******

***Minutes***

***Council Meeting***

***23 July 2019***

**Attention**

**These Minutes are subject to confirmation.**

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

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**City of Nedlands**

**Minutes of an Ordinary Meeting of Council held in the Council Chambers, Nedlands on Tuesday 27 March 2018 at 7 pm.**

# Declaration of Opening

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

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

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

**Councillors** His Worship the Mayor, R M C Hipkins (Presiding Member)

Councillor I S Argyle Dalkeith Ward

Councillor W R B Hassell Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor C M de Lacy Hollywood Ward

Councillor B G Hodsdon Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor G A R Hay Melvista Ward

Councillor T P James (until 10.31 pm) Melvista Ward

Councillor N W Shaw Melvista Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

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

Mrs L M Driscoll Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Ms M Hulls Acting Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Public** There were 8 members of the public present.

**Press** The Post Newspaper representative.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Councillor N B J Horley Coastal Districts Ward

**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

Nil.

# Addresses by Members of the Public

Captain Richard Hodge, 36 Quintilian Road, Mt Claremont TS15.19

(spoke in support of Safe Active Street for Quintilian Road)

Mr Ian Long, 28 Quintilian Road, Mt Claremont TS15.19

(spoke in support of Safe Active Street for Quintilian Road)

# Requests for Leave of Absence

Nil.

# Petitions

Nil.

# Disclosures of Financial Interest

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

There were no disclosures of financial interest.

# Disclosures of Interests Affecting Impartiality

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

## Councillor Mangano – PD23.19 - 120 Montgomery Avenue Mt Claremont – Proposed Land Exchange for Crown Reserve Land at Reserve 43799

Councillor Mangano disclosed an impartiality interest in Item PD23.19 - 120 Montgomery Avenue Mt Claremont – Proposed Land Exchange for Crown Reserve Land at Reserve 43799. Councillor Mangano disclosed that Western Power is one of his clients, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

# Confirmation of Minutes

## Ordinary Council Meeting 25 June 2019

Moved – Councillor Wetherall

Seconded – Councillor McManus

**The Minutes of the Ordinary Council Meeting held 25 June 2019 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

# Announcements of the Presiding Member without discussion

Events where the Mayor had represented the City since the last Council meeting:

|  |  |  |
| --- | --- | --- |
| 26 – 27 June 2019 | Perth Natural Resource Management | Nature City Seminar |
| 26 June 2019 | Planning Institute of Australia | Fellows Colloquium |
| 2 July 2019 | Friends of Hollywood Bush | Hollywood Primary School Tree Planting |
| 2 July 2019 | City of Nedlands | Meeting with City of Perth Commissioners |
| 3 July 2019 | RAC | Launch of Town Team Movement |
| 5 – 20 July 2019 | On leave | Attended Mayoral Conference in Medellin, Colombia, at own expense. |

# Members announcements without discussion

## Councillor de Lacy

**Euro Technik opens in Nedlands**

Councillor de Lacy advised that earlier this year a Development Application came before us for a new motor vehicle repair business on Carrington Street. Several objections were raised at the time regarding the potential impact of parking. To gain a better understanding of the proposal from the applicant, I decided to visit Euro Technik’s existing premises in Mosman Park to chat to the owner. I had a really great conversation with Jesse, who is part owner of the business and he was able to give me all the ‘context’ about their business and the proposal for Carrington St. Particularly how he planned to manage the parking. It was clear to me he had really thought it through.

I was very impressed with the standard of the workshop and Jesse assured me that the same standard would be applied to Carrington St because its what their customers expect. Specialising in high end European car repair works their customers are unlikely to leave a $200,000 vehicle in a shoddy workshop.

So, it was with great delight that I attended the opening last Friday night of Euro Technik’s new premises on Carrington St. Jesse and his crew had spent months transforming the old Hire Society warehouse into a beautiful showroom and reception area. They also cleaned up the verge using a neighbouring business, Joel Irrigation and re-asphalted the bays adjacent to their premises on Government Rd. Many customers attended the opening and I think we can be very proud of the fact that we have a great new business in our City. Jesse also informed me he has discovered Brick Alley Café at the bottom of the hill where he now goes to get his morning coffee.

# Matters for Which the Meeting May Be Closed

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

Nil.

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

## Minutes of Council Committees

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

Moved – Councillor Hassell

Seconded – Councillor Shaw

**The Minutes of the following Committee Meeting be received:**

**Arts Committee 17 June 2019**

Circulated to Councillors on 8 July 2019

**CARRIED UNANIMOUSLY 12/-**

Moved – Councillor Hay

Seconded – Councillor Shaw

**The Minutes of the following Committee Meeting be received:**

**Council Committee 9 July 2019**

Circulated to Councillors on 16 July 2019

**CARRIED UNANIMOUSLY 12/-**

**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.**

En Bloc

Moved - Councillor Hassell

Seconded – Councillor Hay

**That all Committee Recommendations relating to Reports under items 12.2, 12.3 and 12.4 with the exception of Report Nos. PD23.19, PD26.19, PD27.149, PD28.19, TS15.19 & CPS11.19 are adopted en bloc.**

**CARRIED UNANIMOUSLY 12/-**

## Planning & Development Report No’s PD23.19 to PD28.19 (copy attached)

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

|  |  |
| --- | --- |
| **PD23.19** | **120 Montgomery Avenue Mt Claremont – Proposed Land Exchange for Crown Reserve Land at Reserve 43799** |
|  | |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Applicant** | Western Power Corporation |
| **Landowner** | Western Power Corporation |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | Nil. |
| **Previous Item** | 13 December 2016 (Special Council Meeting) |
| **Delegation** | Council is required to consider this land holding matter as Management Body of Crown Reserve Land. |
| **Attachments** | 1. Letter dated 24 May 2018 from Western Power proposing land boundary rationalisation |

**Councillor Mangano – Impartiality Interest**

Councillor Mangano disclosed that Western Power is one of his clients, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

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

Moved – Councillor Wetherall

Seconded – Councillor Shaw

**Council Resolution**

**Council endorses the proposed land exchange at Montgomery Avenue, Mt Claremont, subject to the following condition:**

1. **That all costs associated with this transaction be borne solely by the applicant being Western Power.**

**CARRIED 8/4**

**(Against: Mayor Hipkins Crs. Argyle Mangano & Smyth)**

Committee Recommendation

Council:

1. does not endorse the proposed land exchange at Montgomery Avenue, Mt Claremont;
2. retains Lot 12035; and
3. negotiates with Western Power to return Lot 2000 on plan 17425 to the City of Nedlands to create a Class C Reserve with purpose of public recreation.

Recommendation to Committee

Council endorses the proposed land exchange at Montgomery Avenue, Mt Claremont, subject to the following condition:

1. That all costs associated with this transaction be borne solely by the applicant being Western Power.

|  |  |
| --- | --- |
| **PD24.19** | **City of Nedlands Design Excellence Awards – Judging Criteria and Rebranding** |
|  | |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Director** | Peter Mickleson – Director Planning & Development Services |
| **Reference** | Nil. |
| **Previous Item** | PD45.17 – October 2017  PD64.18 – November 2018 |
| **Attachments** | 1. City of Nedlands Design Excellence Awards - Judging Criteria and Conditions of Entry 2. Former Civic Design Awards – Judging Criteria and Conditions of Entry |

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

Moved – Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 12/-**

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

**Council endorses:**

1. **the rebranding and renaming of the City of Nedlands Civic Design Awards to be the City of Nedlands Design Excellence Awards; and**
2. **the revised judging criteria and conditions of entry as shown in Attachment 1.**

|  |  |
| --- | --- |
| **PD25.19** | **Local Planning Scheme 3 – Local Planning Policy Child Care Premises** |
|  | |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | Nil. |
| **Previous Item** | Item 6 – 2 May 2019 - Special Council Meeting |
| **Attachments** | * 1. Draft Child Care Premises LPP   2. Draft Child Care Premises LPP – tracked changes |

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

Moved – Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 12/-**

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

**Council resolves to proceed to adopt the Child Care Premises Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.**

|  |  |
| --- | --- |
| **PD26.19** | **Local Planning Scheme 3 – Local Planning Policy Parking** |
|  | |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | Nil. |
| **Previous Item** | Item 6 – 2 May 2019 - Special Council Meeting |
| **Attachments** | 1. Draft Parking LPP 2. Draft Parking LPP – tracked changes |

**Regulation 11(da) – Council determined that it wanted to maintain the previous parking policy.**

Moved – Councillor Hassell

Seconded – Mayor Hipkins

**Council Resolution**

**Council approves the parking requirements as stated in Town Planning Scheme 2 as the Parking Policy, pending finalisation of a revised policy.**

**CARRIED 8/4**

**(Against: Crs. de Lacy Hodsdon Wetherall & Shaw)**

Committee Recommendation

Requests the CEO to prepare a parking policy based on the present criteria and parking demand, for the July Council Meeting.

Recommendation to Committee

Council proceeds to adopt the Parking Local Planning Policy, with modifications set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.; and refers the Parking Local Planning Policy to the Western Australian Planning Commission for final approval in line with State Planning Policy SPP7.3, *Residential Design Codes Volume 2 – Apartments 2019* clause 1.2.3 and the City’s *Local Planning Scheme No 3* clause 32.4(5).

|  |  |
| --- | --- |
| **PD27.19** | **Local Planning Scheme 3 – Local Planning Policy Residential Development** |
|  | |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | Nil. |
| **Previous Item** | Item 6 – 2 May 2019 - Special Council Meeting |
| **Attachments** | 1. Draft Residential Development LPP 2. Draft Residential Development LPP – tracked changes |

**Regulation 11(da) – Not Applicable – No decision procedural motion passed.**

Moved – Mayor Hipkins

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Procedural Motion

Moved – Councillor McManus

Seconded – Mayor Hipkins

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

**CARRIED 10/2**

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

Committee Recommendation

Council resolves to adopt the Residential Development Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

Recommendation to Committee

Council proceeds with the draft Residential Development Local Planning Policy, with modifications as set out in Attachment 1, and re-advertise for a period of 21 days.

|  |  |
| --- | --- |
| **PD28.19** | **Local Planning Scheme 3 – Local Planning Policies for Heritage, SAT Process and Procedures, Refunding and Waiving fees, Planning Compliance and Signs.** |
|  | |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | Nil. |
| **Previous Item** | Item 6 – 2 May 2019 - Special Council Meeting |
| **Attachments** | 1. Draft Heritage LPP 2. Draft State Administrative Tribunal – Process and Procedures LPP 3. Draft Refunding / Waiving Fees LPP 4. Draft Planning Compliance LPP 5. Draft Signs LPP |

**Regulation 11(da) – Not Applicable – Minor addition.**

Moved – Councillor Mangano

Seconded – Mayor Hipkins

**That the Recommendation to Council be adopted subject to 4. Signs being amended at 4.3.7 Property Transaction signs under Development Provisions add ‘iii to read signs to adjoin the property boundary’.**

Councillor McManus left the room at 8.27 pm and returned at 8.28 pm.

Councillor Hodsdon left the room at 8.29 pm.

**CARRIED 10/1**

**(Against: Cr. Argyle)**

**Council Resolution**

**Council:**

1. **adopts the policies listed below, without modification, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:**
   1. **Heritage**
   2. **Refunding/ Waiving Fees**
   3. **Planning Compliance**
   4. **Signs – with addition at 4.3.7 Property Transaction signs under Development Provisions add iii to read signs to adjoin the property boundary.**
2. **adopts the State Administrative Tribunal – Process and Procedures policy, with the following modifications, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:**
3. **at item 4.11 (a) add the words ‘to remain consistent with the Council Resolution:’ after the word ‘solution’.**

Committee Recommendation

Council:

1. adopts the policies listed below, without modification, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:
   1. Heritage
   2. Refunding/ Waiving Fees
   3. Planning Compliance
   4. Signs
2. adopts the State Administrative Tribunal – Process and Procedures policy, with the following modifications, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:
3. at item 4.11 (a) add the words ‘to remain consistent with the Council Resolution:’ after the word ‘solution’.

Recommendation to Committee

Council adopts the policies listed below, without modification, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:

1. Heritage
2. State Administrative Tribunal – Process and Procedures
3. Refunding/ Waiving Fees
4. Planning Compliance
5. Signs

## Technical Services Report No’s TS14.19 to TS15.19 (copy attached)

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

|  |
| --- |
| TS14.19 Boundary Roads Agreement – Town of Claremont |

|  |  |
| --- | --- |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Maria Hulls – Acting Director Technical Services |
| **Attachments** | 1. Draft Boundary Roads Agreement – City of Nedlands and Town of Claremont |

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

Moved – Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 12/-**

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

**That Council authorises the Mayor and Chief Executive Officer to sign the Memorandum of Understanding for the Boundary Road Agreement between the City of Nedlands and the Town of Claremont as detailed in Attachment 1 of this report.**

|  |
| --- |
| TS15.19 Quintilian Road – Safe Active Street Investigation Results |

|  |  |
| --- | --- |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Maria Hulls – Acting Director Technical Services |
| **Attachments** | 1. Cross section of Options |

Councillor Hodsdon returned to the room at 8.30 pm.

Councillor Mangano left the room at 8.30 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted with minor change to one word.**

Moved – Councillor Wetherall

Seconded – Councillor de Lacy

**Council supports the development of a shared path on the northern verge of Quintilian Road incorporating parallel parking bays along the northern verge and narrowing of the existing roadway to 6 metres.**

Councillor Mangano returned to the room at 8.32 pm.

Amendment

Moved – Mayor Hipkins

Seconded - Councillor McManus

**That the word ‘supports’ is replaced with the word ‘investigates’.**

**The AMENDMENT was PUT and was**

**CARRIED 7/5**

**(Against: Crs. Mangano de Lacy Hodsdon Wetherall & Shaw)**

Put Motion

Moved - Councillor McManus

Seconded - Councillor Mangano

**That the Motion be put.**

**CARRIED 11/1**

**(Against: Cr. Smyth)**

**The Substantive Motion was PUT and**

**CARRIED 8/4**

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

**Council Resolution**

**Council investigates the development of a shared path on the northern verge of Quintilian Road incorporating parallel parking bays along the northern verge and narrowing of the existing roadway to 6 metres.**

Please note: No Recommendation was made from Committee.

Recommendation to Committee

Council supports the development of a shared path on the northern verge of Quintilian Road incorporating parallel parking bays along the northern verge and narrowing of the existing roadway to 6 metres.

## Corporate & Strategy Report No’s CPS10.19 to CPS11.19 (copy attached)

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

|  |
| --- |
| **CPS10.19 List of Accounts Paid – May 2019** |

|  |  |
| --- | --- |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing May 2019 2. Purchasing Card Payments May 2019 (29th April 2019 – 28th May 2019) |

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

Moved – Councillor Hassell

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 12/-**

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

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

|  |
| --- |
| CPS11.19 Senior Support Service Opportunities Review |

|  |  |
| --- | --- |
| **Committee** | 9 July 2019 |
| **Council** | 23 July 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | Senior Support Service Opportunities – Administration Presentation |

**Regulation 11(da) – Not Applicable – Minor change to wording.**

Moved – Councillor de Lacy

Seconded – Councillor Shaw

**Council Resolution**

**Council:**

1. **supports the City’s Community Service Centre’s staff to review, research and identify gaps and opportunities for the delivery of future services to those seniors in the City of Nedlands who require assistance, based on 2019 CPS Report CPS11.19 Attachment 1, Senior Support Service Opportunities – Administration Presentation; and**
2. **requests an update at a Council Briefing session in March 2020 on the progress of the Seniors Support Service review conducted by staff.**

**CARRIED 9/3**

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

Please note: No Recommendation was made from Committee.

Recommendation to Committee

Council:

1. supports the City’s Community Service Centre’s staff to review, research and identify gaps and opportunities for the delivery of future services to all seniors in the City of Nedlands, based on 2019 CPS Report CPS11.19 Attachment 1, Senior Support Service Opportunities – Administration Presentation; and

2. requests an update at a Council Briefing session in March 2020 on the progress of the Seniors Support Service review conducted by staff.

# Reports by the Chief Executive Officer

## Common Seal Register Report – June 2019

Moved – Councillor Shaw

Seconded – Councillor Hodsdon

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

**CARRIED UNANIMOUSLY 12/-**

**June 2019**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 923 | 10 June 2019 | Planning & Development | Council Resolution  24 March 2015  PD15.15 | Seal Certification - Seal No. 923 - Deed of Lease in duplicate between City of Nedlands & Angela Davis - Lease of Garage Studio at Tresillian Arts Centre. |
| 924 | 10 June 2019 | Planning & Development | Council Resolution  24 March 2015  PD15.15 | Seal Certification - Seal No. 924 - Deeds of Lease in duplicate between City of Nedlands & Elmari Steyn - Lease of Corner Studio at Tresillian Arts Centre. |
| 925 | 25 June 2019 | Planning & Development | Council Resolution  24 March 2015  PD15.15 | Seal Certification - Seal No. 925 - Execution of Deed of Lease in duplicate between City of Nedlands and Nicola Ray for the Lease of Café at Tresillian Arts Centre. |

## List of Delegated Authorities – June 2019

Councillor James left the room at 9.57 pm.

Moved – Councillor Shaw

Seconded – Councillor Hay

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

**CARRIED UNANIMOUSLY 11/-**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **May 2019** | | | | | |
| **06/06/2019** | Approval to write off minor rates debt May 2019 - $100.12 | Chief Executive Officer – Mark Goodlet | Local Government Act 1995 | Section 6.12 | City of Nedlands |
| **06/06/2019** | (APP) – DA19/35062 – 18 Robinson St, Nedlands – Additions (Patio and Carport) to Single House | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Oasis Patios |
| **06/06/2019** | (APP) – DA19/35062 – 18 Robinson St, Nedlands – Additions (Patio and Carport) to Single House | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Oasis Patios |
| **7/06/2019** | (APP) – DA19/35884 – 12 Circe Circle, Dalkeith - Amendment to DA18/33593 (Removal of Conditions 4 & 5) | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | P Scalise |
| **7/06/2019** | (APP) – DA19/34235 – 110 Victoria Ave, Dalkeith – Additions (Landscaping and Retaining) | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | GDD Design Group |
| **11/06/2019** | (APP) – DA19/35952 – 2 Vix St, Nedlands – Additions to Single Dwelling | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Millstone Homes |
| **13/06/2019** | (APP) – DA19/35961 – 2 Chessington Gardens, Mt Claremont – Additions (Patio) to Single House | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Perth Patio Magic |
| **13/06/2019** | (APP) – DA19/35370 – 1 Shannon Rise, Mt Claremont – Additions to Single Dwelling | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Buildinglines Approvals Ltd |
| **13/06/2019** | (APP) – DA19/35584 – 45 Viking Rd, Dalkeith – Change of Use (Display Home) | Manager Planning – Ross Jutras-Minett | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mercedes Group Pty Ltd |
| **17/06/2019** | (APP) – DA19/35735 – 19 Jutland Pde, Dalkeith – Additions to Dwelling | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mr J C & Mrs JM Pitcher |
| **18/06/2019** | (APP) – DA19/34952 – 7 Greenville St, Swanbourne – Two Storey Single Dwelling | Manager Planning – Ross Jutras-Minett | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Distinctive Homes Pty Ltd |
| **18/06/2019** | 3040316 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Jessica Bruce | Local Government Act 1995 | Section 9.20/6.12(1) | Laszlo Szalay |
| **18/06/2019** | 3032720 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Jessica Bruce | Local Government Act 1995 | Section 9.20/6.12(1) | Oonagh Lancaster |
| **18/06/2019** | 3039824 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Jessica Bruce | Local Government Act 1995 | Section 9.20/6.12(1) | Carla Martin |
| **19/06/2019** | TECH-751998325-2775 – Stubbs Terrace – Conversion of parking bays into kiss and drop | CEO – Mark Goodlet | City of Nedlands Parking and Parking Facilities Local Law | Section 3.1 | City of Nedlands |
| **19/06/2019** | (APP) – DA19/35338 – 95 Alderbury St, Floreat – Additions to Single House | Coordinator Statutory Planning – Kate Bainbridge | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Urban Box Design & Drafting |
| **26/06/2019** | 3039734 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Jessica Bruce | Local Government Act 1995 | Section 9.20/6.12(1) | Jennifer Harris |
| **26/06/2019** | 3039193 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Jessica Bruce | Local Government Act 1995 | Section 9.20/6.12(1) | Peter Ventouras |
| **27/06/2019** | 3039729 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Jessica Bruce | Local Government Act 1995 | Section 9.20/6.12(1) | Brian Young |
| **27/06/2019** | 3040604 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Jessica Bruce | Local Government Act 1995 | Section 9.20/6.12(1) | Daniel Zampin |
| **27/06/2019** | (APP) – DA19/35970 – 101 Monash Ave, Nedlands – Additions (Car Park) to Hospital | Manager Planning – Ross Jutras-Minett | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Element Advisory Pty Ltd |
| **27/06/2019** | (APP) – DA19/35946 – 48 The Avenue, Nedlands – Amendment to DA18/32020 | Manager Planning – Ross Jutras-Minett | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Saleeba Architects |
| **27/06/2019** | 3039872 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Jessica Bruce | Local Government Act 1995 | Section 9.20/6.12(1) | Gareth Moore |

## Professional Development Approved by the Chief Executive Officer

Moved – Councillor McManus

Seconded – Councillor Shaw

**The attached Professional Development Approved by the Chief Executive Officer be received.**

**CARRIED 10/1**

**(Against: Cr. Mangano)**

|  |  |  |
| --- | --- | --- |
| **Name** | **Conference Details** | **Reason** |
| Peter Mickleson  Director Planning & Development | 2019 National Traffic and Transport Conference in Adelaide from 30 July to 2 August. | Transport and parking are critical issues for the City of Nedlands.  The planning department has an imperative to consider the City’s immediate and future transport issues, particularly in the light of the pressures that are coming to bear through the new planning scheme, State Government development of Metropolitan Region Scheme lands, and ongoing development of the State Government hospital land and Hollywood hospital. |
| Maria Hulls, Acting Director Technical Services | 2019 International Public Works Conference in Hobart 25-29 August – “Vibrant Futures Solid Foundations” | The Acting Director’s attendance will serve three roles.  The City of Nedlands is a national award finalist for the Jo Wheatley All Abilities Play Space and her attendance will provide City representation.  The conference is content heavy – e.g. asset management, best practice engineering, emergency management, finance and funding, to name a few topics, which will benefit the City.  Attendance by the Acting Director will provide professional development and enhance her value to the City. |

## Monthly Financial Report – June 2019

|  |  |
| --- | --- |
| **Council** | 23 July 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Hassan Shiblee – A/Manager Financial Services |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 30 June 2019 2. Capital Works & Acquisitions – 30 June 2019 3. Statement of Net Current Assets – 30 June 2019 4. Statement of Financial Activity – 30 June 2019 5. Borrowings – 30 June 2019 6. Statement of Financial Position – 30 June 2019 7. Operating Income & Expenditure by Reporting Activity – 30 June 2019 8. Operating Income by Reporting Nature & Type – 30 June 2019 |

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

Moved – Councillor Shaw

Seconded – Councillor McManus

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

(Printed below for ease of reference)

Councillor James returned to the room at 9.59 pm.

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

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

**Executive Summary**

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

**Discussion/Overview**

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

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

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

The operating revenue at the end of June 2019 was $36M which represents $599k favourable variance compared to the year-to-date budget.

The operating expense at the end of June 2019 was $30M, which represents $1.1 M favourable variance compared to the year-to-date budget.

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

The monthly financial report for 30 June 2019 is based on transactions recorded until 30th June 2019 and does not represent the final figures of the 2018/19 financial year.

The City will continue to receive supplier invoices for the financial year 30 June 2019 throughout July 2019. Invoices received after the year end have not been included in this report due to the timing of the production of this report. However, for final audited accounts, these invoices and other final journal adjustments as required by Accounting Standards will be included.

**Governance**

Expenditure: Favourable variance of $ 311,198

Revenue: Unfavourable variance of $(160,458)

Cost savings were made through lower expenses for the WESROC, Other employee costs, Professional fees and office expenses of $295k.

The unfavourable revenue variance is due to lower revenue from WESROC corresponding to the lower expenditure.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 343,198

Revenue: Favourable variance of $ 630,829

Favourable expenditure variance is mainly due to one-week salaries is not expensed yet. Also, Savings on Professional fees, Special Projects finance and ICT expenses of $337k.

Favourable revenue variance is due to increase interim rates income of $195k, interest income of $51k and advance payment of 2019/20 FAG Grant of $395k.

**Community Development and Services**

Expenditure: Favourable variance of $302,140

Revenue: Favourable variance of $100,826

The favourable expenditure variance is mainly due to expenses not expended yet for salaries and NCC. Further savings on operational activities in community development, lower community development donation payment and special project of 87k also contributed to positive variance.

The Favourable revenue variance is due to increase fees & charges income of $86k from NCC and PRCC.

**Planning and Development**

Expenditure: Favourable variance of $ 293,455

Revenue: Favourable variance of $ 92,722

The favourable expenditure variance is due to savings in Strategic projects of $78k, other operational activities of Environmental Health of $214k.

Small favourable revenue variance is due to higher development applications received of $37k, increase income from building services Fees & charges and Fine & Penalties of $46k.

**Technical Services**

Expenditure: Unfavourable variance of $ (96,726)

Revenue: Unfavourable variance of $ (64,140)

Small unfavourable variance is due to profiling issue.

Unfavourable variance is mainly due to timing difference of Street roads & Depots Grant amount of $56k.

**UGP**

As at 30 June 2019, the City’s service charge, spend and borrowings since the commencement of the project is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Project** | **Service Charge** | **Spend** | **Borrowings** |
| Alderbury Street | $184,509 | $368,798 | $66,956 |
| West Hollywood | $2,286,460 | $5,484,011 | $3,574,691 |
| Alfred Road & Mt Claremont | $396,290 | $674,661 | $94,279 |
| **Total** | **$2,867,259** | **$6,527,470** | **$3,735,926** |

**Borrowings**

At 30 June 2019, we have a balance of borrowings of $7.5M. 2018/19 budget included borrowings of $4.4M including $2.47M for the UGP based on the assumption that 75% of the owners will opt for a 10-year loan. However, only 23% of owners have opted for the 10-year loan, thus reducing the loan requirement for the owners’ portion of the UGP to $806k. This will reduce the borrowings for the year by $1.66M with an estimated total outstanding borrowing of $8.5M at year end compared to the budget of $10M. It is forecast that the $1M borrowings to fund capital works will not be required and further lowering the borrowings to $7.5M at 2019 year end.

**Net Current Assets Statement**

At 30 June 2019, net current assets were $3.03M compared to $2.20M as at 30 June 2018. This is due to less creditor payments as at 30 June 2019 of $1.2M compared to $1.7M as at 30 June 2018.

Rates debtors outstanding is 2.1% as at 30 June 2019 compared to 1.5% as at 30 June 2018.

**Capital Works Programme**

At the end of June, the expenditure on capital works were $9.01M with further commitments of $1.02M which is 73% of a total budget of $13.60M.

**Conclusion**

The statement of financial activity for the period ended 30 June 2019 indicates that operating expenses are under the year-to-date budget by 3.6% or $1.1M, while revenue is above the Budget by 1.7% or $599k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – June 2019

|  |  |
| --- | --- |
| **Council** | 23 July 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Hassan Shiblee – A/Manager Financial Services |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Investment Report for the period ended 30 June 2019 |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

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

**Executive Summary**

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

**Discussion/Overview**

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

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

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

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

Municipal Funds $ 3,091,075.95

Reserve Funds $ 6,109,065.31

Total $ 9,200,141.26

The total interest earned from investments as at 30 June 2019 was $367,423.44.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $2,975,794.13 | 1.70% - 2.73% | 32.35% |
| Westpac | $2,333,276.47 | 2.24% - 2.50% | 25.36% |
| ANZ | $179,471.36 | 2.20% | 1.95% |
| CBA | $3,711,599.30 | 1.30% - 2.49% | 40.34% |
| **Total** | **$9,200,141.26** |  | **100.00%** |

**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes  No

Required by City of Redlands policy: Yes  No

**Budget/Financial Implications**

Investment income is steady as per budget.

## Playlovers Inc.- Request for funding and extension to term of lease of Hackett Hall, Lawler Park, Floreat

|  |  |
| --- | --- |
| **Council** | 23 July 2019 |
| **Applicant** | Playlovers Inc. |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Report to Council ted 25 June 2019, “Playlovers Inc. – Request for funding and extension to term of lease of Hackett Hall, Lawler Park, Floreat” 2. [SAT Order dated 9 August 2017 with joint report on electrical works](https://nedlands365.sharepoint.com/sites/technical/council_properties/leased_buildings/Playlovers%20Breach%20of%20Lease%20-%20Maintenance/Attachment%201%20-%20SAT%20Order%20%20170709%20with%20Joint%20Expert%20Electrical%20Report.pdf) |

**Regulation 11(da) – Council is seeking to provide administrative support to Playlovers during the transition period.**

Moved – Councillor de Lacy

Seconded – Councillor Wetherall

**That the Recommendation to Council be adopted with the following additional clauses:**

**5.   Requests the CEO to support Playlovers, if they so wish, with an approach to Shenton College with a view to assisting Playlovers in potentially securing an agreement to use Shenton College Arts Arena for performances while they are unable to use Hackett Hall for such purposes and report back to Council by Nov 2019; and**

**6.   Requests the CEO to work with Playlovers to develop an Exit Strategy from Hackett Hall and report back to Council by July 2020.**

Councillor Hassell left the room at 10.23 pm and returned at 10.26 pm.

**CARRIED 10/2**

**(Against: Mayor Hipkins Cr. Mangano)**

**Council Resolution**

**Council:**

1. **agrees to fund works noted in this report and entitled “Works to Hackett Hall” with total expenditure not to exceed $10,000 (excl. GST), on the condition that:**
   1. **this list of works is identified to enable Hackett Hall to be used by Playlovers Inc only for the purpose of their rehearsals;**
   2. **Playlovers are to oversee the completion of the Works; and**
   3. **any additional works not listed but which arise through applying for occupancy of the hall are to be borne by Playlovers as lessee;**
2. **requests that Administration pay $4,000 to Playlovers Inc. as offered in 2016 to honour the offer of support on closure of Hackett hall in 2016;**
3. **approves the non-payment by Playlovers of utility fees and charges, insurance charges and asbestos remediation costs (total approx. $15,840) for the period since closure of Hackett Hall; and**
4. **advises Playlovers Inc. that at the end of their lease term on 14th March 2024, Hackett Hall will return to the City for control and management.**

**5.   Requests the CEO to support Playlovers, if they so wish, with an approach to Shenton College with a view to assisting Playlovers in potentially securing an agreement to use Shenton College Arts Arena for performances while they are unable to use Hackett Hall for such purposes and report back to Council by Nov 2019; and**

**6.   Requests the CEO to work with Playlovers to develop an Exit Strategy from Hackett Hall and report back to Council by July 2020.**

Recommendation to Council

Council:

1. agrees to fund works noted in this report and entitled “Works to Hackett Hall” with total expenditure not to exceed $10,000 (excl. GST), on the condition that:
   1. this list of works is identified to enable Hackett Hall to be used by Playlovers Inc only for the purpose of their rehearsals;
   2. Playlovers are to oversee the completion of the Works; and
   3. any additional works not listed but which arise through applying for occupancy of the hall are to be borne by Playlovers as lessee;
2. requests that Administration pay $4,000 to Playlovers Inc. as offered in 2016 to honour the offer of support on closure of Hackett hall in 2016;
3. approves the non-payment by Playlovers of utility fees and charges, insurance charges and asbestos remediation costs (total approx. $15,840) for the period since closure of Hackett Hall; and
4. advises Playlovers Inc. that at the end of their lease term on 14th March 2024, Hackett Hall will return to the City for control and management.

**Executive Summary**

Following on from Council’s resolution for item 13.8 (Attachment 1) on 25th June 2019 further information has been obtained regarding the future use of Hackett Hall. This item now seeks to determine the future use of the hall and presents costings for Council’s consideration in deciding whether to fund those works.

**Discussion/Overview**

On 25th June 2019 Council considered a request by Playlovers Inc. for grant funding to remediate and improve Hackett Hall for the purpose of a theatre. Council resolved to “proceed to the next item of business”

Administration have since obtained further information regarding this matter for Council’s consideration.

In a recent meeting between the City’s Chief Executive Officer, Director Corporate & Strategy and Playlovers President and Treasurer, the option of using Hackett Hall for Playlovers’ rehearsals only and not as a theatre for performances, was considered. This change of use would change the requirement for works to the hall and also reduce associated costs. If Playlovers mechanical seating is not required for performances, then the hall’s main floor would not need to be strengthened and therefore the amount of approximately $33,700 not required.

For Hackett Hall to be used for rehearsals only, there are certain statutory requirements to satisfy. On liaison with the City’s Environmental Health and Building Maintenance teams the following has been identified as a minimum schedule of works for the hall to satisfy Health (Public Buildings) Regulations 1992 as well as minimum condition for the building. This minimum condition is also determined by the works noted in SAT Order of 9 August 2019 as in Attachment 2(SAT Order). Below is the list of works identified along with indicative costings which are estimated to be within 30% of accuracy.

Works to Hackett Hall

* Playlovers Inc. to remove the stage curtains and any other potentially flammable drapes.
* Placement and potential reformatting of evacuation plan on wall inside front entrance to Hackett Hall (in an obvious position) – ($250).
* Testing and tagging of all fire suppression equipment (potential replacement) within the premises by a licensed fire prevention company/agency and written confirmation that it is being maintained in accordance with – AS 1851:2012 ($1,500).
* Written confirmation from a licensed electrician that all emergency exit signs, and emergency lighting within Hackett Hall complies fully with AS/NZS 2293 and the Health (Public Buildings) Regulations 1992 and is fully operational. Logbook inspection details must also be provided for these devices that are to be tested and inspected every 6m at Playlovers expense (in accordance with the Regulations). – ($2,000).
* Written confirmation from a licensed electrician that all electrical leads that are to be used at Hackett Hall have been tagged and tested in accordance with AS/NZS3760. Tag needs to be affixed to each lead to indicate this and tagging and testing completed at not less than 12m intervals. Ongoing compliance will be the responsibility of Playlovers. – ($1,500).
* Repair incomplete and uneven paving to the LHS rear courtyard lane (in exit pathway) to remove tripping and fall hazard. ($500).
* Repair or replacement of asbestos eaves noted in the City’s Condition Report of 13/2/19 as in poor condition and a high priority for address. ($700 as per verbal estimate)
* Playlovers’ electrician to verify that all works noted in SAT Order are complete.
* Works incidental to this list.

Once these works have been completed with documentation completed by Playlovers and the City’s Environmental Health Team are satisfied with compliance a ‘Form 4 – Certificate of Approval’ can potentially be issued with accommodation numbers set at less than 50 people (rehearsals only), subject to the following restrictions:

1. Access to the kitchen area is always prohibited;
2. Use or operation of the mechanical seating system at Hackett Hall is prohibited;
3. Removal of all unnecessary highly flammable loose materials from the building that are not directly associated with the activity of rehearsals for Playlovers (as identified by the City’s Condition Report dated 13/2/19 – attached to Council Item 13.8);
4. Roof beams to not be loaded with a load of more than 50kg on any one beam (as per the SAT Order); and
5. Restriction on gantry bar to not be overloaded as per Peritas Engineers Report (although as only rehearsals to be held in the hall it is expected that the bar is not required).

Playlovers have previously advised all the works required in the SAT Order have been completed and provided an invoice from AD Construction & Maintenance to verify building works to roof beams and platform landing completed to specification. In completing the regulatory process for occupancy of a Public Building all electrical works will be verified and certified by Playlovers’ electrician. If it is found that any works remain outstanding it is proposed that Playlovers will be responsible for costs associated with completing those works.

It is expected that the list of works above will enable the hall to be used for Playlovers’ rehearsals only and for no other use or by no other user group. This work is expected to be sufficient for this purpose for the duration of the Lease. It is acknowledged that completing these works will not bring the hall into good condition or order however it is considered to be a satisfactory standard given the hall’s use will be limited and the future of the hall still to be determined.

Playlovers advise their current membership base has been affected significantly by the closure of Hackett Hall, losing 110 members who had been ongoing members. They currently have 53 paid members and 17 life members. They also advise that their database for membership includes 850 contacts who have either been members or currently are members.

**Key Relevant Previous Council Decisions:**

Item D34.08 was considered by Council on 12 August 2008. Through this item Council resolved to endorse the negotiation of a lease between the City and Playlovers Inc. for Hackett Hall and gave in-principle support for 3 weeks of community consultation prior to establishing the lease. The report noted that the hall was built with Playlovers intended as a tenant. At the time of the report it was noted the hall was in a “moderate state of disrepair due to its age and frequency of use and the fact there is not an exclusive use club or group which responsibly cleans up, maintains and looks after the building.” The lease agreement sought to resolve these issues with a Deed of Lease on the City’s standard terms for peppercorn leasing commencing on 15 March 2009.

Item 13.8 (Attachment 1) was considered by Council on 25th June 2019 and related to a request by Playlovers Inc. for a grant to bring Hackett Hall into compliance with statutory requirements as well as improve the building’s condition. Council resolved to move to the next item of business.

**Consultation**

Administration have consulted with Playlovers Inc. on options for the group’s use of Hackett Hall, particularly given the significant expense to bring the hall into a condition appropriate for use by the general public in attending performances by the group. The consultation has realised possible alternatives for the group’s use over the duration of the group’s lease of the hall – being 4 years and 6 ½ months.

Consultation with the group has also realised that the hall is reaching the end of its useful life and so limited expenditure to satisfy safety and compliance requirements is appropriate for the hall.

**Budget/Financial Implications**

It is noted that under the terms of the Lease Playlovers as lessee are responsible for all maintenance and repair of the Premises. This includes capital repair and replacement. The City as landlord is not obliged to undertake any works or to fund such works.

Hackett Hall is nearing the end of its useful life and so prudent management of both Playlovers and the City’s resourcing on this facility is necessary.

The approach noted above is for the hall to be used for Playlovers’ rehearsals only for the next 4 and a half years (being the unexpired term of lease). This will ensure the group are adequately supported by the City while ensuring appropriate facility management.

The City’s current budget for 2019/20 allocated $40,000 for Hackett Hall.

## City of Subiaco – Lease Portion of Reserve 45054 – City Depot at John XXIII Avenue, Mt Claremont

|  |  |
| --- | --- |
| **Council** | 23 July 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Maria Hulls – Acting Director Technical Services |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. [Draft Deed of Lease](https://nedlands365.sharepoint.com/sites/technical/council_properties/lease_register/Lease%20-%2084/Attachment%201%20Draft%20Lease.pdf) 2. [Landscaping Plan for Reserve 45054](https://nedlands365.sharepoint.com/sites/technical/council_properties/lease_register/Lease%20-%2084/Attachment%202%20-%20Depot%20landscaping%20plan.pdf) 3. [Views from Heritage Lane of the Depot at John XXIII Avenue, Mt Claremont](https://nedlands365.sharepoint.com/sites/technical/council_properties/lease_register/Lease%20-%2084/Attachment%203%20-%20Views%20of%20the%20Depot%20from%20Heritage%20Lane%20and%20the%20Entry.pdf) |

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

Moved – Councillor McManus

Seconded – Councillor Hassell

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

(Printed below for ease of reference)

Councillor James retired from the meeting at 10.31 pm.

**CARRIED 8/3**

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

**Council Resolution / Recommendation to Council**

**Council:**

1. **endorses the terms of lease with City of Subiaco for a portion of Reserve 45054 as contained in Attachment 1;**
2. **subject to receiving consent from the Minister for Lands, requires the CEO and Mayor execute the Deed of Lease and apply the City’s Common Seal; and**
3. **endorses the landscaping plan for the whole of Reserve 45054 as contained in Attachment 2.**

**Executive Summary**

On June 26, 2018 Council resolved to approve the redevelopment of the City’s depot site at 19 John XXIII Avenue, Mt Claremont. Administration subsequently negotiated a lease arrangement with the City of Subiaco and the terms of the agreement are now presented to Council for consideration.

A copy of the proposed landscaping plan for the City’s depot site is also presented to Council for its consideration.

**Discussion/Overview**

Reserve 45054 is a class “C” Crown Reserve with a management order vested in the City of Nedlands for the purpose of “Depot Site”. This site is known as the City of Nedlands John XXIII Depot (the Depot).

Following Council’s resolution to approve the upgrade to the Depot, Administration commenced negotiations with both the Town of Claremont and City of Subiaco for terms of lease of 1200m2 sections of the Depot. Administration and the City of Subiaco has now agreed the terms of the draft Deed of Lease which are contained in Attachment 1 (the Lease). Of note are the following terms of the Lease:

* The purpose of the Lease is for “The establishment and operation of a local government depot for the storage of plant, equipment and other materials typically stored in such a depot”.
* The area to be leased by City of Subiaco (lessee) is a 1200m2 area of land at the southernmost boundary of the Depot (the Premises). This area is recorded in Annexure 2 of the Lease.
* The rate of rental is set at $25,000 per annum + GST, being the market rate of rental for the Premises as advised by Hemsley Paterson Licensed Valuers in April 2018 (“the Licensed Valuation” - reported to Council in item TS12.18 on 26 June 2018).
* Reviews of the rate of rental are to be completed each year on the anniversary of the date of commencement of the Lease. The method of review is CPI annually and replaced by a market review every 5 years throughout the term.
* The Lease has an initial term of 10 years with two further terms of 5 years each.
* The Commencement Date will be the date the Deed of Lease is signed by the parties as the Premises are now ready for possession by the lessee.
* At clause 5.4(a)(iii) the lessee is required to pay legal costs for the preparation and registration of the Lease up to a maximum of $2,500. While the City’s standard requirement for leasing is to require the lessee to pay all costs associated with agreeing a lease, in this commercial arrangement with a market rental payable it was agreed that cost sharing between lessor and lessee is appropriate. As well, some of the legal fees incurred was due to Administration’s early requirements which were subsequently amended.
* At clause 8 of the Lease is a standard indemnification by the lessee to the City and Minister for Lands.
* The lessee is required to maintain public liability insurance in the amount of at least $20,000,000. Through negotiations with the lessee it was noted that their Council’s insurance policy would be an umbrella policy so they would be unable to list the City as a joint party to the policy. It was initially considered that a wavier of subrogation should be required from the lessee to protect the City’s interests in such a claim against the lessee. Subrogation is a right of agency and is when an insurer has the right to act on the insured’s behalf and seek to recover from a third party for money paid out in a claim against the insured. This would mean that the lessee’s insurer could make a claim against the City as landlord for any claim on public liability they pay out on. A causal link between the claim and party would still need to be established. On negotiation with the lessee it was realised that such a requirement with unilateral benefit was not a reasonable requirement in a commercial leasing arrangement. Instead it was agreed that both Council’s individual insurance policies should stand the test of liability and each respective party should be liable for its own actions and negligence, so the requirement for a waiver of subrogation was removed. The Indemnity provision in clause 8 remains to protect the City as lessor from claims against it on the basis of the lessee’s operations and occupation.
* The Depot is classified as “Contaminated – remediation required” due to its historic use as the Brockway Tip. There are certain requirements on the City when agreeing a lease of a Contaminated Site. The City must provide certain documentation to the lessee and Department of Water and Environmental Regulation. This process is in hand. As well clause 11 – Environmental Contamination provides for relevant considerations.
* Item 7.1 of the Schedule allows for the lessee to fence the Premises, create a hard stand and install a shed. Most of this work has been completed by the City in the negotiated Schedule of Works in Annexure 3 of the Lease. The lessee has also applied for and received development approval from the WA Planning Commission to install a vehicle storage shed, demountable office and storage containers onsite. Any further alterations to the site will need to first be approved by the City as lessor – required by clause 12 of the Lease.
* Item 7.2 of the Schedule requires the lessee to contribute to works to prepare the Premises as well as upgrade the accessway to the Premises. This was negotiated with the lessee and aligns with the basis of the Licensed Valuation – that the land was valued “as is” at the time of the valuation, being an undeveloped state. In negotiating the Schedule of Works to prepare the Premises it was noted that the lessee required an alteration to the amount of fill removed from the Premises and provision for the lessee to pay an additional cost of $15,000 to complete this work has been included at Item 7.2(4) of the Schedule.
* Item 7.3 of the Schedule to the Lease provides for the lessee’s access to the Premises via Lot 503 which is another class “C” Crown Reserve with management vested in the City of Nedlands for the purpose of “Access”. Item 7.3 of the Schedule outlines certain responsibilities of the lessee in using this Lot 503 for access - including any damage caused and claims through workers compensation cover.

In negotiations with the lessee it was realised that a 5 metre landscaping setback within the Premises would not be workable for the lessee’s vehicle turning requirements and so it is recommended that the landscaping setback required by Council in Item TS12.18 only be applied to the portion of the Depot used by the City of Nedlands. A plan with the recommended landscaping is contained in Attachment 2. Also included in Attachment 2 are perspectives of the Depot to demonstrate the proposed landscaping. There is also a view of the Depot from Heritage Lane to show the neighboring residents’ outlook. It is expected that landscaping as recommended in Attachment 2 will adequately screen the Depot from residential perspectives.

**Key Relevant Previous Council Decisions:**

Item TS12.18 was considered by Council on 26th June 2018. Council resolved to endorse an upgrade of the Depot; authorised Administration to negotiate leases with Town of Claremont and City of Subiaco for two 1200m2 portions of the Depot for an initial term of 10 year with two further terms of 5 years each; and for a 5 metre landscaping setback to be established around the site.

**Consultation**

Administration have consulted with the City of Subiaco to agree the terms of the Lease.

Administration have applied to the Department of Planning Lands & Heritage for Ministerial consent to the terms of lease as in Attachment 1. This is a requirement of section 18 of the Land Administration Act 1997, which requires that any lease of Crown reserve land must first received the Minister for Lands’ consent prior to executing any lease agreement of that land.

**Budget/Financial Implications**

As already reported to Council in TS12.18 on June 26, 2018 the City will receive $25,000 + GST per annum in rental paid by City of Subiaco as lessee. Through the terms of the Lease the City will share the costs of preparing, stamping and registering the Lease with Landgate. It is expected this cost to the City will be approximately $2,500.

## RFT 2018-19.14 Bulk Rubbish Collection and Disposal

|  |  |
| --- | --- |
| **Council** | 23/07/2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Maria Hulls – Acting Director Technical Services |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. RFT 2018-19.14 Confidential Attachment 1 2. RFT 2018-19.14 Confidential Attachment 2 |

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

Moved – Councillor Shaw

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Council**

**Council:**

**1. agrees to award tender RFT 2018-19.14 to West Tip Waste Control Pty Ltd for the Collection and Disposal of Bulk Rubbish sections 1 and 2 as per the schedule of rates submitted; and**

**2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

**Executive Summary**

To award the tender for RFT 2018-19.14 Bulk Rubbish Collection and Disposal services within the City of Nedlands.

**Discussion/Overview**

**Tender Information**

The City of Nedlands includes a provision for bulk rubbish collection and disposal services in the waste budget. Expenditure on this contract is likely to exceed $150,000. Therefore, to comply with legislative requirements outlined in the Local Government Act 1995 and ensure the best value for money for the City, this service must be tendered.

Tender RFT 2018-19.14 was advertised on 26 April 2019 in the West Australian Newspaper and on www.tenderlink.com/nedlands. The tender period ended on 28 May 2019 and submitted tenders were opened by officers of the City at 2:30pm. Six (6) submissions were received by the City. Compliant tenders were received from the following companies:

1. Community Greenwaste Recycling Pty Ltd
2. Eastern Metropolitan Regional Council (EMRC)
3. Suez Recycling and Recovery Pty Ltd
4. West Tip Waste Control Pty Ltd
5. Western Metropolitan Regional Council (WMRC)
6. D & M Waste Management

The proposed term of this contract is 36 months, with the option of two (2) further 12-month extensions after successful performance reviews.

The tender was issued in two sections, allowing for the award of separate contracts for collection and disposal of greenwaste and hardwaste.

**Bulk Rubbish Collection Evaluation**

West Tip Waste Control Pty Ltd scored highest in the evaluation process for section 1 bulk rubbish collection (Refer to Confidential Attachment 1). While their offered timeframe of 7 weeks was the longest received, the price offered was the cheapest by approximately $500,000 over the maximum lifetime of the contract. It is envisaged that the collection timeframe will drop to 6 weeks once the collection process is refined.

West Tip Waste Control Pty Ltd have demonstrated their capacity to complete the collections, possessing 3 rear loading compactor vehicles and experienced personnel.

West Tip Waste Control Pty Ltd demonstrated 30 years of experience providing similar services and recently providing collection services as a sub-contractor for Cleanaway on the City’s previous bulk rubbish collection contract. West Tip provided detailed information of recent contracts of a similar size and scope with the local governments of Cottesloe, Subiaco and Fremantle.

All other areas were acceptably addressed such as customer service, emergency collection requests, health and safety and environmental aspects.

**Bulk Rubbish Disposal Evaluation**

West Tip Waste Control Pty Ltd scored second highest in the evaluation process for Section 2 – Bulk Rubbish Disposal, scoring highest in the qualitative criterion (Refer to Confidential Attachment 2).

West Tip Waste Control Pty Ltd demonstrated a proven track record of achieving good outcomes on recent contracts of a similar size and scope with Town of Cottesloe and the City of Nedlands. Methodologies for the disposal and recovery processes are provided.

Recovery rates of 70% of hardwaste and 100% of green waste are given which is known to be achievable due to the recovery percentages achieved on the previous contract held by West Tip Waste Control Pty Ltd. Health and Safety and Environmental issues are covered in detail.

A referee report was obtained from the City of Subiaco who currently hold a contract with West Tip Waste Control Pty Ltd for the collection and disposal of hardwaste, they stated that the contractor’s communication was excellent, they worked in a tidy manner and rectified any issues quickly, providing accurate statistics as required. Their recovery rates have been excellent at around 85% and collections are completed within agreed timeframes.

While West Tip Waste Control Pty Ltd’s Greenwaste disposal offered price was approximately $6,000 more than that of Community Greenwaste or 0.27% of the gross contract value once collection costs to the Community Greenwaste site in Henderson had been factored in. Due to the qualitative benefits provided by West Tip Waste Control Pty Ltd’s offer and consistency of service, their offer is preferred.

**Conclusion**

After evaluation of the tenders received, it is recommended that the offer from West Tip Waste Control Pty Ltd is accepted for sections 1 and 2.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Nil.

**Budget/Financial Implications**

A provision for bulk rubbish collection and disposal services is included as part of the 2019/20 waste budget.

# Elected Members Notices of Motions of Which Previous Notice Has Been Given

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

Nil.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 27 August 2019

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

Notices of motion for consideration at the Council Meeting to be held on 27 August 2019 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

Nil.

# Urgent Business Approved By the Presiding Member or By Decision

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.39 pm.