******

***Agenda***

***Council Meeting***

***22 September 2020***

Dear Council member

The next Ordinary Meeting of the City of Nedlands will be held in the Ellis Room at the Bendat Basketball Centre, 201 Underwood Avenue, Floreatcommencing at 6 pm. This meeting will also be livestreamed.

Due to COVID Restrictions the 2m², with 1.5 metre social distancing rule applies. Once the venue is at capacity no further admission into the room will be permitted.

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

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

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

Mark Goodlet

Chief Executive Officer

18 September 2020

**Table of Contents**

[Declaration of Opening 4](#_Toc51363850)

[Present and Apologies and Leave Of Absence (Previously Approved) 4](#_Toc51363851)

[1. Public Question Time 5](#_Toc51363852)

[2. Addresses by Members of the Public 5](#_Toc51363853)

[3. Requests for Leave of Absence 5](#_Toc51363854)

[4. Petitions 5](#_Toc51363855)

[5. Disclosures of Financial / Proximity Interest 5](#_Toc51363856)

[6. Disclosures of Interests Affecting Impartiality 6](#_Toc51363857)

[7. Declarations by Members That They Have Not Given Due Consideration to Papers 6](#_Toc51363858)

[8. Confirmation of Minutes 6](#_Toc51363859)

[8.1 Special Council Meeting 20 August 2020 6](#_Toc51363860)

[8.2 Ordinary Council Meeting 25 August 2020 6](#_Toc51363861)

[8.3 Special Council Meeting 3 September 2020 6](#_Toc51363862)

[8.4 Special Council Meeting 10 September 2020 7](#_Toc51363863)

[8.5 Special Council Meeting 15 September 2020 7](#_Toc51363864)

[9. Announcements of the Presiding Member without discussion 7](#_Toc51363865)

[10. Members announcements without discussion 7](#_Toc51363866)

[11. Matters for Which the Meeting May Be Closed 7](#_Toc51363867)

[12. Divisional reports and minutes of Council committees and administrative liaison working groups 8](#_Toc51363868)

[12.1 Minutes of Council Committees 8](#_Toc51363869)

[12.2 Planning & Development Report No’s PD44.20 to PD45.20 (copy attached) 9](#_Toc51363870)

[PD44.20 No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation) 9](#_Toc51363871)

[PD45.20 Establishment of a Design Review Panel 13](#_Toc51363872)

[12.3 Technical Services Report No’s TS15.20 (copy attached) 15](#_Toc51363873)

[TS15.20 Allen Park Cottage 15](#_Toc51363874)

[12.4 Corporate & Strategy Report No’s CPS18.20 to CPS21.20 (copy attached) 16](#_Toc51363875)

[CPS18.20 List of Accounts Paid – July 2020 16](#_Toc51363876)

[CPS19.20 Ongoing Implications of COVID-19 on the City’s Tenancy Portfolio 17](#_Toc51363877)

[CPS20.20 Review of Point Resolution Child Care Centre 18](#_Toc51363878)

[CPS21.20 Sale of 64-66 Melvista Avenue, Dalkeith 20](#_Toc51363879)

[13. Reports by the Chief Executive Officer 21](#_Toc51363880)

[13.1 Common Seal Register Report – August 2020 21](#_Toc51363881)

[13.2 List of Delegated Authorities – August 2020 22](#_Toc51363882)

[13.3 Melvista Aged Care Facility – 16 & 18 Betty Street and 73 & 75 Doonan Road - Submissions 30](#_Toc51363883)

[13.4 Department of Transport’s Draft Long Term Cycle Network 31](#_Toc51363884)

[13.5 Shared Services 33](#_Toc51363885)

[13.6 Monthly Financial Report – August 2020 34](#_Toc51363886)

[13.7 Monthly Investment Report – August 2020 39](#_Toc51363887)

[13.8 Council Meetings 42](#_Toc51363888)

[13.9 WALGA Central Metropolitan Zone 45](#_Toc51363889)

[13.10 Development Assessment Panel – City of Nedlands Nomination of Replacement Members 49](#_Toc51363890)

[13.11 Collegians Amateur Football Club – Application to Vary Liquor Licence 53](#_Toc51363891)

[13.12 Community Working Group (CWG) 57](#_Toc51363892)

[13.13 Management of Ficus Street Trees Opposite 2 Rene Road and 30 Gallop Road, Dalkeith 61](#_Toc51363893)

[13.14 Responsible Authority Report Reconsideration of 10 Multiple Dwellings at 5 Hillway, Nedlands 65](#_Toc51363894)

[13.15 Section 31 – Condition No. 17 – No. 35 (Lot 740) The Avenue, Nedlands – Five Grouped Dwellings 69](#_Toc51363895)

[14. Elected Members Notices of Motions of Which Previous Notice Has Been Given 79](#_Toc51363896)

[14.1 Mayor de Lacy – Street Tree Preferred Species List Update 79](#_Toc51363897)

[14.2 Councillor Wetherall – Residence Proposal for Allen Park 80](#_Toc51363898)

[14.3 Councillor Mangano – Staff Secondary Employment 82](#_Toc51363899)

[14.4 Councillor Wetherall – Hollywood Central Transition Zone Local Planning Policy 83](#_Toc51363900)

[15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 27 October 2020 84](#_Toc51363901)

[16. Urgent Business Approved By the Presiding Member or By Decision 85](#_Toc51363902)

[17. Confidential Items 85](#_Toc51363903)

[Declaration of Closure 85](#_Toc51363904)

**City of Nedlands**

**Notice of a meeting of the Council to be held online via Teams and livestreamed for the public and onsite in the Ellis Room at the Bendat Basketball Centre, 201 Underwood Avenue, Floreat on Tuesday 22 September 2020 at 6.00 pm.**

###### Council Agenda

# Declaration of Opening

The Presiding Member will declare the meeting open at 6 pm and will draw attention to the disclaimer below.

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

**Leave of Absence** None.

**(Previously Approved)**

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

**Disclaimer**

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

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

# Public Question Time

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

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

# Addresses by Members of the Public

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

# Requests for Leave of Absence

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

# Petitions

Petitions to be tabled at this point.

# Disclosures of Financial / Proximity Interest

The Presiding Member to remind 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.

# 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.

# 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.

# Confirmation of Minutes

## Special Council Meeting 20 August 2020

The Minutes of the Special Council Meeting held 20 August 2020 are to be confirmed.

## Ordinary Council Meeting 25 August 2020

The Minutes of the Ordinary Council Meeting held 25 August 2020 are to be confirmed.

## Special Council Meeting 3 September 2020

The Minutes of the Special Council Meeting held 3 September 2020 are to be confirmed.

## Special Council Meeting 10 September 2020

The Minutes of the Special Council Meeting held 10 September 2020 are to be confirmed.

## Special Council Meeting 15 September 2020

The Minutes of the Special Council Meeting held 15 September 2020 are to be confirmed.

# Announcements of the Presiding Member without discussion

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

# Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

# Matters for Which the Meeting May Be Closed

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

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

## Minutes of Council Committees

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

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

**Public Art Committee 17 August 2020**

Unconfirmed, Circulated to Councillors on 20 August 2020

**Audit & Risk Committee 31 August 2020**

Unconfirmed, Circulated to Councillors on 14 September 2020

**Council Committee 8 September 2020**

Unconfirmed, Circulated to Councillors on 18 September 2020

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

## Planning & Development Report No’s PD44.20 to PD45.20 (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.

|  |
| --- |
| **PD44.20** **No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)** |
|  |
| **Committee** | 8 September 2020  |
| **Council** | 22 September 2020 |
| **Applicant** | David Joseph |
| **Landowner** | David Joseph and Christine Joseph |
| **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** | DA20/48595 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Applicant’s Justification Report
 |
| **Confidential Attachments** | 1. Plans
2. Management Plan
3. Submissions
4. Assessment
 |

**Committee Recommendation / Recommendation to Committee**

**Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:**

1. **This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.**
2. **The approval period for the Holiday House is limited to 12 months (1 year) from the date of this decision letter.**
3. **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.**
4. **The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).**
5. **A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.**
6. **Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.**
7. **A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)**
8. **The Management Plan forms part of this approval and is to be complied with at all times to the City’s satisfaction.**
9. **All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.**

**Advice Notes specific to this proposal:**

1. **With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:**

**‘Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast’.**

1. **In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City’s Planning Department for assessment prior to the completion of the 12 month temporary approval period. The applicant is advised to contact the City’s Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application.**
2. **A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.**
3. **This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.**
4. **This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or ensumbrances are adhered to.**
5. **Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997.***
6. **Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).**
7. **The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.**
8. **The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.**
9. **All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbours (in accordance with City requirements).**
10. **No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.**
11. **Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).**
12. **Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will requirement reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017.***
13. **Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.**

|  |
| --- |
| **PD45.20 Establishment of a Design Review Panel** |
|  |
| **Committee** | 11 September 2020 |
| **Council** | 22 September 2020  |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Employee Disclosure under section 5.70 Local Government Act 1995**  | Nil |
| **Reference** | Nil |
| **Previous Item** | Item PD14.19 Ordinary Council Meeting - 23 April 2019Item 16.1 Ordinary Council Meeting - 17 December 2019 Item 7 Special Council Meeting - 30 January 2020Item 14.4 Ordinary Council Meeting - 30 March 2020Item 14.1 Ordinary Council Meeting - 28 July 2020 |
| **Attachment** | 1. 1. Draft Design Review Panel Local Planning Policy
2. 2. Draft Design Review Panel Terms of Reference
3. 3. Design Review Guide
4. 4. Design Principles to be considered by the Design Review Panel
 |
| **Confidential Attachments**  | Nil. |

**Committee Recommendation**

**That Council:**

* + - 1. **adopts the City of Nedlands Draft Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals subject to the following amendments:**
			2. **at the end of Clause 1 add the words “including in the TOR an additional paragraph ‘Code of Conduct - All panel members are required to abide by the local government’s Code of Conduct.”;**
			3. **amend the TOR by adding an additional clause 2.11 to read “A chair and deputy chair will be appointed by the election of the panel.”;**
			4. **amends clause 4.2 of the TOR to remove the words “as nominated by the Director of Planning & Development”;**
			5. **in clause 2.7 of the TOR the word “preferably” be added to after the word “shall”; and**
			6. **advertises the Draft Design Review Panel Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4 subject to the removal of headings under 4.0;**
			7. **instructs the Chief Executive Officer to call for expressions of interest for the City of Nedlands Design Review Panel, with appointment to the Panel to be made by Council upon its adoption of the Design Review Panel Local Planning Policy; and**
			8. **notes that a budget amount of $20,500 is to be set aside in the mid-year Review to allow for the operation of the Design Review Panel, for strategic matters, for the remainder of the financial year up to June 2021 inclusive.**

Recommendation to Committee

That Council:

1. adopts the City of Nedlands Draft Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals;

2. advertises the Draft Design Review Panel Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4;

3. instructs the Chief Executive Officer to call for expressions of interest for six (6) panel members and (2) specialist members for the City of Nedlands Design Review Panel, with appointment to the Panel to be made by Council upon its adoption of the Design Review Panel Local Planning Policy; and

4. notes that a budget amount of $20,500 is to be set aside in the mid-year Review to allow for the operation of the Design Review Panel, for strategic matters, for the remainder of the financial year up to June 2021 inclusive.

## Technical Services Report No’s TS15.20 (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.

|  |
| --- |
| **TS15.20 Allen Park Cottage** |

|  |  |
| --- | --- |
| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Hodge Collard Preston Architectural Report dated 30 June 2019
2. Bushfire Management Report dated 24 January 2020
 |

**Committee Recommendation**

**That Administration review the options to undertake basic remediation to the fabric of the building up to the value of $150,000 in order for the building to be retained as a non-habitable facility.**

Recommendation to Committee

That Council:

1. approve the use of the $150,000 budget to construct a custom-built extension to the rear of the Allen Park Pavilion Building that incorporates a meeting room, small kitchen and storage for equipment. An extension to the Pavilion Building also provides for the (FOAPBG) to have access to shower, changeroom and toilet facilities;
2. allow the (FOAPBG) to continue to use the Allan Park Cottage as a meeting venue during the construction of the extension to the building; and
3. direct the CEO to repurpose or demolish the building and restore the area through a revegetation program.

## Corporate & Strategy Report No’s CPS18.20 to CPS21.20 (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.

|  |
| --- |
| **CPS18.20 List of Accounts Paid – July 2020** |

|  |  |
| --- | --- |
| **Committee** | 8 September2020 |
| **Council** | 22 September2020 |
| **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 – July 2020
2. Credit Card and Purchasing Card Payments – July 2020 (29 June – 29 Jul 2020)
 |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of July 2020 as per attachments.**

|  |
| --- |
| **CPS19.20 Ongoing Implications of COVID-19 on the City’s Tenancy Portfolio** |

|  |  |
| --- | --- |
| **Committee** | 8 September2020 |
| **Council** | 22 September2020 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Hardship Provisions Policy
 |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **authorises the Chief Executive Officer to:**
2. **recommence ‘normal’, pre-COVID-19 Hardship Provisions, management of the City’s Tenancy Portfolio in line with obligations under each agreement, including charging rent as of 1 July 2020; and**
3. **removal of Clauses 3, 5(c) and 5(d) of the Hardship Provisions Policy to reflect this decision; and**
4. **requests a further item be presented to Council, should the State suffer the effects of a ‘second-wave’ of infection and government restrictions on human movement and interactions are re-tightened to Phase 3, 2 or 1.**

|  |
| --- |
| **CPS20.20 Review of Point Resolution Child Care Centre** |

|  |  |
| --- | --- |
| **Committee** | 8 September2020 |
| **Council** | 22 September2020 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. PRCC Profit and Loss Statements
2. Map of Surrounding Childcare Businesses
 |
| **Confidential Attachments** | Nil. |

**Committee Recommendation**

**That this item be deferred to the March 2021 round of meetings in order to review the long-term needs for Child Care South of Stirling Highway in reference to the City’s land assets and undertake full community consultation with all stakeholders.**

Recommendation to Committee

Council:

1. with respect to current City childcare services:
2. agrees to cease operations of the Point Resolution Child Care Centre at 53 Jutland Parade, Dalkeith at the earliest opportunity within the 2020/21 financial year;
3. instructs the CEO to commence the transitional arrangements for Point Resolution Child Care Centre staff; and
4. approves an increase to the budget for the Point Resolution Child Care Centre Employee Costs by $85,000 of municipal funds. The funds will be required to enable the payment of the due transitional costs;
5. instructs the CEO to seek a valuation of the Point Resolution Child Care Centre service for the purposes of valuation of the service as a business;
6. with respect to future childcare services:
7. approves the CEO to call for Expressions of Interest (EOI) for an external childcare provider to undertake childcare services at 53 Jutland Parade, Dalkeith for a term of up to 21-years in accordance with the Management Order, with proviso that current staff and the currently registered children are included in the transition of the service; and
8. instructs the CEO to initiate the requirements for the disposal of the land (leasehold) subject to Section 3.58 of the Local Government Act 1995; and
9. with respect to meeting Council’s CEO key result areas:
10. notes that the resolutions above in part satisfy Council’s instruction to the CEO to reduce employee numbers and staff costs, though the reduction in staff costs will not be realised until the next financial year; and
11. notes that the disposition of the Point Resolution Child Care Centre service may realise a financial return for the City.

|  |
| --- |
| **CPS21.20 Sale of 64-66 Melvista Avenue, Dalkeith** |

|  |  |
| --- | --- |
| **Committee** | 8 September2020 |
| **Council** | 22 September2020 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Valuation of 64-66 Melvista Avenue, Dalkeith – 23 October 2019;
2. Updated Valuation of 64-66 Melvista Avenue, Dalkeith – 10 August 2020; and
3. Excerpt of Section 3.58 and 3.59 of the *Local Government Action 1995.*
 |
| **Confidential Attachments** | 1. Kidz Galore Confidential Proposal
 |

**Committee Recommendation**

**That this item be deferred to the March 2021 round of meetings in order to review the long-term needs for Child Care South of Stirling Highway in reference to the City’s land assets and undertake full community consultation with all stakeholders.**

Recommendation to Committee

Council:

1. agrees to proceed with the sale of its property at 64-66 Melvista Avenue, Dalkeith via public tender method, based on existing zoning and current planning uses, and in accordance with the requirements of the Local Government Act 1995;
2. requires Administration to report back to Council once terms of a draft agreement for the sale of 64-66 Melvista Avenue, Dalkeith have been reached with the most appropriate purchaser, for review and approval; and
3. requests the Chief Executive Officer to prepare a business plan for the sale of the property, give public notice of the business plan and provide the submissions to Council so that it may decide whether to proceed with the undertaking as proposed or so that it is not significantly different from what is proposed, in accordance with s3.59 of the Local Government Act 1995.

# Reports by the Chief Executive Officer

## Common Seal Register Report – August 2020

The attached Common Seal Register Report for the month of August 2020 is to be received.

**August 2020**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 947 | 4 August 2020 | Corporate & Strategy | Council Meeting 28 July 2020CPS13.20 | Seal Certification - Seal No. 947 - Deed of Surrender (in triplicate) relating to the Town of Claremont vacating 2 x Depot Service Sites |
| 948 | 25 August 2020 | Planning & Development | Council Meeting 28 July 2020Item 13.4 | Seal Certification - Seal No. 948 - Deed of Easement and Deed of Agreement former Brockway Landfill Site between Christ Church Grammar School Playing Fields Pty Ltd & City of Nedlands (2 copies) |

## List of Delegated Authorities – August 2020

The attached List of Delegated Authorities for the month of August 2020 is to be received.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **August 2020** |
| 3/08/2020 | (APP) DA20-49575 - 48 Browne Aveune, Dalkeith - Single House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 3/08/2020 |
| 3/08/2020 | (APP) - DA20-47500 - 64 Kingsway, Nedlands - Construction of two storey dwelling | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 3/08/2020 |
| 3/08/2020 | (APP) - DA20-47298 - 14 Cross Street, Swanbourne - Sea Container | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 3/08/2020 |
| 3/08/2020 | (APP) - DA20-51326 - 9 Lisle Street, Mt Claremont - Amendment to DA20-46598 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 3/08/2020 |
| 3/08/2020 | BA120046 Uncertified building permit - Front fence | Manager Building Services | Building Act 2011 | Section 20.1 | 3/08/2020 |
| 3/08/2020 | BA122086 Certified building permit - Shed | Manager Building Services | Building Act 2011 | Section 20.1 | 3/08/2020 |
| 4/08/2020 | BA121452 Uncertified building permit - Fence | Manager Building Services | Building Act 2011 | Section 20.1 | 4/08/2020 |
| 4/08/2020 | BA121649 Certified building permit - Warehouse | Manager Building Services | Building Act 2011 | Section 20.1 | 4/08/2020 |
| 4/08/2020 | BA122108 Certified building permit - Front fence | Manager Building Services | Building Act 2011 | Section 20.1 | 4/08/2020 |
| 5/08/2020 | BA121680 Uncertified building permit - Carport | Manager Building Services | Building Act 2011 | Section 20.1 | 5/08/2020 |
| 6/08/2020 | BA122128 Demolition permit - Garage n Carport | Manager Building Services | Building Act 2011 | Section 20.1 | 6/08/2020 |
| 6/08/2020 | BA122349 Uncertified building permit - Roof repairs | Manager Building Services | Building Act 2011 | Section 20.1 | 6/08/2020 |
| 6/08/2020 | BA122144 Certified building permit - Office fitout | Manager Building Services | Building Act 2011 | Section 20.1 | 6/08/2020 |
| 7/08/2020 | Approval to Rates write off minor debts Jul 2020 - $4.45 | Chief Executive Officer | Local Government Act 1995 | Section 6.12 | 7/08/2020 |
| 10/08/2020 | (APP) - DA20-45277 - 16 Walpole Street, Swanbourne - Amendments to DA19-35609 and DA19-41249 - Changes to alfresco | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 10/08/2020 |
| 10/08/2020 | (APP) - DA20-47415 - 102 Adelma Road, Dalkeith - 3x Grouped Dwelling | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 10/08/2020 |
| 10/08/2020 | (APP) - DA20-49081 - 6 Birrigon Loop, Swanbourne - Single House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 10/08/2020 |
| 10/08/2020 | BA120712 Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | Section 20.1 | 10/08/2020 |
| 10/08/2020 | BA120700 Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | Section 20.1 | 10/08/2020 |
| 10/08/2020 | BA1200686 Certfied building permit - Dwelling | Manager Building Services | Building Act 2011 | Section 20.1 | 10/08/2020 |
| 11/08/2020 | (APP) - DA20-50955 - 1 Lobelia Street, Mt Claremont - Patio | Principle Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 11/08/2020 |
| 13/08/2020 | (APP) - DA20-45804 - 20 Jutland Parade, Dalkeith - Additions to existing dwelling | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 13/08/2020 |
| 13/08/2020 | (APP) - DA20-48755 - 101 Monash Avenue, Nedlands - Amendment to DAP19 - 01666 | Manager Urban Planning | plan | Regulation 82 | 13/08/2020 |
| 13/08/2020 | 3043456 - Withdrawn Parking Infringement Notice - Compassionate Grounds |  | Local Government Act 1995 | 9.20/6.12(1) | 13/08/2020 |
| 13/08/2020 | 3046976 - Withdrawn Parking Infringement Notice - Vehicle Breakdown | Manager Health and Compliance | Local Government Act 1995 | 9.20\6.12(1) | 13/08/2020 |
| 13/08/2020 | BA120196 Uncertified building permit - Boundary Wall | Manager Building Services | Building Act 2011 | Section 20.1 | 13/08/2020 |
| 13/08/2020 | BA121958 Certified building permit - Fence | Manager Building Services | Building Act 2011 | Section 20.1 | 13/08/2020 |
| 14/08/2020 | (APP) - DA20-52133 - 117 Monash Avenue, Nedlands - Fencing and gate Addition at Hollywood Primary School | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 14/08/2020 |
| 14/08/2020 | BA122714 Certified building permit - Patio | Manager Building Services | Building Act 2011 | Section 20.1 | 14/08/2020 |
| 14/08/2020 | BA122602 Demolition permit - Full site | Manager Building Services | Building Act 2011 | Section 21.1 | 14/08/2020 |
| 14/08/2020 | BA122594 Demolition permit - Full site | Manager Building Services | Building Act 2011 | Section 21.1 | 14/08/2020 |
| 17/08/2020 | (APP) - DA20-50925 - 51 Hobbs Avenue, Dalkeith - Additions | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 17/08/2020 |
| 17/08/2020 | (APP) - DA20-50343 - 103 Alfred Road, Mount Claremont - Sea Container at Mount Claremont Primary School | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 17/08/2020 |
| 17/08/2020 | (APP) - DA20-47419 - 37 Hobbs Avenue, Dalkeith - Additions | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 17/08/2020 |
| 17/08/2020 | 3043488 - Withdrawn Parking Infringement Notice - Vehicle Breakdown | Manager Heakth and Compliance | Local Government Act 1995 | 9.20/6.12(1) | 17/08/2020 |
| 17/08/2020 | 3047425 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | 17/08/2020 |
| 17/08/2020 | BA122001 Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | Section 20.1 | 17/08/2020 |
| 18/08/2020 | BA121838 Demolition permit - Full site | Manager Building Services | Building Act 2011 | Section 21.1 | 18/08/2020 |
| 18/08/2020 | BA122470 Certified building permit - Verandah | Manager Building Services | Building Act 2011 | Section 20.1 | 18/08/2020 |
| 18/08/2020 | 3047443 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | 18/08/2020 |
| 18/08/2020 | 3046993 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance |  | 9.20/6.12(1) | 18/08/2020 |
| 19/08/2020 | (APP) - DA20-48635 - 30 The Avenue, Nedlands - Alterations and Additions to Existing Building | Principle Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 19/08/2020 |
| 19/08/2020 | (APP) - DA20-48641 - 8 Bedford Street, Nedlands - Single House | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 19/08/2020 |
| 19/08/2020 | (APP) - DA20-49492 - 62 Williams Street, Nedlands - Proposed Front Fence and Retrospective Rear Boundary Wall | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 19/08/2020 |
| 19/08/2020 | (APP) - DA19-42702 - 20 Robinson Street, Nedlands - Additions to Single House | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 19/08/2020 |
| 20/08/2020 | (APP) - DA19-42964 - 3 150 Stirling Highway, Nedlands - Change of Use (to Recreation-Private) | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 20/08/2020 |
| 20/08/2020 | BA121981 Demolition permit - full site | Manager Building Services | Building Act 2011 | Section 21.1 | 20/08/2020 |
| 21/08/2020 | BA122797 Certified building permit - Pool | Manager Building Services | Building Act 2011 | Section 20.1 | 21/08/2020 |
| 21/08/2020 | 3047496 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | 21/08/2020 |
| 24/08/2020 | (APP) - DA20-48512 - 59 Watkins Road, Dalkeith - New Two Storey Residence | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 24/08/2020 |
| 24/08/2020 | (APP) - DA20-50332 - 68 Williams Road, Nedlands - Addition (Shed) to Single House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 24/08/2020 |
| 24/08/2020 | BA122982 Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | Section 20.1 | 24/08/2020 |
| 24/08/2020 | BA122391 Demolition permit - Full site | Manager Building Services | Building Act 2011 | Section 21.1 | 24/08/2020 |
| 24/08/2020 | BA122944 Certified building permit - Alterations | Manager Building Services | Building Act 2011 | Section 20.1 | 24/08/2020 |
| 24/08/2020 | BA122641 Demolition permit - Full site | Manager Building Services | Building Act 2011 | Section 21.1 | 24/08/2020 |
| 24/08/2020 | BA123219 Certified building permit - Alterations | Manager Building Services | Building Act 2011 | Section 20.1 | 24/08/2020 |
| 25/08/2020 | (APP) - DA20-51782 - 22 Hobbs Avenue, Dalkeith - Single House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 25/08/2020 |
| 25/08/2020 | (APP) - DA20-48337 - 9 Hobbs Avenue, Dalkeith - Single house - Additions | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 25/08/2020 |
| 26/08/2020 | (APP) - DA20-47938 - 7 Greenville Street, Swanbourne - Single House | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 26/08/2020 |
| 26/08/2020 | (APP) - DA20-48333 - 1145 Rochdale Road, Mount Claremont - Single House - extension | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 26/08/2020 |
| 26/08/2020 | (APP) - DA20-51760 - 18 Cooper Street, Nedlands - Amendment to DA19-38065 | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 26/08/2020 |
| 26/08/2020 | BA117327 Building approval Certificate - Fitout | Manager Building Services | Building Act 2011 | Section 58.1 | 26/08/2020 |
| 26/08/2020 | BA123424 Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | Section 20.1 | 26/08/2020 |
| 27/08/2020 | (APP) DA-20-48943 - 2 Hobbs Avenue, Dalkeith - Additions (Front Fence) to Existing House | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 27/08/2020 |
| 27/08/2020 | 3044011 - Withdrawn Parking Infringement Notice - Compassionate Grounds |  | Local Government Act 1995 | 9.20/6.12(1) | 27/08/2020 |
| 27/08/2020 | BA123500 Certified building permit - Fence | Manager Building Services | Building Act 2011 | Section 20.1 | 27/08/2020 |
| 27/08/2020 | BA117185 Uncertified building permit - Alterations | Manager Building Services | Building Act 2011 | Section 20.1 | 27/08/2020 |
| 28/08/2020 | (APP) - DA20-50350 - 67 Thomas Street, Nedlands - Addition to Single House | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | 28/08/2020 |
| 28/08/2020 | BA122789 Demolition permit - full site | Manager Building Services | Building Act 2011 | Section 21.1 | 28/08/2020 |
| 28/08/2020 | 3047430 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Helath and Compliance | Local Government Act 1995 | 9.20\612(1) | 28/08/2020 |
| 28/08/2020 | BA122750 Demolition permit - full site | Manager Building Services | Building Act 2011 | Section 21.1 | 28/08/2020 |
| 28/08/2020 | BA122758 Demolition permit - Full site | Manager Building Services | Building Act 2011 | Section 21.1 | 28/08/2020 |
| 31/08/2020 | BA56108 - Uncertified Building Permit - Fence | A/Manager Building Services | Building Act 2011 | Section 20.1 | 31/08/2020 |
| 31/08/2020 | BA121867 - Certified Building Permit - Various works | A/Manager Building Services | Building Act 2011 | Section 20.1 | 31/08/2020 |

## Melvista Aged Care Facility – 16 & 18 Betty Street and 73 & 75 Doonan Road - Submissions

|  |  |
| --- | --- |
| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson, Director Planning & Development |
| **CEO** | Mark Goodlet |
| **Previous item** | NOM item 14.2 – 25 August 2020 |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**That Council notes that submissions received by the City of Nedlands on the discontinued Melvista Aged Care Facility development application are publicly available.**

## Department of Transport’s Draft Long Term Cycle Network

|  |  |
| --- | --- |
| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands on behalf of the Department of Transport |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil  |
| **Director** | Peter Mickleson  |
| **Attachments** | 1. Draft LTCN Map
2. City of Nedlands proposed changes to the draft LTCN and DoT Response, with Agree Recommendations
3. Administration LTCN Assessment
 |

**Committee Recommendation**

**That Council:**

1. **endorses the current draft Department of Transport Long Term Cycle Network to be advertised for a period of not less than 21 days in accordance with the City of Nedlands Community Engagement Policy, except for the following amendments made prior to advertising (1a, 1b, 1c);**

**Amendments to the draft City of Nedlands LTCN.**

1. **Deletion of any reference to the Three Points Bridge, including deletion of any reference to a Primary (red) or Secondary (blue) cycle route that leads to Point Resolution reserve or through any Nedlands Swan River reserves and foreshore;**
2. **All references to LTCN routes located within the Dalkeith Ward boundary shall be designated as Local (green) community shared paths, shall be no greater than 2m in width, designed to be low impact and consistent with existing footpath infrastructure;**
3. **Addition of the entire length of the Edward Bruce Foreshore Path as a Local (green) community shared path from Broadway to Iris avenue, including an aspiration link into the Sunset Heritage Site adjacent the Iris avenue stairs; and**
4. **Change the Route Category from Primary Route (Red) to Secondary Route (Blue) for the section starting at the intersection of Marine Parade and North Street, heading northwards along Marine Parade, then east along Odern Crescent and Clement Street, then north along Kirkwood Road, then east along Wood Street, ending at the intersection with West Coast Highway.**
5. **acknowledges the many benefits of local and state government working together in delivering the aspirational draft LTCN over the longer-term including engagement and consultation with local Nedlands stakeholders.**
6. **will work with the Department of Transport and local Nedlands stakeholders to update the draft LTCN on an ongoing basis, particularly to avoid negative impacts relating to safety, amenity, change of neighbourhood character, streetscape modification, tree removals and other environmental values.**
7. **supports a thorough community consultation process, with respect to this draft LTCN, to inform the Council of the current levels of community satisfaction with the existing City of Nedlands cycle network infrastructure, as well as the aspirational routes as illustrated within the draft LTCN. Responses received during this consultation process shall be used;**
8. **to enable consideration of the adoption of a City of Nedlands cycle network, and**
9. **to provide further information to the City and Department of Transport to further update or modify the endorsed draft LTCN to closely reflect the wishes of residents and other local stakeholders.**

Recommendation to Committee

Council:

1. in regard to Attachment 2, Items 1, 3, 4, 5, 7, 8 and 18, adopts the Department of Transport’s (DoT) draft Long Term Cycle Network (LTCN) as updated with the DoT agreed recommendations, for the purpose of advertising for 21 days;
2. in regard to Attachment 2, Items 6, 10 and 12, adopts Administration’s recommendation to downgrade the Jutland Parade route and Nedlands Foreshore route from a Primary Route to a Secondary Route; and
3. in regard to Attachment 2, Items 2, 9, 11, 13, 14, 15, 16 and 17, does not adopt the proposed LTCN mapping changes.

## Shared Services

|  |  |
| --- | --- |
| **Committee** | 8 September 2020 |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickelson – Director Planning & Development |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. CEO Weekly Update 12 January 2018
 |
| **Confidential Attachments** | Nil |

**Committee Recommendation / Recommendation to Committee**

**Council approves the continued provision of shared services to other local governments.**

## Monthly Financial Report – August 2020

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 31 August 2020
2. Capital Works & Acquisitions – 31 August 2020
3. Statement of Net Current Assets – 31 August 2020
4. Statement of Financial Activity – 31 August 2020
5. Borrowings – 31 August 2020
6. Statement of Financial Position – 31 August 2020
7. Operating Income & Expenditure by Reporting Activity – 31 August 2020
8. Operating Income by Reporting Nature & Type – 31 August 2020
 |

**Executive Summary**

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

**Recommendation to Council**

**Council receives the Monthly Financial Report for 31 August 2020.**

**Discussion/Overview**

The financial impact of COVID-19 is reflected with effect from April, the Hardship policy endorsed at the Special Council Meeting of 14 April 2020 introduced measures to support the City’s many stakeholders these are also reflected in the financials.

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 31 August 2020 together with a Statement of Net Current Assets as at 31 August 2020.

The operating revenue at the end of August 2020 was $28.94m which represents $233k favourable variance compared to the year-to-date budget.

The operating expense at the end of August 2020 was $3.87m, which represents $929k favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 91,706

Revenue: Favourable variance of $ 0

The favourable expenditure variance is mainly due to:

* Professional fees of $35k in Governance not yet spent,
* WESROC expenses of $48k not yet spent,
* Office expenses of $30k not yet spent,
* ICT expenses and special projects of $13k in Communications not expended yet
* Other employee cost not expended yet of $24k
* Invoice for election cost of budgeted $18k not received yet
* The salary reduction of $442k as resolved by Council at the adoption of the budget has been shown as a reduction in salaries of approximately $36k per month in Governance as a temproray budget item until the actual savings across the business units are identified and actioned. Thereafter the budget savings will be moved to the respective business units. The above list of savings of $168k is off-set against the $74k salary savings yet to be realised, though underway.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 237,072

Revenue: Unfavourable variance of $ ( 7,717)

The favourable expenditure variance is mainly due to:

* Professional fees of $23k not yet expended
* Timing difference of Landgate valuation charges of $63k
* ICT and office expenses of $68k.
* Profiling difference in UGP Rates instalment refund of $70k.

Small unfavourable revenue variances are mainly due to less interest income offset by finance fees and rates income of installment interest and admin charges.

**Community Development and Services**

Expenditure: Favourable variance of $ 75,440

Revenue: Favourable variance of $ 94,777

The favourable expenditure variance is mainly due to:

* Community donation, special projects and operational activities of $59k not expensed yet.
* Other expenses of $20k not yet expensed

The favourable income variance is mainly due to :

* Increase fees and charges from Tresillian and PRCC of $91k.

**Planning and Development**

Expenditure: Favourable variance of $ 71,582

Revenue: Favourable variance of $ 47,027

The favourable expenditure variance is mainly due to:

* Expenses not yet expensed for planning projects of $81k and Environ Conservation operational activity of $76k,
* Offset by salaries of $57k and Town planning professional fees of $37k

The favourable revenue variance is mainly due to:

* Increase fees & charges income from Urban Planning, Environmental health of $58k offset by less fines & penalties income of $6k and Building services income of $8k.

**Technical Services**

Expenditure: avourable variance of $ 453,609

Revenue: Favourable variance of $ 99,896

The favourable variance is mainly due to:

* Maintenance expense not yet expensed for buildings, infrastructure and plant maintenance of $404k.
* Waste expense of $237k not yet expensed
* Utility invoices not received of $49k
* Savings in salaries of $27k due to vacancies not back-filled yet.
* The above savings of $717k is off-set by lower on-cost charge of $279k due to lower level of maintenance and capital works completed

The favourable revenue variance is mainly due to:

* UGP service charges of $111k due to profiling issue
* Partly offset by Council property income and contributions & reimbursement of $12k due to profiling issue

**Borrowings**

At 31 August 2020, we have a balance of borrowings of $5.6 M.

**Net Current Assets Statement**

At 31 August 2020, net current assets was $28.2 M compared to $26.4 M as at 31 August 2019. Current assets are higher by $2.3 M offset by higher liabilities $693k.

Outstanding rates are $18.2 M as at 31 August 2020 compared to $13.3 M as at 31 August 2019. This is due to the 1 week delay in issuing the rates notices and the payment due date was delayed by 1 week to 1 September 2020. Outstanding rates at $11.9 M as at 14 September 2020.

**Capital Works Programme**

As at 31 August, expenditure on capital works was $363k with additional capital commitments of $1.9 M which is 28% of a total budget of $8.2 M.

**Employee Data**

|  |  |
| --- | --- |
| **Description** | **Number** |
| Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month | 183 |
| Number of contract staff (temporary/agency staff) as of the last day of the previous month | 1 |
| \*FTE (Full Time Equivalent) count as of the last day of the previous month | 156.75 |
| Number of unfilled staff positions at the end of each month | 15 |

In comparison to the previous (July) month, there are additional staff in Traffic Engineering (to provide input to Planning assessments), casual employees in Community Care and Childcare (tied to staff ratios) and 1 temporary staff member in the Finance Department. Total active employee headcount (full-time, part time and casual employees) increased by 2; vacancies increased by 1; occupied FTE decreased by 3.12.

**Conclusion**

The statement of financial activity for the period ended 31 August 2020 indicates that operating expenses are under the year-to-date budget by 19% or $929k, while revenue is above the Budget by 0.82% or $234k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Strategic Implications**

The 2020/21 approved budget is in line with the City’s strategic direction. Our operations and capital spend, and income is undertaken in line with and measured against the budget.

The 2020/21 approved budget ensures that there is an equitable distribution of benefits in the community

The 2020/21 budget was prepared in line with the City’s level of tolerance of risk and it is managed through budgetary review and control.

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

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

The approved budget is prepared taking into consideration the Long Term Financial Plan, current economic situation and special consideration to the effect from COVID-19. The approved budget was in surplus of $976,898. Subsequent Council approval on budget changes has reduced the surplus to $863,974.

The adopted 2020/21 budget included 0% rates increase.

## Monthly Investment Report – August 2020

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | * + - 1. Investment Report for the period ended 31 August 2020
 |

**Executive Summary**

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

**Recommendation to Council**

**Council receives the Investment Report for the period ended 31 August 2020.**

**Discussion/Overview**

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

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

The Investment Summary shows that as at 31 August 2020 and 31 August 2019 the City held the following funds in investments:

|  |  |  |
| --- | --- | --- |
|  | 31-Aug-2020 | 31-Aug-2019 |
| Municipal Funds | $ 5,906,565  |  $ 1,039,867  |
| Reserve Funds | $ 1,888,748  |  $ 6,130,579  |
| Total investments | $ 7,795,313  |  $ 7,170,446 |
|  |  |  |

The total interest earned from investments as at 31 August 2020 was $11,114.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $3,232,459 | 0.85% - 0.88% |  41.47% |
| Westpac | $2,498,903 | 0.85% - 1.05% |  32.06% |
| ANZ | $ 182,434 |  0.70%  |  2.34% |
| CBA | $1,881,515 | 0.56% - 0.76% | 24.13% |
| **Total** | **$7,795,313** |  | **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]

**Strategic Implications**

The investment of surplus funds in the 2020/21 approved budget is in line with the City’s strategic direction.

The 2020/21 approved budget ensured that there is an equitable distribution of benefits in the community

The 2020/21 budget was prepared in line with the City’s level of tolerance of risk and it is managed through budgetary review and control.

The interest income on investment in the 2020/21 approved budget was based on economic and financial data available at the time of preparation of the budget.

**Budget/Financial Implications**

The August YTD Actual interest income from all sources is $70,260 compared to the August YTD Budget of $66,002.

The approved budget is prepared taking into consideration the Long Term Financial Plan and current economic situation. The approved budget was in a small surplus position and the City is able to manage the cost.

The adopted 2020/21 budget included 0% rates increase.

## Council Meetings

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil |

**Executive Summary**

It is proposed that Ordinary Council and Council Committee meetings start times be changed to 7pm.

It is also proposed that when dealing with Metro Inner-North Joint Development Assessment Panel responsible authority reports at Special Council meetings, that the previous recommendation be amended to show a preference for these meetings to be held on Tuesdays. The previous resolution is included with the added words, “preferably on a Tuesday”.

**Recommendation to Council**

**Council:**

1. **agrees to commence Ordinary Council and Council Committee at 7pm; and**
2. **instructs the Chief Executive Officer (CEO) to bring Responsible Authority Reports (RARs) to ordinary meetings of Council and Council Committee meetings, where the corresponding Joint Development Assessment Panel meeting is 5 or more days after the applicable ordinary meeting of Council or Council Committee meeting; and**
3. **where the above timeline cannot be achieved the CEO shall arrange a Special Meeting of Council to consider the RAR, preferably on a Tuesday, so that a 5 day or more leeway is provided between Council consideration of the RAR and the JDAP meeting at which the RAR is presented.**

**Discussion/Overview**

**Meeting Commencement Times**

Council and Council Committee meetings are currently commencing at 6pm. Councillors have discussed this and it is understood that it would be preferred that the meetings now commence at 7pm.

**RARs and Special Council Meetings Days**

It is understood that it is Councillors’ preference to hold special meetings of Council on Tuesdays and briefing sessions on Thursdays where there is a need for two meetings in a week. Other than this, briefing sessions will remain on Tuesdays as a preference.

The revised recommendation to Council adds the words “preferably on a Tuesday” to the second item of this previous resolution.

The resolution is repeated in this report, with this addition, for ease of reference in future.

**Key Relevant Previous Council Decisions:**

23 June 2020

Council:

1. instructs the Chief Executive Officer (CEO) to bring Responsible Authority Reports (RARs) to ordinary meetings of Council and Council Committee meetings, where the corresponding Joint Development Assessment Panel meeting is 5 or more days after the applicable ordinary meeting of Council or Council Committee meeting; and
2. where the above timeline cannot be achieved the CEO shall arrange a Special Meeting of Council to consider the RAR, so that a 5 day or more leeway is provided between Council consideration of the RAR and the JDAP meeting at which the RAR is presented.

**Consultation**

It is understood that Councillors discussed these matters at a briefing session.

**Strategic Implications**

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

Not applicable.

**Who benefits?**

Councillors.

**Does it involve a tolerable risk?**

Yes, these changes have low risk impacts.

**What level of risk is associated with the option?**

Given the size of agendas there is a risk that the later commencement time will lead to adjourned meetings needing to be completed on another day.

**How can it be managed?**

Council and Council Committee have the ability to move an adjournment of a meeting to a later date.

**Does the residual risk fit within our risk tolerance level?**

On balance the later preferred commencement time appears to be preferred by councillors.

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

Yes, and these changes can always be altered by Council.

**Budget/Financial Implications**

**Can we afford it?**

Yes.

**How well does the option fit within our Long-Term Financial Plan?**

Not applicable.

**What do we need to do to manage he costs over the lifecycle of the asset / project / service?**

Not applicable.

**How does the option impact upon rates?**

A later start time will cost approximately $200 per meeting in overtime arrangements. Over one year and 22 meetings this is $4,400 or 0.018% of rates.

## WALGA Central Metropolitan Zone

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Central Metropolitan Zone Standing Orders2. WALGA Elected Member Prospectus – Becoming a Zone Delegate or State Councillor |

**Executive Summary**

The City of Nedlands is a member of the Central Metropolitan Zone of the W.A. Local Government Association (WALGA) and meetings are held on the last Thursday of every second month at 6.00 p.m. on a rotational basis at the offices of member Councils. Meetings are convened by WALGA.

**Recommendation to Council**

**That Council:**

1. **appoints Mayor or Councillor (insert name) as Council’s 1st Delegate and the Councillor (insert name) as Council’s 2nd Delegate to the Central Metropolitan Zone of the Local Government Association for the period ending immediately prior to the next Local Government Elections in 2021; and**
2. **appoints Councillor (insert name) as 1st Deputy Delegate and Councillor (insert name) as 2nd Deputy Delegate to the Central Metropolitan Zone of the Local Government Association for the period ending immediately prior to the next Local Government Elections in 2021, and to vote on behalf of the absent Delegate.**

**ABSOLUTE MAJORITY VOTE REQUIRED**

**Background**

The relationship between State Council and the Zones within the Western Australian Local Government Association is a critical one in the political representation of Local Government at the State and Federal levels. Zones have an integral role in shaping the political and strategic direction of Local Government as a sphere of government. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in developing policy and legislative initiatives for Local Government. Zones have a direct relationship with the State Council of the Association, Policy Teams and Policy Forums and the Secretariat of the Association.

There are 12 Country Zones and 5 Metropolitan Zones. These include: Avon-Midland Country Zone, Central Country Zone, Central Metropolitan Zone, East Metropolitan Zone, Esperance-Eastern Goldfields Country Zone, Gascoyne Country Zone, Great Eastern Country Zone, Great Southern Country Zone, Kimberley Country Zone, Murchison Country Zone, North Metropolitan Zone, Northern Country Zone, Peel Country Zone, Pilbara Country Zone, South Metropolitan Zone, South East Metropolitan Zone, South West Country Zone.

The primary role of Zones are to elect a State Council representative; consider the State Council agenda; and provide direction/feedback to their State Councillor. The role/functions of a Zone may include: developing/advocating positions on regional issues affecting Local Government; progressing regional Local Government initiatives; identifying relevant issues for action by WALGA; networking and sharing information; and contributing to policy development through Policy Teams and Policy Forums.

Under the representational framework of the Association, Member Local Governments have the capacity to be directly involved in the development of policy for Local Government. Member Local Government can access the Association through the State Council, Secretariat, Policy Teams and Policy Forums, or alternatively can access the Association through their respective Zones.

Zones provide critical input into the business which is considered by State Council.

This input occurs in two ways:

1. Passing resolutions on items contained on the State Council agenda, which are then included in a “Summary Resolution Document” and distributed to all State Councillors; and
2. Generating new agenda items for consideration by State Council. Resolutions on the State Council Agenda.

Prior to State Council meetings, Zones are required to meet to consider the items contained on the agenda. For Zones to have an input into the decision making of State Council on a particular item, it must pass an advisory resolution. This resolution will either: support the recommendation contained within the agenda item, oppose the recommendation or propose an amendment to the recommendation.

Advisory resolutions from Zones are an important component of the State Council decision making process.

The outputs from Zones are a significant component of the political advocacy activities of the Association. Zones are the key bodies within their regional areas for developing policy which has local and regional significance to Local Government. They will also often identify important issues which are relevant to all other Local Governments and should be put on the state agenda. Zones resolutions can be referred to the Association for a number of actions. These include: Inclusion as a business item on the next State Council agenda; Referral to a relevant Policy Team for consideration; and Referral to the Secretariat for action.

Both individual Member Local Governments and Zones can request that a matter be referred to State Council for consideration. Matters to be submitted to State Council should generally have state-wide relevance to Local Government or be relevant to a significant majority of Local Governments.

Where a matter is referred from a Member Local Government or Zone to State Council, it will normally be listed for consideration at the next meeting of State Council. The Secretariat will undertake all necessary research on the issue, prepare a report and make a recommendation. Recommendations may be in favour or opposed to the issue or may propose that the matter be referred to a Policy Team or Policy Forum for more detailed research and consideration. The item will then be listed in the State Council agenda and distributed to all Local Governments for consideration at Zone meetings.

Advisory resolutions arising from Zones will be included in the deliberations undertaken by State Council on the issue prior to an Association resolution. Where State Council resolves to support a position on an issue put forward by a Member Local Government or Zone, this becomes the official position of the Association and will be progressed in accordance with advocacy or representational processes.

In the event that a Zone identifies an issue which requires urgent consideration by State Council, the State Council agenda has been structured to allow individual State Councillors to raise these issues from the floor of the meeting. An „emerging issues‟ section has been incorporated at the beginning of each meeting which permits urgent business or emerging issues to be discussed prior to the commencement of the formal agenda. This allows all State Councillors to be informed of significant matters which are emerging and may have a direct impact on Local Government. Generally, motions are not forthcoming from the emerging issues discussion unless the matter is deemed significant enough to warrant immediate action and State Council considers itself sufficiently informed to resolve on a course of action.

The WA Local Government Association is committed to supporting the country and metropolitan Zones in achieving their regional and state objectives. A recent policy adopted by the Association seeks to ensure that senior Secretariat officers are in attendance at all Zone meetings (where possible), whether these are convened on an in-person basis, or via teleconference or videoconference.

In addition, there is a specific officer who has been appointed to act as a conduit between Zones and the Association. The Liaison Officer is the point-of-contact for Zone Secretaries and is responsible for progressing the resolutions arising from each Zone within the Association and State Council. This includes directing issues to the relevant business area of the Association, tracking and reporting to the Zone on actions being taken, and ensuring that all matters are appropriately handled and completed within agreed timeframes.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes [ ]  No [x]

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

**Legislation / Policy**

WALGA Central Metropolitan Zone Standing Orders

**Budget/Financial Implications**

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

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

**Risk Management**

Nil.

**Discussion**

Council resolved to rejoin WALGA. Therefore, this report enables Council to participate in WALGA’s decision making.

**Conclusion**

Therefore, it is recommended that Council appoint the required delegates and deputy delegates to the WALGA Central Metropolitan Zone.

## Development Assessment Panel – City of Nedlands Nomination of Replacement Members

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

**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 a replacement member and alternates, due to the Mayor’s resignation from the JDAP effective on the 30 September 2020.

**Recommendation to Council**

**Council:**

1. **Pursuant to Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, nominates the following Joint Development Assessment Panel (JDAP) Councillor positions:**

**Local government member - Councillor Bennett;**

**Local government 1st alternative – Councillor Wetherall; and**

**Local government 2nd alternative – Councillor (insert name);**

**noting that Councillor Smyth is an existing and continuing JDAP local government member; and**

1. **approves this nomination to be submitted to the Department of Planning.**

**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.

In 2019, Council nominated Mayor de Lacy and Councillor Smyth as local members and Councillor Bennett 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 de Lacy and Councillor Smyth as local members, and Councillor Bennett and Councillor Wetherall as alternate local members), expires on 26 January 2021.

The Council is being requested to nominate replacement nominees due to the Mayor’s resignation effective from 30 September 2020.

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 2021 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.”*

**Nominations**

The replacement member is required to be submitted to the Department of Planning, Lands and Heritage and will be considered by the Minister, who will appoint the local government JDAP members for the remainder of the term ending 26 January 2021.

Until the new Local Member is appointed by the Minister than the alternate members, currently Councillor Bennett and Councillor Wetherall will be required to sit on the JDAP.

Councillor Bennett is the current 1st alternate and is recommended as JDAP member.

Councillor Wetherall is the current 2nd alternate and is recommended as the 1st alternate.

Another Councillor, to be determined, is recommended for 2nd alternate.

**Conclusion**

It is recommended that Councillor JDAP members be nominated by Council for consideration by the Minister.

## Collegians Amateur Football Club – Application to Vary Liquor Licence

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | Mr Brad Girdwood, on behalf of the Collegians Amateur Football Club |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Letter of Support – Dalkeith Nedlands Junior Football Club
 |
| **Confidential Attachments** | Nil. |

**Executive Summary**

Collegians Amateur Football Club (‘Collegians’) intend to apply to the Department of Racing Gaming and Liquor (‘Department’) to vary the club’s current Liquor Licence trading hours.

A Management Licence Agreement (‘Agreement’) between the City of Nedlands (‘City’) and Collegians is in place for use of portion of the facility known as Adam Armstrong Pavilion, located on David Cruikshank Reserve, Dalkeith. Pursuant to Clause 20 of the Agreement, City consent is required for any amendment to a Liquor Licence or Permit as governed by the *Liquor Control Act 1988.*

As part of the application the Department require a letter of consent from the City confirming there are no objections to the proposed variation and that Collegians have unrestricted access to the facility during these times.(*Liquor Control Act 1988, Section 72(1)*).

This item is now presented to Council for consideration.

**Recommendation to Council**

**Council:**

1. **endorses the Collegians Amateur Football Club’s application to vary the liquor licence trading hours as detailed below:**

|  |  |  |
| --- | --- | --- |
| **Day**   | **Existing Trading Hours**   | **Proposed Trading Hours**   |
| **Thursday**   | 6:30pm – 10:30pm  | 6:30pm – 10:30pm  |
| **Friday**   | N/A  | 4:30pm – 10:30pm  |
| **Saturday**   | 1:00pm – 12:00mn  | 1:00pm – 12:00mn  |
| **Sunday**   | 12:00md – 2:00pm   | 12:00md – 2:00pm   |

1. **requests the CEO provide a letter of consent to Department of Racing Gaming and Liquor.**

**Discussion/Overview**

Collegians Amateur Football Club (‘Collegians’) was established in 1948. They have approximately 220 members, and it is estimated about 90% reside within the Western Suburbs. The club is based at David Cruickshank Reserve in Dalkeith and operates from Adam Armstrong Pavilion.

Collegians have a Management Licence Agreement (‘Agreement’) for the facility for the winter sporting season, 1 April – 30 September each year. The Agreement commenced on 1 April 2016 for a term of 21 years and will expire on 30 September 2036. Collegians also hire the oval for training four nights a week and all day on Saturdays for match days and pay for that use on an hourly basis.

Collegians have experienced good growth over the last few years introducing two new teams this season, one being their first women's team, and have advanced into the ‘A Grade’ competition. The variation to the licenced trading hours has been requested by the club to allow the club take advantage of that good growth by fostering a strong relationship with the Dalkeith Nedlands Junior Football Club (‘DNJFC’).

DNJFC are based across David Cruickshank Reserve and Melvista Oval and hire the ovals once a week for training and on Sundays for games, from April – September annually. This year, the club have introduced Friday evening social training sessions at David Cruickshank Reserve. Collegians have welcomed DNJFC to use the clubhouse facilities so families can enjoy the comfort of the clubrooms and some refreshments while watching the sessions. A strong relationship between a junior and senior football club is paramount to consider the future viability of any senior club and its vital a pathway is established for junior players to continue participating in AFL within the City of Nedlands. DNJFC have provided a letter of support for the relationship as noted in attachment 1.

Section 72(1) of the *Liquor Control Act 1988* states the licensing authority must not grant an application for approval unless the owner and lessor has consented to the application. Therefore, the club requires a letter of consent be provided by the City to the Department of Racing Gaming and Liquor in support of the proposed variation.

**Key Relevant Previous Council Decisions:**

Item 13.1 – Ordinary Council Meeting 28 July 2020

Council resolved not to support the application by Collegians Amateur Football Club to extend the trading area for consumption of alcohol.

**Consultation**

Upon receiving a notice of intent to vary the liquor licence trading hours from Collegians, consultation was completed between the City’s internal departments to confirm there are no objections to the application and proposed variation.

**Planning Services:**

The City’s Planning Services confirmed there are no objections to the proposed extension of the liquor trading hours.

**Community Development:**

The City’s Community Development Team confirmed there are no objections to the proposed extension of the liquor trading hours and are supportive of the collaborative approach taken between Collegians and DNJFC.

**Leased Assets:**

The City’s Leased Assets Coordinator confirmed there are no objections to the proposed extension of the liquor trading hours and advised the Agreement with Collegians specifically indemnifies the City from any risk associated with the licence and ensures compliance to any conditions that the Department impose on them (such as a House Management Policy etc.). The club is also to provide a copy of the amended licence and any related plans to the City, once approved.

**Environmental Health Service:**

The City’s Environmental Health Service has reviewed the application and confirm there are no objections to the proposed variation. Collegians Amateur Football Club hold a current Public Building approval under the Health (Public Building) Regulations 1992 and has a maximum accommodation number of 235 persons. The kitchen is also registered under the Food Act 2008 as a Medium Risk Food Business.

The proposed variation is expected to have minimal noise disturbances on the surrounding residents.

**Strategic Implications**

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

KFA: Community Development

Consenting to this application supports Collegians, a local sporting club within the district, in providing a facility for community engagement among parents of young players. This is in line with the Community Development KFA of providing opportunities for community interaction and supporting local community organisations and sporting clubs.

**Who benefits?**

The members of Collegians and DNJFC benefit from this change in hours. The approved change will assist both clubs in engaging new members, and encourages current members, parents of members, and supporters to engage socially within the Club. It also allows for the raising of revenue and promotes a sustainable sporting club.

**Does it involve a tolerable risk?**

There is minimal risk associated with this application for a variation as the junior clubs operations will continue anyway and the potential for any additional noise disturbances for surrounding residences is minimal.

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

Yes. All relative information has been presented.

**Budget/Financial Implications**

Nil.

**Can we afford it?**

There is no cost to the City beyond normal administrative costs in processing this application.

**How does the option impact upon rates?**

There is no impact on rates.

## Community Working Group (CWG)

|  |  |
| --- | --- |
| **Council** | Tuesday, 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil  |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Terms of Reference
 |
| **Confidential Attachments** | 1. Candidate list – CONFIDENTIAL.
 |

**Executive Summary**

The purpose of this report is for Council to appoint a Councillor as Chairperson and candidates on the newly formed Community Working Group (CWG) following the selection process outlined in the Terms of Reference.

This report also provides further information regarding the geographical spread of candidates from the City of Nedlands.

**Recommendation to Council**

**Council:**

1. **appoints Councillor (insert name) as Chairperson for the Community Working Group (CWG); and**
2. **endorses the 12 candidates, as per confidential Attachment 2, selected from the Ballot Selection Process held on the 12 August 2020 to formally establish the CWG.**

**Discussion/Overview**

The City of Nedlands agreed at the Council meeting on 26 May 2020 to proceed with establishing a CWG. This CWG would collaborate with the community to achieve the following:

* a common outcome in relation to assisting with the review and development of local planning policies; and
* other planning instruments to help facilitate and guide development within the City of Nedlands.

Terms of Reference were accepted at this Council meeting and this outlined the CWG Nomination process as provided for reference below:

The CWG will be established by the City of Nedlands following public invitation for nominations from interested persons. The CWG members will be randomly selected from the pool of applicants by the City of Nedlands using the method approved by Council.

The Community Working Group will consist of:

* A Councillor appointed as Chairperson by Council;
* 12 appointed members selected from the pool of applicants received; and
* A secretary, appointed by the CEO.

**Key Relevant Previous Council Decisions:**

26 May 2020

Council:

1. endorses the Terms of Reference for Community Working Groups as per Attachment 1;
2. endorses the expression of interest and ballot selection process proposed in this report;
3. instructs the CEO to undertake a review of the LPP Consultation of Planning Proposals to include referral of material to the Community Working Group as part of the consultation process; and
4. requests the revised LPP Consultation of Planning Proposals be presented back to Council for consent to advertise in accordance with Schedule 2, Part 2, Division 2, Clause 5 Procedure for Amending Local Planning Policies of the Deemed Provisions, Planning and Development Regulations (Local Planning Schemes) 2015.

**Consultation**

To obtain Expressions of Interest for the CWG this was advertised as follows:

* Nedlands News advertisement in The Post on the 6 June 2020
* Your Voice page created and published on 15 June 2020
* Facebook from 6 June 2020

Due to incorrect age ranges being listed on Your Voice as listed in the Minutes of the Council Minutes on the 26 May 2020, two rounds of Expressions of Interest were advertised which caused a delay in this process being finalised:

* First Round – 15 June 2020 – 26 June 2020
* Second Round – 17 July 2020 - 31 July 2020

This community engagement generated 40 Expression of Interest (EOI) responses from the community over the two rounds. Four applicants withdrew their interest prior to the Ballot Selection process on the 12 August 2020.

Two candidates were selected from each of the age categories outlined below. An additional selection was undertaken to select reserve candidates in case the initial candidates are unable to accept the position on the CWG.

16-34 years old

35-44 years old

45-54 years old

55-64 years old

65-74 years old

75 years or older

**Geographical Location of Candidates**

Further information is provided regarding the geographical location of candidates as required in the Terms of Reference. This is outlined below.

Total Breakdown of EOIs Received by geographical location.

|  |  |
| --- | --- |
| **Suburb** | **Quantity** |
| Nedlands | 24 |
| Mount Claremont | 8 |
| Dalkeith | 5 |
| Shenton Park | 0 |
| Floreat | 0 |
| Swanbourne | 0 |
| Other – ratepayers of Nedlands but live elsewhere – Subiaco and South Perth | 3 |
| **Total** | **40** |

Breakdown of EOIs as selected in the ballot selection process.

|  |  |
| --- | --- |
| **Suburb** | **Quantity** |
| Nedlands | 6 |
| Mount Claremont | 4 |
| Dalkeith | 2 |
| Shenton Park | 0 |
| Floreat | 0 |
| Swanbourne | 0 |
| **Total** | **12** |

**Selection Process**

The candidates were selected by a panel which consisted of the Mayor, representatives from the City of Nedlands (Planning, Governance and Engagement) and an external representative.

The Ballot Selection was recorded on video to show a robust process has taken place.

All selected candidates have now been advised of their selection and have indicated that they are prepared to accept a place on the CWG. Council endorsement is required to endorse selection.

**Strategic Implications**

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

Council developed a focused vision in 2011 that appropriately responds to the Community’s vision aspirations. This vision guides the Strategic Community Plan.

Having a CWG will ensure the community has the opportunity to be a part of the future planning of the city.

**Who benefits?**

The community may benefit as a reference point for Council.

**Does it involve a tolerable risk?**

Yes. The feedback from the CWG is advice and Council remains the ultimate decision maker.

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

Yes. Terms of Reference are in place.

**Budget/Financial Implications**

The 2020/21 budget included provision for a 0.4 FTE administration role to assist the Executive Assistant to the CEO and the CWG. Staff input to the CWG will be required to prepared and present information for response purposes. No other budget implications are expected as part of this CWG operating during 2020/21.

**Can we afford it?**

Yes, costs have been budgeted. Currently the CWG will be established for 12 months.

**How does the option impact upon rates?**

This decision impacts on rates for part of the 0.4 administration officer appointment, approximately $15,000, or 0.06% of rates.

## Management of Ficus Street Trees Opposite 2 Rene Road and 30 Gallop Road, Dalkeith

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Arboricultural Advice – Gallop Road, Dalkeith
 |
| **Confidential Attachments** | Nil. |

**Executive Summary**

This item is presented to Council to report the outcome of investigations into mitigating the impacts of three (3) mature Ficus trees located on the Gallop Road verge following Council’s resolution of 28 July 2020.

**Recommendation to Council**

**Council:**

**1. approves Option 1 in accordance with the attached arboricultural advice comprising removal of the western-most Ficus tree and canopy management to the two (2) remaining trees, including reduction pruning, to mitigate the impacts on adjoining infrastructure and neighbouring properties to the south; and**

**2. provides approval subject to:**

**a. the City performing the recommended works;**

**b. the City covering all costs associated with removal and replacement of the western-most tree;**

**c. a replacement tree of a suitable species being planted in consultation with the Nedlands Golf Club and neighbouring residents; and**

**d. the residents at 2 Rene Road and 30 Gallop Road, Dalkeith agreeing, in accordance with Council policy, to accept all costs associated with reducing the canopies of the two (2) retained trees as specified in Option 1 of the attached arboricultural advice.**

**Discussion/Overview**

**Background**

The three (3) Ficus trees (*Ficus microcarpa ‘Hillii’*) located on the Gallop Road verge opposite 2 Rene Road and 30 Gallop Road, Dalkeith (Subject Trees) were planted prior to 1965. The Subject Trees were planted primarily to protect properties along Gallop Road from errant golf balls emanating from the adjacent Nedlands Golf Club (NGC). Left to grow in their natural state, the Subject Trees have matured into large specimens characteristic of this species. The size and location of the Subject Trees ensure a level of protection to properties along Gallop Road from golf balls hit from the second/eleventh tee at the NGC.

At the time the properties at 2 Rene Road and 30 Gallop Road (Properties) were purchased by the current owners, the Subject Trees were approaching maturity and their existence within the immediate environment was not a latent issue. The Subject Trees have continued to mature and are progressively conveying a risk to adjoining public infrastructure and a level of inconvenience to the residents at the Properties.

Residents at the Properties have been seeking abatement of several inconveniences arising primarily due to the size of the Subject Trees. Administration has previously undertaken pruning of the Subject Trees, however in accordance with the provisions of Council’s Street Trees policy, the extent of pruning able to be provided has not substantively abated the inconvenience the residents are experiencing.

A suitably qualified and experienced arboricultural consultant was engaged by the City to assess the Subject Trees and provide management options to mitigate any observed adverse impacts.

**Observations**

The Subject Trees have largely been left to grow in their natural state with little intervention. The western-most tree is located such that it has inadequate offset to adjoining footpath, drainage and road carriageway infrastructure and its root system has caused minor damage to these, which is likely to deteriorate over time. The remaining two (2) trees are situated further offset from the footpath and road and are not currently impacting on these. None of the Subject Trees encroach across the boundary of adjacent private property, however they significantly encroach over Gallop Road and opposite verges. Assessment of the Subject Trees has found they are healthy, have no inherent structural defects and have a canopy orientation to the south which is unusual for the species.

**Tree Management Principles**

Responsibilities of tree owners and the rights of affected neighbours are primarily covered by the common law principles associated with liability for nuisance and negligence. None of the canopies of the Subject Trees or the inconvenience conveyed can strictly be considered a nuisance as defined under common law. Accordingly, neighbouring property owners are not afforded a legal right to relief from any inconvenience they are conveying. Notwithstanding, the City accepts that as road reserves are under its care and control this effectively results in the City being neighbours with residents with which it shares a common boundary. In this context, the City has a responsibility to support good neigbhourly relations and to respond reasonably to tree related requests from residents within the bounds of Council policy.

**Council’s Street Trees policy**

Council’s Street Trees policy conveys the principles for management of the City’s street trees generally and prescribes the circumstances in which the Administration is authorised to protect, remove, replace and prune street trees. Council policy prescribes:

* All pruning of street trees will be in accordance with Australian Standard AS 4373 Pruning of Amenity Trees or as otherwise instructed by a suitably competent and qualified arborist approved by the City.
* If a resident requests pruning of a street tree abutting their property, and in the opinion of the CEO the pruning is not associated with matters of safety, tree health or boundary encroachment, the ratepayer shall bear 100% of the cost to prune the tree if approved.

**Key Relevant Previous Council Decisions:**

Council meeting – 28 July 2020 – item 14.5, Notices of Motion:

Council Resolution

“Council instructs the CEO to investigate the 3 very large existing overgrown Ficus verge trees and their impacts, opposite 2 Rene Road and 30 Gallop Road Dalkeith on the verge of Gallop Road, and provide a report to the Council in September 2020 with recommendations for mitigating any adverse impacts.”

**Consultation**

Correspondence between the City and affected neighbouring residents has been ongoing for numerous years. The City has consulted with the management and committee at the NGC regarding the two (2) options presented in the attached arboricultural advice. The NGC has indicated no objection to the proposed two (2) options presented on condition they are informed when works will be undertaken, an adjacent dead street tree is removed, and a suitable replacement tree is planted.

**Strategic Implications**

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

Management of street trees is a strategic priority for Council and the City. The recommendation made to Council considers the broader strategic direction conveyed by adoption of the Urban Forest Strategy 2018-2023 and the distinct nature of the proposed action in dealing with a unique circumstance.

**Who benefits?**

The proposed recommendation primarily benefits the residents at 2 Rene Road and 30 Gallop Road, Dalkeith. Removal of the western-most tree will address current and potential future damage caused to adjoining public infrastructure which will provide some benefit to the community broadly.

**Does it involve a tolerable risk?**

The primary risk involved with the recommendation to Council is reputational risk. Given the circumstances associated with the proposed removal of the western-most tree, including its unsuitable location and the impacts of its problematic root physiology, the proposed action is reasonable and in the public interest.

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

The City has engaged a suitably qualified and experienced arboricultural consultant to provide independent assessment of the subject trees and recommend appropriate management options.

**Budget/Financial Implications**

**Can we afford it?**

The recommendation to Council considers all relevant matters and seeks to limit financial implications to ratepayers who will derive negligible benefit. Recognising the unique circumstances associated with the subject trees; the recommendation carried in isolation will not have broader budget implications.

**How does the option impact upon rates?**

Based on the estimated value of the proposed works, the recommendation made to Council will not impact upon rates if approved, given there is budget for tree removal.

## Responsible Authority Report Reconsideration of 10 Multiple Dwellings at 5 Hillway, Nedlands

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | Element Advisory Pty Ltd |
| **Landowner** | Yi-Jin Kuok |
| **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. |
| **Reference** | DA 20-43894 (DAP/20/01741) |
| **Previous Item** | 19 May 2020 Special Council Meeting (Item 6) |
| **Delegation** | Not applicable – Joint Development Assessment Panel application. |
| **Attachments** | Responsible Authority Report and Attachments – available at: <https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes> |

1. **Executive Summary**

The State Administrative Tribunal (Tribunal) has invited the Metro Inner-North Joint Development Assessment Panel (JDAP) to reconsider its refusal of an application for ten (10) multiple dwellings at 5 Hillway, Nedlands. In accordance with the Planning and Development (Development Assessment Panels) Regulations 2011, Administration have prepared a Responsible Authority Report (RAR) in relation to the revised plans received on 7 August 2020.

The purpose of this report is to inform Council of Administration’s recommendation to the JDAP.

**Recommendation to Council**

**That Council:**

* 1. **notes the Responsible Authority Report for the proposed 10 Multiple Dwellings development at Lot 689 (No.5) Hillway, Nedlands;**
	2. **agrees to appoint Councillor (insert name) and Councillor (insert name) to co-ordinate the Council’s submission and presentation to the Metro Inner-North JDAP;**
	3. **does/does not (remove one) support approval of the development; and**
	4. **provides the following reasons for the Council’s position on the application:**
1. **...**
2. **…**
3. **Background**

The property is 911m² in area and zoned Mixed Use with a density code of R-AC3. Properties to the southwest and northwest are zoned Residential R60. The initial proposal sought approval for 10 multiple dwellings in a six-level building. Levels 1 and 2 were utilized for access, parking, and storage. Dwellings commenced on Level 3. Due to the slope of the site, the building was dug into the slope so that while presenting as 6 storeys at the street, it was effectively 4 storeys in height at the rear.

The initial proposal was considered by Council at a Special Meeting held on 19 May 2020. At this meeting, Council resolved as follows:

“That Council:

1. notes the Responsible Authority Report for the proposed 10 Multiple Dwelling development at Lot 689 (No.5) Hillway, Nedlands; and

2. agrees to appoint Councillor Coghlan to be appointed to coordinate the Council’s submission and presentation to the Metro Inner-North JDAP that will:

a. inform the Panel of the current status of the City’s Planning Framework as applicable to this particular Development Application;

b. express the view of Council majority, regarding the current development application at 5 Hillway, Nedlands; and

c. provide specific reasons in the case of refusal, including excessive overshadowing of R60 zoned property to the south, significant visual privacy impacts internal and external to the site, lack of building separation at Level 6, poor public domain interface with car parking prioritised over dwellings at Levels 1 and 2, lack of comprehensive context analysis, lack of deep soil landscaping, inappropriate bulk and scale, impact on street scape and amenity of the surrounding neighbourhood and does not meet the objectives of the mixed use zone.”

The application was considered by the JDAP on 22 May 2020. The Panel resolved to refuse the application due to non-compliance with various elements of the Residential Design Codes, the aims and objectives of the Local Planning Scheme No.3 and clause 67 of the Deemed Provisions.

The Applicant elected to apply for a review of this decision in the Tribunal. After mediation, the JDAP was invited by the Tribunal to reconsider its decision based on revised plans. Revised plans that attempt to address the reasons for refused were lodged with the City on 7 August 2020. These plans form the focus of the RAR that has been tabled for Council consideration.

Consideration of the RAR by the JDAP is scheduled for 29 September 2020.

1. **Application Details**

The applicant seeks development approval for a residential development comprising 10 multiple dwellings over 5 storeys (the ground floor is not defined as a storey by the R-Codes), with parking in a basement and on the ground floor. The building is proposed as follows:

Basement

* Sixteen (16) resident car parking spaces
* One (1) resident motorcycle space

Level 1 (Ground)

* Entry lobby
* Seven (7) resident parking spaces
* Two (2) visitor parking spaces
* One (1) resident motorcycle space
* One (1) visitor motorcycle space
* Seven (7) resident bicycle parking spaces
* One (1) visitor bicycle parking space
* Two bin storage rooms and hard/bulky waste storage

Level 2

* One (1) 3-bedroom apartment meeting Silver Level standard of the Liveable Housing Design Guidelines
* Ten (10) 10m²-18m² storerooms (one per apartment)
* One (1) 27m² storage room
* One (1) 18m² services room
* Toilet and cleaner room
* Fire pump room and tanks

Level 3

* Two (2) 2 Bedroom apartments
* One (1) 3 Bedroom apartment with private courtyard and swimming pool
* 100m² deep soil planting area
* Landscaping areas over the Level 3 slab

Level 4

* Two (2) 2 Bedroom apartments
* One (1) 3 Bedroom apartment meeting Silver Level standard of the Liveable Housing Design Guidelines

Level 5

* Two (2) 3 Bedroom apartments

Level 6

* One (1) 3 bedroom apartment
1. **Consultation**

In accordance with the City’s Local Planning Policy – Consultation of Planning Proposals, the development proposal is considered a Complex Application. The revised proposal was re-advertised for 14 days, commencing on 14 August 2020 and concluding on 28 August 2020.

Administration received a total of 117 submissions during the public consultation period, of which 2 submission were in support of the application, 1 submission was neither in support or against and the remaining 114 submissions objected to the proposal.

**Recommendation to JDAP**

The proposal was assessed against the element objectives of the Residential Design Codes Volume 2. This found that the development is generally compliant with the element objectives, except for Orientation. The non-compliance relates to the overshadowing of the southern neighbour’s habitable rooms and outdoor living area not having been minimised. However, overall overshadowing meets the acceptable outcomes.

Given the high degree of compliance with the element objectives of the R-Codes and the aims and objectives of the Scheme, **Administration is recommending the application be approved subject to conditions**.

1. **Conclusion**

Administration have prepared a Responsible Authority Report to the Metro Inner-North Joint Development Assessment Panel recommending conditional approval for the development of 10 multiple dwellings at 5 Hillway, Nedlands. This is a reconsideration of the refusal of a similar proposal on 22 May 2020. Council may wish to make a submission on the application to the Panel. This submission will be presented to the Panel for consideration at its meeting on 29 September 2020.

## Section 31 – Condition No. 17 – No. 35 (Lot 740) The Avenue, Nedlands – Five Grouped Dwellings

|  |  |
| --- | --- |
| **Council** | 22 September 2020 |
| **Applicant** | Urbanista Town Planning |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson  |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Extract of Agenda of July 2020 meeting
2. Extract of Minutes of July 2020 meeting
3. Traffic Engineering Letter
 |
| **Confidential Attachments** | 1. Approved Plans dated 28 July 2020
2. Amended Crossover Plan dated 7 September 2020
 |

**1.0 Executive Summary**

Pursuant to the Orders set by the State Administration Tribunal, the purpose of this report is for Council to reconsider a condition imposed as part of a development approval for five grouped dwellings at No. 35 The Avenue, Nedlands.

A development application for five grouped dwellings was received from the Applicant on 12 December 2019. The application was approved by Council on 28 July 2020 subject to conditions recommended by Administration and one additional condition (Condition No.17) that required the development to rationalise its vehicle access. Broadly speaking, Council’s justification for this was to retain street trees, verge space and on-street parking bays and to minimize the impact of the development on the amenity of this locality.

The Applicant subsequently lodged an application for review (DR174/2020) with the State Administrative Tribunal (SAT) to remove Council’s added Condition No.17. Following a Directions Hearing, amended plans were submitted by the applicant outside of the SAT orders, which maintain two on-street parking bays and propose a replacement tree, thereby addressing two key concerns raised by Council at the July Council meeting. After a second Directions Hearing the SAT invited the City to reconsider its decision to impose Condition No. 17 at the earliest available Ordinary Council meeting prior to the scheduled Full Hearing.

On assessment, Administration is of the view that Condition No. 17 imposed by Council would result in a poorer outcome for this locality.

The recommendation of this report is to remove Condition No. 17 and include an additional condition relating to works within the verge.

**Recommendation to Council**

**That Council,  in accordance with Section 31 of the State Administrative Tribunal Act 2004 (WA), the provisions of City of Nedlands Local Planning Scheme No. 3 and the Metropolitan Region Scheme, varies its decision dated 28 July 2020 to approve the development application for five grouped dwellings at No. 35 The Avenue (740), Nedlands in response to the invitation by the State Administrative Tribunal by amending condition 17 of the approval as follows:**

**Existing condition:**

**Condition 17 - The car parking and vehicle access for the first grouped dwelling with facade frontage to the Avenue shall be consolidated with the communal driveway for all other grouped dwellings so that there is only one consolidated vehicle access driveway crossing over Council Meeting Minutes - 28 July 2020 67 verge, and that the superfluous double driveway be removed and replaced with verge, tree planting and street parking similar to currently exists in this location.**

**To be replaced with new conditions as follows:**

**Condition 17a - The driveways and vehicle crossovers shall be constructed in accordance with the amended Ground Floor Plan contained as Confidential Attachment 2 received 7 September 2020 titled Ground Floor Plan Option 1 Revision B.**

**Condition 17b - Prior to the commencement of construction of the development, the applicant shall submit a vehicle crossover application for approval by the City of Nedlands for works within the road reserve in accordance with Ground Floor Plan contained as Confidential Attachment 2 received 7 September 2020 titled Ground Floor Plan Option 1 Revision B, to the City’s satisfaction. The landowner or applicant shall be liable for any cost, including works, relating to the vehicle crossover permit.**

**3.0 Discussion/Overview**

**3.1 Background**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban  |
| **Local Planning Scheme Zone** | Residential  |
| **R-Code** | R60 |
| **Land area** | 1011.7m2 |
| **Land Use** | Residential  |
| **Use Class** | P |

Key Relevant Previous Council Decisions

A development application, for five grouped dwellings was received from the Applicant on 12 December 2020. The application was approved by Council (item PD33.20) on 28 July 2020 subject to conditions recommended by Administration (see **Attachment 2**) with the following amending motion:

That the Recommendation to Council be adopted subject to the addition of the following condition:

1. The car parking and vehicle access for the first grouped dwelling with facade frontage to the Avenue shall be consolidated with the communal driveway for all other grouped dwellings so that there is only one consolidated vehicle access driveway crossing over verge, and that the superfluous double driveway be removed and replaced with verge, tree planting and street parking similar to currently exists in this location.

The Applicant subsequently lodged an application for review (DR174/2020) with the State Administrative Tribunal (SAT) on 5 August 2020 to remove Council’s condition No. 17.

Following a Directions Hearing held on 21 August 2020, the City appointed Allerding and Associates to represent Council at the Final Hearing. Amended plans were submitted to the City on 24 August 2020 after which the SAT determined that a second Directions Hearing was required to consider the revised proposal. The second Directions Hearing was held on 4 September 2020. Pursuant to s31 of the State Administrative Tribunal Act, the SAT invited the City to reconsider its decision to impose Condition No. 17 at or before 22 September 2020. Should the matter remain unresolved, a Final Hearing has been scheduled for 23 October 2020.

**3.2 Locality Plan**

The subject site is 1011.7m2 in area andis located within the street block bounded by Hillway to the north-west, Broadway to the north-east, The Avenue to the south-east, and Melvista Avenue to the south-west. The street block borders the City of Perth boundary to the east. The subject site has direct frontage to The Avenue and is situated approximately 70m from the Broadway intersection.



Site Aerial – No. 35 The Avenue, Nedlands

The surrounding area was previously coded Residential R20, Special Use and Retail. Following the gazettal of Local Planning Scheme No. 3 (the Scheme) in April 2019, the properties on Broadway were rezoned to Mixed Use R-AC3, while the properties adjacent to Broadway were recoded to Residential R60.

Although the surrounding area is predominated by single houses, it is not an intact streetscape, as there are a number of redeveloped homes. To the south-west of the site, several properties have been subdivided in accordance with the previous R20 density code, with redeveloped homes reflecting the various forms of subdivision. Directly opposite the site, 3 storey redeveloped homes have been constructed within the McHenry Lane precinct in accordance with the previous Special Use Zone provisions. A site visit to the property found that the character of the area is considered to be mixed, exhibiting offices, shops, restaurants, licenced premises, multiple dwellings and single houses.

Most dwellings within the immediate surrounds are redeveloped contemporary styled homes.

Reflecting the diverse range of housing stock, the primary street setbacks of the buildings within the immediate locality range from nil to 9m. Side setbacks are inconsistent, however, based on the aerial, most dwellings feature 1m-2m setbacks. In terms of building height, most buildings are two or more storeys in height.

The verge areas contribute a significant proportion of the existing trees within the streetscape. Although some of the single houses feature trees and small bushes, the immediate area has a significant amount of hardscaping, lawn and small bushes. Unlike many areas of the City, due to the number of redeveloped and subdivided homes, this locality particular is not considered “leafy-green”.

Given the above, the streetscape of this locality in particular is considered varied – unlike other streetscapes within the City. The size, style and character of the homes, hardscape features and vegetative characteristics are mixed.

**4.0 Application Details**

The application seeks development approval to construct five, two-storey grouped dwellings without condition No 17.

Each approved grouped dwelling comprises:

* Three bedrooms;
* Two bathrooms;
* Two living areas;
* Garage with two car parking bays; and
* Storage.

**5.0 Consultation**

**5.1 External Consultation**

The outcomes of advertising were provided to Council in the previous Council report (see Attachment 1).

Given that the changes made to the proposal are limited to works within the verge (road reserve), no further consultation was considered necessary.

**5.2 Internal referral**

Two sets of ground floor drawings and a Traffic Engineering letter in support of the proposal were referred to Technical Services for input, contained as **Confidential** **Attachment 2 and Attachment 3**. The following advice was received:

“Option 1 (Consolidated vehicle access, per the requirement of Condition No. 17)

* Driveway option 1 is **NOT** supported due to crossover alignment issues.

Option 2 (Modified two vehicle access points)

* The applicant’s preferred crossover option 2 is acceptable by the City’s Technical Services of the City.

Drainage relocation

* The relocation of the drainage is supported in principle. However, the Stormwater Side Entry Pit Relocation feasibility report includes an incorrect crossover design (option 1).  The drawing is to be updated to option 1B crossover design for consistency.
* A detailed Side Entry Pit assessment report needs to be submitted for review and approval by the Technical Service as part of the Vehicle Crossover Application.

**Condition:**

If option 1B is approved, a detailed Side Entry Pit assessment report needs to be re-submitted and re-assessed for an approval by the Technical Services as part of the Vehicle Crossover Application. Design and Construction of the required drainage work need to be fully funded by the applicant. If the consolidated crossover is approved, further assessment by the City of Nedlands is required, due to the design changes.”

**6.0 Assessment of Statutory Provisions**

An assessment of the planning framework was provided in the previous report to Council, contained as **Attachment 1**. The modifications made to the original approved plans are limited to verge (road) works. No changes have been made to the development within the subject site.

Council’s rationale for the condition is as follows:

Council wished to ensure the protection of the street frontage amenity and ensure that on-street car bays and street trees were not removed.

Given that changes have been made to the proposal (retention of car bays and proposed replacement tree), Administration notes that elements of the above concerns have been addressed.

Furthermore, the condition is considered to result in unintended adverse consequences. A draft plan of the proposal with one central vehicle crossover was prepared for Administration to consider, contained as **Confidential** **Attachment 2**. As noted previously, the City’s Technical Services assessed the alternate vehicle access and does not support it. Secondly, there are planning and streetscape concerns that including:

* Reduced street setback area
* Loss of large mature tree in street setback area. No replacement is proposed
* Loss of bin store, designed to City requirements
* Reduced landscaping in street setback area
* Poor streetscape presentation – large bulky garage wall occupying the front setback area of Unit 1.

The condition to require rationalise vehicle access would result in a poorer outcome for this locality and would require a significant redesign to accommodate the bin store in an alternative location.

Protect the street frontage

Administration acknowledges the virtues of verge retention and the importance of the verge space in maintaining streetscape character and amenity. Notwithstanding this, the planning framework allows aggregated vehicle crossover widths of up to 9m as a deemed to comply requirement and in certain circumstances, exempts vehicle crossovers from planning approval. This provision inevitably results in a loss of verge space, street trees and green streetscape.

Setting aside the statutory provision that permits two crossovers, double crossovers are commonplace in this part of the City. The table below outlines the properties that have two crossovers servicing the parent lot and their characteristics:

|  |  |  |
| --- | --- | --- |
| **Address** | **Type of development** | **Number of crossovers** |
| 31 and 31A The Avenue, Nedlands | Two single houses located on a subdivided parent lot | 1 x ≈3m wide crossover1 x ≈6m wide crossover |
| 37 and 37A The Avenue, Nedlands | Two single houses located on a subdivided parent lot | Two x ≈4m wide crossovers |
| 39B and 39A The Avenue, Nedlands | Two single houses located on a subdivided parent lot | 1 x ≈3m wide crossover1 x ≈6m wide crossover |
| 45 The Avenue, Nedlands | Single house | ≈aggregated 9m of crossover |
| 52 and 52A The Avenue, Nedlands | Two single houses located on a subdivided parent lot | 1 x ≈3m wide crossover1 x ≈6m wide crossover |
| 58 The Avenue, Nedlands | Single house | Circular Driveway with two crossovers |
| 12 Hillway, Nedlands | Single house | Circular Driveway with two crossovers |
| 18 Melvsita Avenue, Nedlands | Single house | ≈ aggregated 9m of crossover |

It is clear that Council’s aim to protect the verge space on the basis of preserving the amenity or streetscape character is not applicable in this locality as many properties benefit from the maximum aggregated crossover width permitted under the R-Codes Volume 1. The City acknowledges that any streetscape would benefit from narrow, rationalised crossovers and maximised verge green space. However, in this particular instance Condition No.17 has been imposed without due regard for local context, as it is inconsistent with the fact that many single houses within this area, and more generally the City, feature two crossovers.

Protection of street trees

Whilst the retention of street trees has merit in principle, it contradicts the City’s Technical Services (Parks) advice which supports the removal of the street tree, subject to a replacement tree being provided. This locality in particular is not characterised by large, mature, diverse tree species. In fact, several properties do not feature a street tree in their adjacent verge. Aerial photography dating back to the 1970’s indicates this locality in particular was never a so-called tree-lined street, possibly due to its proximity to Broadway. The tree proposed for removal and replacement is small to medium in size and was recently planted.

It is Administration’s view that the requirement for this particular development to rationalise vehicle access in order to retain a street tree is onerous, given that the tree is being replaced, the City has already provided support for its removal, and the locality is not a tree-lined street dominated by large, mature, diverse tree species.

Maintain Car bays

The previous proposal resulted in the loss of an on-street car bay. The revised proposal has been modified to retain the on-street car bays directly in front of the site. This aspect of Council’s justification for the condition has been addressed.

Validity of Condition

Reg. 68(2) of Schedule 2 ‘Deemed Provisions’ of the Planning and Development (Local Planning Schemes) Regulations 2015 provides a statutory power to approve a development with conditions.

However, based on past advice and SAT matters, Administration understands that the power to impose conditions is nevertheless constrained by the so-called *Newbury* test. In order to be a valid planning condition, the condition must:

* Have a proper planning purpose;
* Not be manifestly unreasonable (in the legal sense of it being devoid of any plausible justification); and
* Fairly and reasonably relate to the approved development (i.e. the ‘nexus’ limb).

In addition to the 3 limbs of the Newbury test, to be a valid planning condition, it must be sufficiently certain and final.

The ‘tests’ mentioned above speak to whether a condition is valid (i.e. within power). If a condition is valid, there is a separate further step, which is whether the condition is reasonable and appropriate on the merits of this application. Although there is often a substantial overlap between the issues which arise as to the ‘nexus’ aspect of the Newbury test, and whether a condition is reasonable and appropriate on the merits, they are however separate considerations; A condition may be legally valid, but it may still not be reasonable and appropriate to apply the condition on the merits of a particular application.

It is important to note that the following assessment has been undertaken by Administration, it is not legal advice.

Does the condition serve a planning purpose?

Given that there are current planning provisions that limit the aggregated width of vehicle crossovers under R-Codes Volume 1, and that Administration is currently pursuing draft local planning instruments that limit the number of vehicle crossovers on identified properties, an argument can be made that the condition to rationalise the two crossovers to a single crossover serves a planning purpose.

Is the condition manifestly unreasonable?

To the question of whether the condition is manifestly unreasonable, Council must consider whether any planning authority could have imposed the condition. Administration is of the view that Condition No. 17 is unreasonable and that no planning authority would impose the condition, given that the applicant had submitted an application for the works within the road reserve (two crossovers, tree and on-street bay removal) which was supported by the City’s Technical Services. Notwithstanding this, the concern relating to the loss of street parking has been addressed in the revised plans as both on-street car parking bays are retained. In terms of Council’s concern over the loss of street trees, Administration notes that the revised plan retains one street tree and proposes a second replacement tree per the City’s requirements.

Does the condition fairly and reasonably relates to the development?

The City is of the view that the condition does relate to the development in so far as the vehicle access is directly related to the proposal.

Is the condition reasonable and appropriate on the merits of this application?

The condition requires a significant redesign of the proposal and has unintended adverse consequences that have been outlined earlier in this report. Having regard to the assessment of the surrounding development context, the condition is considered arbitrary and onerous as the principle is not consistently applied to other forms of development such as single houses. Further there is no statutory basis to require the vehicle access to be rationalised.

Is the condition final and certain?

The condition is neither final nor certain as it does not require the work to be completed by a specific time period and the work needed to address the condition requires a significant redesign of the proposal.

In light of the above assessment, Administration does not consider Condition No. 17 to be valid as per the requirements of the Newbury Test, and is not considered fair, reasonable, final or certain.

**Strategic Implications**

Nil

**Budget/Financial Implications**

Nil – There are costs associated with the current SAT proceedings but no direct financial implications associated with this determination

**7.0 Conclusion**

Administration does not believe that Condition No. 17 imposed by Council at its Ordinary Council Meeting of 28 July 2020 that requires a single vehicle access point to the subject site to be valid or reasonable, given the context of the site and the relevant planning provisions.

The condition would result in a poorer outcome as it would reduce the available landscaping, tree canopy, setback, and result in a large area of blank façade.

The changes made to the application through the SAT process maintain two on-street parking bays and propose a replacement street tree, and therefore addresses the key justification for Council’s amending motion to include Condition No. 17.

For the reasons outlined in this report, Administration recommends the application be approved without Condition No. 17 of the previous development approval.

# 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.

## Mayor de Lacy – Street Tree Preferred Species List Update

At the Council Meeting on the 25 August 2020 Mayor de Lacy gave notice of her intention to move the following at this meeting.

**Council instructs the CEO to:**

1. **accept the offer from Emeritus Professor Hans Lambers (BSc PhD Groningen, FRNAAS, FAA), Senior Honorary Research Fellow at UWA and local resident, to assist the City voluntarily in updating the Street Tree Preferred Species List in accordance with an agreed set of principles that addresses biodiversity, habitat needs, shade requirements, amenity (including local conformity), lines of sight, climate and soil conditions, and maintenance requirements (including watering).**
2. **report to Council in December 2020 on the criteria for determining appropriate species and include a draft list of appropriate species for Council endorsement**.

Justification

The implementation of LPS3, along with the Council’s commitment to completing underground power, provides the impetus for updating our Street Tree Preferred Species List. The lodgement of Development Applications along with the demolition of existing properties is resulting in impacts on our existing urban tree canopy. We need to address this by focussing our efforts on trees on public land, and particularly our street verges. We cannot continue to accept small ornamental trees and must instead take the opportunity to use Council land for trees with substantial canopies.

The current list also includes species appropriate for planting under powerlines. This is unlikely to be a driver for the medium term and therefore, no longer needs to be a criterion for including species on the list.

## Councillor Wetherall – Residence Proposal for Allen Park

On the 7 September 2020 Councillor Wetherall gave notice of his intention to move the following at this meeting.

**Council requests the Chief Executive Officer to:**

1. **undertake community engagement, in compliance with Council’s Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020, as resolved by Council;**
2. **advise the Minister for Health and the Chair of the Perth Children’s Hospital Foundation that the Council and City of Nedlands supports the Government decision for the location of the Children’s Hospice on the now vacant land previously occupied by the Swanbourne Bowling Club, or an area just north of the Swanbourne Surf Life Saving Club;**
3. **proceed with formation of the Swanbourne residents site assessment working group by October 2020 and to include in the terms of reference, the provision of feedback to the City on the project development;**
4. **consider further the invitation from the Chair of the PCH Planning Committee for him, or his delegate, to join this Project Control Group as a supporting member ensuring the City is informed as the Hospice development proceeds;**
5. **recommend to the Chair of the PCH Planning Committee that the Deputy Mayor be invited also to join the Project Control Group as a Council representative; and**
6. **continues to negotiate with the WA Government Minister for LG and Minister for Planning for a parcel of land within the City to replace the recreational land foregone for the Hospice, as there is a critical shortage of such land within the City of Nedlands.**

Justification

1. The WA Government has clearly decided the Hospice will be located in Allen Park on the chosen site. The Government owns the land and has already commenced the process for resuming the site from the Reserve.
2. Further expense of ratepayers funds on this matter is not justified, other than the expense required to fulfill the City’s requirement to advise/consult with ratepayers according to the LG Act. If this NOM is successful, the direction to simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group to commence October 2020 will become redundant. Desisting will save further expenditure.
3. The Master Plan for Allen Park (as for all masterplans) is an aspirational plan to guide future actions as opportunities and funding become available.  When circumstances change, so may details of the master plan. A master plan has no legal weight.
4. The proposed Children’s Hospice is a much needed facility of Perth, and indeed greater Western Australia. It would be unreasonable for the City to oppose this development. Further, the site chosen fulfills the requirements identified by expert consultants. The operation of the Hospice is unlikely to disadvantage other users of Allen Park, or surrounding ratepayers.
5. The loss of critical recreational land within the City is a major problem, and it is hoped the Government will agree to a land swap to address this problem.
6. This resolution is required to mend the erroneous view that elected representatives of the City do not support the development of a children’s hospice within the CON. The original resolution was framed within the context of an apparent at the time lack of consultation by both the WA Government and the PCHPC.

Administration Comment

It is noted that item 1 above is underway with consultation closing on 26 September 2020.

## Councillor Mangano – Staff Secondary Employment

On the 8 September Councillor Mangano gave notice of his intention to move the following at this meeting.

**Council directs the CEO that no City of Nedlands staff (including the CEO) are to have secondary employment.**

Justification

1. Secondary employment can result in staff not fully focussed on the primary employment and affect their work output.
2. That conflicts of interest perceived or otherwise will occur.
3. That if they are working after hours on secondary employment, it may create a safety risk due to lack of rest.

Administration Comment

Prohibition on secondary employment will have a significant effect on some staff and will be an employment disincentive.

Secondary employment is common throughout industry, in particular, in part time and casual employment. Depriving people the right to hold secondary employment does not consider the personal circumstances of workers.

Conflict of interest occurs for many people - councillors, consultants and staff, in the course of their work. It is not whether conflict will occur, but how it is managed that makes the difference between acceptable practice and unacceptable practice. The City has a robust policy and procedures for approving and managing secondary employment.

## Councillor Wetherall – Hollywood Central Transition Zone Local Planning Policy

On the 11 September 2020 Councillor Wetherall gave notice of his intention to move the following at this meeting.

**Council;**

1. **reconsiders its decision to not proceed with advertising for a period of 21 days the Hollywood Central Transition Zone LPP as amended (as tabled at Special Council Meeting of 3rd September 2020).**
2. **approves the original recommendation from Administration (without amendment) and instructs Administration to prepare for advertising for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Transition Zone (Hollywood Central) Local Planning Policy; and**
3. **requests the CEO to engage a consultant to complete built form modelling, as part of the modelling for the Stirling Highway Precincts (East and West) as well as Hampden Road and Hollywood East for the Transition Zone Local Planning Policies.**

**Justification**

This policy initiative is an important opportunity for ratepayers in Hollywood Ward to achieve better planning and development outcomes where there are disproportionate abrupt changes in R code zoning.

This resolution was not supported at the OCM 25/8/20 due to a misunderstanding relating to the inclusion of a technical amendment.

This Notice of Motion seeks to redress that difficulty and fulfill the wishes of affected ratepayers to progress this matter as soon as possible.

**Administration Comment**

Administration’s views on this matter are in item 7 of the Special Council Meeting of 3rd September 2020. No motion was carried at that meeting in relation to this notice of motion.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 27 October 2020

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

Notices of motion for consideration at the Council Meeting to be held on 27 October 2020 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

# Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

# Confidential Items

Any confidential items to be considered at this point.

# Declaration of Closure

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