
Previous Item	N/A

Recommendation to Council / Recommendation to Committee**Council:**

- a) Advises the Department of Sport and Recreation that it endorses the City's Community Sport and Recreation Facilities Fund grant application for \$244,233 towards an upgrade of the Allen Park Pavilion;
- b) Ranks and rates this application as follows:
 - 1 – Allen Park Pavilion Upgrade: Well Planned and Needed by Sport.

12.5 Corporate & Strategy Report No's CPS21.15 to CPS22.15 (copy attached)**CPS21.15 List Of Accounts Paid – July 2015**

Committee	8 September 2015
Council	22 September 2015
Applicant	City of Nedlands
Officer	Kim Chua – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

Recommendation to Council / Recommendation to Committee

Council receives the List of Accounts Paid for the month of July 2015 (Refer to Attachment).

CPS22.15	Corporate Business Plan – Quarter 4 2014/15
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Committee	8 September 2015
Council	22 September 2015
Applicant	City of Nedlands
Officer	Pollyanne Fisher - Policy & Projects Officer
Director	Michael Cole - Director Corporate & Strategy
File Reference	CS-BP-00002
Previous Item	CPS15.15 (Quarter 3 Report)

Recommendation to Council / Recommendation to Committee

Council receives the Quarter 4 2014/2015 report on progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report –August 2015

The attached Common Seal Register Report for the month of August 2015 is to be received.

August 2015

SEAL NUMBER	DATE SEALED	DEPARTMENT	MEETING DATE / ITEM NO.	REASON FOR USE
753	17 August 2015	Planning & Development	Council Resolution PD25.15 Date of Council Meeting 26.5.2015	Department of Education, Reconfiguration of Extended Lease Area at Nedlands Park Early Learning Centre – 150 Melvista Avenue, Nedlands. Sharepoint No: CAP-002824

13.2 List of Delegated Authorities – August 2015

The attached List of Delegated Authorities for the month of August 2015 is to be received.

Record of Delegations of Authority and Authorisations

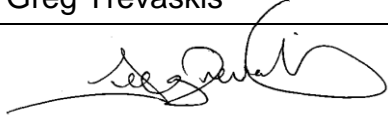
AUGUST 2015					
Date of use of delegation of authority	Title	Position exercising delegated authority (choose)	Act (choose)	Section of Act	Applicant City of Nedlands, property owner or other (please specify)
03/08/2015	39 Philip Rd ,Dalkeith	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Hoffman &Brown Architects
03/08/2015	12A Louise Street ,Nedlands	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	N Yang
04/08/2015	31 Cygnet Crescent ,Dalkeith	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Lasting impressions
05/08/2015	36 Mayfair Street ,Mt Claremont	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	Tim Davies Landscaping
05/08/2015	39 Cross Street ,Swanbourne	Andrew Bratley	City of Nedlands TPS2	Section 6.7.1	M Bessant
05/08/2015	61 Thomas Street ,Nedlands	Andrew Bratley	City of Nedlands TPS2	Section 6.7.1	CGX Pty Ltd
05/08/2015	3015312 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Kaylea Piotrowski
05/08/2015	3015617 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Peter Franklin
06/08/2015	98 Tyrell St ,Nedlands	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Oswald Homes(1972) Pty Ltd
06/08/2015	5A Second Avenue ,Mt Claremont	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	Ivory Investments Pty Ltd
07/08/2015	67 Hampden Road, Nedlands	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	Albec Constructions
07/08/2015	3015159 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Cindy Lissiman
07/08/2015	3002284 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Sally Mellberg
07/08/2015	3016451 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Cara Bensky

AUGUST 2015	Date of use of delegation of authority	Title	Position exercising delegated authority (choose)	Act (choose)	Section of Act	Applicant City of Nedlands, property owner or other (please specify)
	07/08/2015	3010307 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Brett Glaskin
	07/08/2015	3013779 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Tiffany Hames
	10/08/2015	85 Monash Avenue ,Nedlands	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	BCA Building Certifiers & Assessors Pty Ltd
	11/08/2015	3009677 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Charmaine Tucker
	11/08/2015	3010303 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Andrew Stanley
	11/08/2015	3016952 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Meme Salpietro
	13/08/2015	3014946 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Damien Cashman
	13/08/2015	3016942 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Dominik Smolka
	13/08/2015	22 Kingston Street ,Nedlands	Andrew Bratley	City of Nedlands TPS2	Section 6.7.1	Glasshouse Conservatories Pty Ltd
	13/08/2015	3 Jutland Parade ,Dalkeith	Andrew Bratley	City of Nedlands TPS2	Section 6.7.1	Swan River Constructions Pty Ltd.
	13/08/2015	20 Swansea Street Swanbourne	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	J R Jones
	13/08/2015	89 Smyth Road ,Nedlands	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	G M Johansson

AUGUST 2015	Date of use of delegation of authority	Title	Position exercising delegated authority (choose)	Act (choose)	Section of Act	Applicant City of Nedlands, property owner or other (please specify)
	13/08/2015	62 waratah Avenue ,Dalkeith	Andrew Bratley	City of Nedlands TPS2	Section 6.7.1	A B Parker
	18/08/2015	41 Beatrice Road ,Dalkeith	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Coastview Australia Pty Ltd
	19/08/2015	83 Thomas Street , Nedlands	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	Gresley Abas Architects
	20/08/2015	3015619 – Parking Infringement Appeal Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Vicki McKenzie
	20/08/2015	3011573 – Parking Infringement Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Tiffany Hames
	20/08/2015	3016213 – Parking Infringement Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Angelique
	24/08/2015	20 Stirling Highway ,Nedlands	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Paterson Group Architects
	24/08/2015	31 Clifton St ,Nedlands	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	Jonathan Fisher
	25/08/2015	51 Viewway ,Nedlands	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	Christopher Semmens
	25/08/2015	30 Genesta Crescent ,Dalkeith	Andrew Bratley	City of Nedlands TPS2	Section 6.7.1	Mercedes Group Pty Ltd
	25/08/2015	5B Bulimba Rd,Nedlands	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Eden Outdoor Living
	25/08/2015	150 Stirling highway ,Nedlands	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Anytime Fitness Australia
	25/08/2015	83 Minora Rd ,Dalkeith	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Mr D S Coveney
	27/07/2015	80 Kingsway, Nedlands	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	Judith Stallard
	27/07/2015	13 Philip Rd, Dalkeith	Kate Bainbridge	City of Nedlands TPS2	Section 6.7.1	Arklen Developments
	27/08/2015	27 Carrington Street ,Nedlands	Jennifer Heyes	City of Nedlands TPS2	Section 6.7.1	Direct Carpentry WA Pty Ltd
	27/08/2015	21 Reeve Street ,Swanbourne	Andrew Bratley	City of Nedlands TPS2	Section 6.7.1	Greg Cowie Homes
	28/08/2015	121 North street ,Swanbourne	Andrew Bratley	City of Nedlands TPS2	Section 6.7.1	Build well Group
	28/08/2015	3015614 – Parking Infringement Withdrawal	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Nicole Lostrom

13.3 Sayer Street Road Closure

CEO	Sayer Street Road Closure
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Committee	N/A
Council	22 September 2015
Applicant	City of Nedlands
Officer	Mark Goodlet – Director Technical Services
CEO	Greg Trevaskis
CEO Signature	
File Reference	TS-PRJ-00053
Previous Item	28 July 2015 Ordinary Meeting of Council; items 14.2 & 14.3

Executive Summary

This report considers consultation process, timing and costs relating to a road closure in Sayer Street, Swanbourne.

Recommendation to Council**Council:**

- 1. Resolves:**
 - a. to close Sayer Street on 26 July 2016;**
 - b. that the reasons for the road closure are;**
 - i. to reinstate the area to its original natural state for park and recreational use;**
 - ii. to address a serious concern regarding a major increase in traffic on Sayer Street post development of Seaward Village;**
 - iii. because the planning of the new subdivision can incorporate a secondary access road without impacting on current residents;**
 - c. that the closure shall be effected on a portion of Sayer Street between Jameson Street and the rear of 5 Horizon Court; and**
- 2. Approves additional budget expenditure of \$20,500 for investigation, consultation and design purposes, with funds to be included in the mid-year budget review.**

Strategic Plan

KFA: Transport

The Community Strategic Plan recognises “changing demands in transport” (p.10) and emphasises safe transport (p.16).

A Council outcome of great communities through protected amenity is also an aspiration for Nedlands (p.14).

Background

Sayer Street is a thoroughfare under the care and control of the City of Nedlands. At the east and west ends the thoroughfare sits within road reserve vested in the City. In the middle section the thoroughfare passes through lots 177, 178 and 202, which are part of Class A reserve no. 19283, also vested in the City. Lots 177 and 178 were part of a road reserve for Sayer Street, but were included within the Class A reserve on 5 November 1926.



Figure 1. Sayer Street with its portion of A Class reserve shaded in green.

Key Relevant Previous Council Decisions

28 July 2015 Ordinary Meeting of Council, item 14.3:

1. *The City consults with all stakeholders on the closure of that part of Sayer Street, Swanbourne (A Class reserve 19283) which is not a dedicated road and traverses a reserve and the reinstatement of the area to its original natural state.*
2. *Report to be prepared for the Council Meeting of 22 September 2015.*

28 July 2015 Ordinary Meeting of Council, item 14.2:

1. *The City inform DHA that vehicular access to any future development/redevelopment of Seaward Village shall not be through A Class reserve 19283;*

2. *The City erect two street signs on either side of Sayer Street Swanbourne at A Class Reserve 19283, as follows:*

'You are traversing an A Class Reserve created for the purpose of Parks and Recreation. Please protect our wildlife'.

Consultation

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

Urbis, who are a town planning consultancy firm representing Defence Housing Australia have sent a letter to the City of Nedlands outlining reasons why they oppose closure of Sayer Street. The reasons include:

- Dual access is required for emergency purposes;
- Dual access is required for bush fire emergency specifically;
- Melon Hill and surrounding bushland is particularly vulnerable given that it is natural bushland and has been identified as a bushfire prone area;
- New, tighter, legislative requirements are being imposed on bushfire prone areas; and
- Urbis considers that the Department of Lands will also have due regard to the above requirements.

A copy of their correspondence is provided as Attachment 2.

Legislation / Policy

The *Local Government Act 1995* s3.50 and the *Local Government (Functions and General) Regulations* section 4 stipulate the requirements for consultation in the event of a road closure.

It is noted that part (4) of section 3.50 of the Act applies to closure of any “thoroughfare” that the local government manages. This is not specific to a dedicated road reserve and the consultation requirements are applicable to this road, as it fits the definition of thoroughfare.

Ultimately the City of Nedlands or the Minister for Local Government is able to revoke a road closure, under section 3.50 of the Act.

Budget/Financial Implications

Within current approved budget: Yes No
 Requires further budget consideration: Yes No

The following activities will need budget consideration:

Item	Description	Cost (\$)	Year
1.	Consultation with Department of Fire and Emergency Services regarding emergency fire access to the Seaward Village and expert advice for determination of solutions	4,000	2015/16
2.	Prescribed Advertising and consultation materials production and distribution costs	1,500	2015/16
3.	Consultation implementation and assessment	In-house	2015/16
4.	Road closure design (cul-de-sacs) and estimate	15,000	2015/16
	TOTAL	20,500	2015/16
5.	Implementation of Temporary Closure under Traffic Management	4,000	2016/17
6.	Construction (To be determined)	T.B.D.	2016/17
	TOTAL	T.B.D.	2016/17

A recommendation to provide for the 2015/16 costs towards the closure is provided.

Risk Management

Local government road closures are protected from compensation payment for damages under section 3.23 of the *Local Government Act 1995*, although this must be carried out in a manner that is not considered negligent.

Implementation of the road closure in a safe manner will be managed through the provision of professional design services and application for approval to Main Roads WA for the proposal. This mitigates the liability from negligence for which a local government can be liable under section 9.57 of the *Local Government Act 1995*.

Discussion

Closure Date

Key timeline elements are:

Closure Design	January to March 2016
Consultation	February to March 2016
Council Confirmation Report	May to June 2016
Road Closure	26 July 2016
Closure Construction activities	August to September 2016

There are a number of considerations in determining the most appropriate date for the closure of the road.

The Department of Fire and Emergency Services (DFES) is highly unlikely to support single road access into Seaward village.

There will need to be professional advice sought and negotiations undertaken with DFES to determine a solution for emergency access for emergency services vehicles entering the subdivision, to determine safe alternative escape routes for those living in the subdivision and to determine acceptable bush fire management solutions in the event that a road closure goes ahead. Adequately resolving these issues for existing residents, ahead of any closure of Sayer Street, is considered by Administration to be a critical issue.

Commencing in January 2016, it is proposed to undertake closure design. This will then inform the capital works budget considerations for the 2016/17 financial year in time for commencement of the closure works early in the next financial year.

It is proposed to carry out consultation that is compliant with *Local Government Act 1995*, section 3.50. This process will take about three months. However, by undertaking a compliant consultation process Council is able to undertake a closure without any further consultation, should it determine this to be the best course of action. The alternative to this would be that an informal consultation was undertaken and a report brought back to Council. If Council wished then to proceed with the closure a compliant consultation would be required, effectively doubling the consultation period.

In order to meet statutory requirements the consultation must establish the date of the closure. Therefore a decision to undertake the road closure on 26 July 2016 is proposed to be resolved now by Council in order to meet this requirement. Under the proposed timeline Council would make the final decision on the closure in June 2016, based on the consultation results and any further material it considered to be relevant to the matter at that time.

With Defence Housing Australia now in the planning stage of the subdivision, they now have the opportunity to consider a secondary access road, in order to address the requirements for dual access to the subdivision.

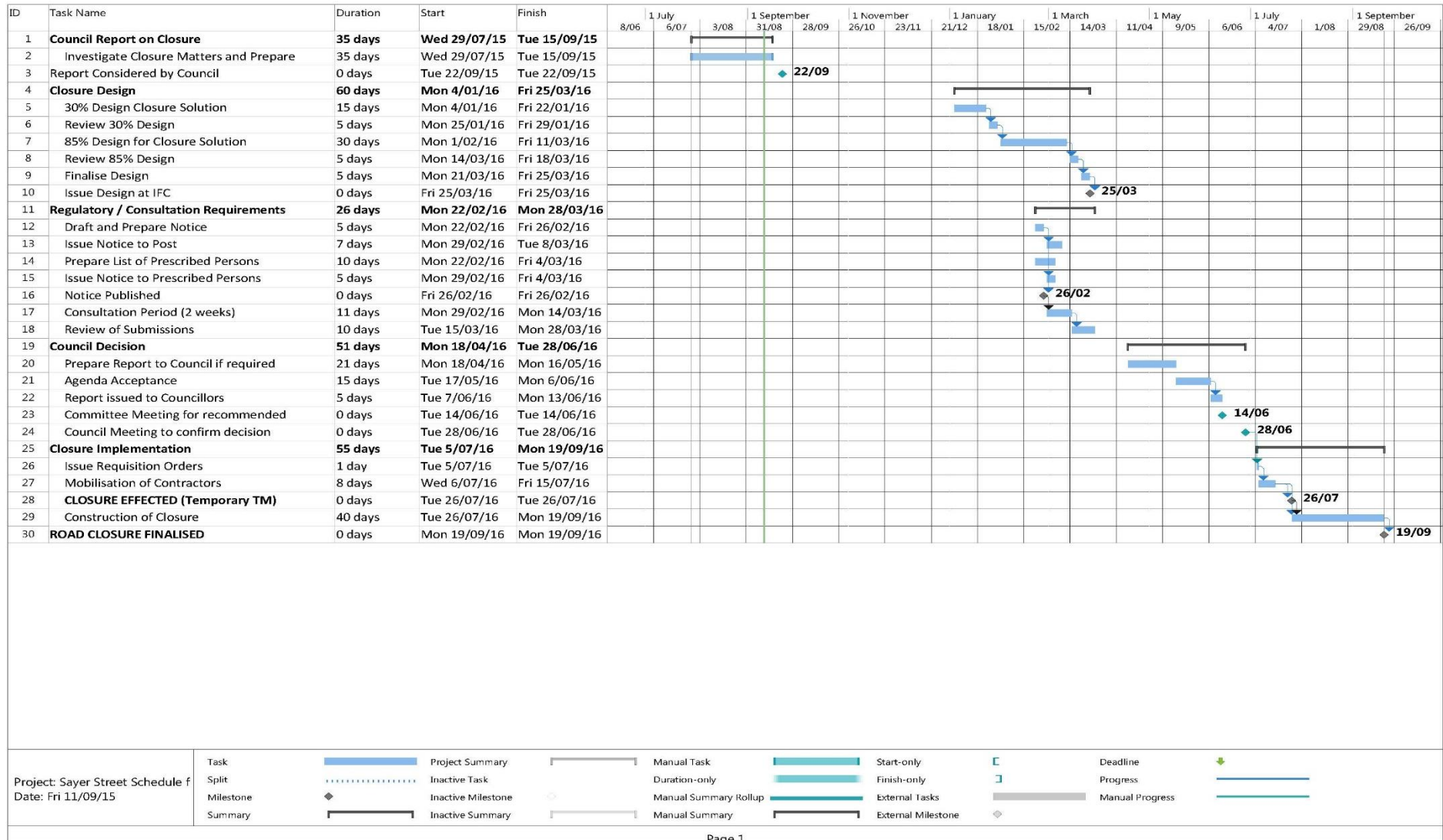
Conclusion

This report provides a schedule for the implementation of a road closure of Sayer Street, Swanbourne and addresses legislative compliance issues and costs associated with the closure. The recommendations allow the closure to move forward.

Attachments

1. Sayer Street Closure Schedule; and
2. Letter from Urbis opposing Sayer Street road closure.

Attachment 1: Sayer Street Closure Schedule



Attachment 2: Letter from Urbis opposing Sayer Street Road Closure



28 July 2015

Mayor and Councillors
City of Nedlands
Via email council@nedlands.wa.gov.au

Dear Mayor and Councillors

Re: 28 July 2015 Ordinary Council Meeting – Proposed Sayer St Closure

I write on behalf of DHA regarding the proposed motions listed at Items 14.2 and 14.3 of the Agenda for your Ordinary Council Meeting of 28 July 2015.

In considering these items, we respectfully request that Councillors note the following:

1. Any redevelopment of Seaward Village will require two access points in/out of the estate for fire and emergency purposes (as identified in the Officer report and as per State planning requirements).
2. The draft *Bush Fire Management Guidelines 2014* (to commence 1 September 2015) note that any new development/subdivision within a bushfire prone area is to ensure that there is suitable access/egress from a site in the case of a fire. Under A3.1 of the Guidelines, the acceptable solution with respect to two access routes, states that *“two different vehicular access routes are provided, both of which connect to the public road network, provide access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions”*.
3. New legislative amendments to the *Fire and Emergency Services Act 1998* and new bushfire regulations prepared under the *Planning and Development Act 2005* (which also take effect in September 2015) will have the effect of identifying and designating bushfire-prone areas across Western Australia, and establishing planning requirements that will apply for such areas.
4. Melon Hill and the bushland surrounding Seaward Village have been identified as being a bushfire prone area by DHA's Bushfire Management Consultant and therefore these criteria and standards apply.
5. It is our position that the Department of Lands will also have due regard to the above requirements when considering any proposed road closure or closure of A Class reserve 19283.

Accordingly, should Sayer Street be closed to Seaward Village, another access point out of the estate will need to be provided. The only potential options for this are either another access point to the north through Campbell Barracks, or to the south through Allen Park and the associated recreation areas.

DHA has raised this matter with Defence who have advised a public road through Campbell Barracks will not be supported. Should Council believe there is a workable alternative access option through Allen Park, we would welcome the opportunity to work with City of Nedlands planners to arrive at such an alternative; however it is our understanding from the strong community sentiment to date that such a solution would be unpalatable.



As such, it is DHA's strong preference to retain the Sayer Street connection to Seaward Village as part of the overall redevelopment plans. We acknowledge concerns associated with likely increases in vehicular traffic should Sayer Street remain open, but also remain committed to arriving at a design solution that minimises any traffic impacts.

Should you wish to discuss these matters further, please do not hesitate to contact me on 08 9346 0508.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kris Nolan".

Kris Nolan
Associate Director

cc: Greg Trevaskis - gtrevaskis@nedlands.wa.gov.au
Peter Mickelson - pmickelson@nedlands.wa.gov.au
James Wallace - james.wallace@dha.gov.au

13.4 Financial Assistance Grants to Local Government

Council

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;**
- 2. Acknowledges that the City of Nedlands will receive \$760,600 in the 2015/16 financial year, with an advance payment received in June 2015; and**
- 3. Will ensure that this federal funding, and any other funding provided by the Federal Government under relevant grant programs is appropriately identified as Commonwealth grant funding in City publication including annual reports.**

Background

Financial Assistance Grants (FAGS) are a vital part of the revenue base of all local governments. In 2014-15 local governments received \$2.3 billion from the Australian Government under this important program.

The Federal Government's decision in the 2014 Federal Budget to freeze the indexation of FAGS for three years beginning in 2014-15 will unfortunately cost local governments across Australia an estimated \$925 million by 2017-18.

The Australian Local Government Association and each State Local Government Association are seeking the support of all local governments for advocacy to have the Federal Government reverse the decision.

While the FAGS are paid through each state's Local Government Grants Commission, the funding originates from the Commonwealth and it is important it is recognised as such. The City of Nedlands and every other local government have been asked to pass the above resolution to acknowledge the importance of the Commonwealth's FAGS in assisting local government to provide important community infrastructure.

The City of Nedlands is also being asked to acknowledge the receipt of FAGS from the Commonwealth in media releases and City publications, including the annual report. The City is also being asked to highlight to the media a council project costing a similar amount to the FAGS to be received so that the importance and the impact of the grants can be more broadly appreciated. For the City of Nedlands, the FAGS grant is equivalent to 30% of the City road rehabilitation and improvement program for 2015-16.

14. Elected Members Notices Of Motions Of Which Previous Notice Has Been Given

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

15. Elected Members Notices Of Motion Given At The Meeting For Consideration At The Following Ordinary Meeting On 22 September 2015.

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 22 September 2015, to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

16. Urgent Business Approved By The Presiding Member Or By Decision

Any urgent business to be considered at this point.

17. Confidential Items

17.1 Chief Executive Officer – New Employment Agreement

Confidential report of the CEO Performance Review Committee is attached.

DECLARATION OF CLOSURE

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



Michael Cole
ACTING CHIEF EXECUTIVE OFFICER