

***Minutes***

***Council Meeting***

***23 March 2021***

**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 Adam Armstrong Pavilion, Beatrice Road, Dalkeith on Tuesday 23 March 2021 at 7 pm.**

# Declaration of Opening

The Presiding Member declare 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** Deputy Mayor L J McManus (Presiding Member)

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Councillor P N Poliwka Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor Bronwen Tyson Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

**Staff** Mr J Duff Acting Chief Executive Officer

Mr A Melville Acting Director Technical Services

Mr T G Free Director Planning & Development

Mr E K Herne Director Corporate & Strategy

Mrs N M Ceric Executive Officer

Ms P Panayotou Executive Manager Community

**Public** There were 12 members of the public present and 1 online.

**Press** The Post Newspaper representative.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Nil.

**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.

Nil.

# 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.

Mr David Joseph & Mrs Patricia Brown,

37 Strickland Street, Mt Claremont PD05.21

(spoke in support of the recommendation)

Ms Helen Marchesani, 17 Oakwood Avenue, Woodlands PD06.21

(spoke in support of the recommendation)

Mr Petar Mrdja, Urbanista Town Planning,

231 Bulwer Street, Perth PD07.21

(spoke in support of the recommendation)

Mr Max Hipkins, 36 Minora Road, Dalkeith CSD01.21, CSD02.21 & 13.5, 13.6

(spoke in relation to the listed items)

Mr Byrne, 22 Troy Terrace, Daglish CSD01.21

(spoke in support of the recommendation)

Mr Luke Bishop, 282 Marine Parade, Swanbourne CPS07.21

(spoke in support of the recommendation)

Mr Ken Eastwood, 7 Alexander Place, Dalkeith 13.6

(spoke in opposition to the recommendation)

Mr Brendan O’Toole, 66 Minora Road, Dalkeith 14.1

(spoke in support of the motion)

# Requests for Leave of Absence

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

Nil.

# Petitions

Petitions to be tabled at this point.

Nil.

# Disclosures of Financial / Proximity 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 Smyth – 13.8 - Consideration of Responsible Authority Report for 10 Multiple Dwellings at Lot 372 (No. 12) Philip Road, Dalkeith

Councillor Smyth disclosed an impartiality interest in Item 13.8 - Consideration of Responsible Authority Report for 10 Multiple Dwellings at Lot 372 (No. 12) Philip Road, Dalkeith. Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 1 April 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth advised she would not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate Councillor Smyth intended to listen to Public Questions and Addresses as she believed this is a neutral position and does not predispose a bias for the JDAP.

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

## Councillor Bennett – 13.8 - Consideration of Responsible Authority Report for 10 Multiple Dwellings at Lot 372 (No. 12) Philip Road, Dalkeith

Councillor Bennett disclosed an impartiality interest in Item 13.8 - Consideration of Responsible Authority Report for 10 Multiple Dwellings at Lot 372 (No. 12) Philip Road, Dalkeith. Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 1 April 2021. As a consequence, there may be a perception that his impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett advised he would not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate Councillor Bennett intended to listen to Public Questions and Addresses as he believed this is a neutral position and does not predispose a bias for the JDAP.

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

## Deputy Mayor McManus – CSD01.21 - Community Sport and Recreation Facilities Fund Applications – Various Clubs

Deputy Mayor McManus disclosed an impartiality interest in Item CSD01.21- Community Sport and Recreation Facilities Fund Applications – Various Clubs. Deputy Mayor McManus disclosed that he is a life member and current Vice President of the Club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Deputy Mayor McManus declared that he would consider this matter on its merits and vote accordingly.

## Councillor Smyth – CPS07.21- Swanbourne Nedlands Surf Life Saving Club – Variation to Lease at 282 Marine Parade, Swanbourne

Councillor Smyth disclosed an impartiality interest in Item CPS07.21 - Swanbourne Nedlands Surf Life Saving Club – Variation to Lease at 282 Marine Parade, Swanbourne. Councillor Smyth disclosed that she is Vice Patron of the Surf Club, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

## Deputy Mayor McManus – CPS07.21- Swanbourne Nedlands Surf Life Saving Club – Variation to Lease at 282 Marine Parade, Swanbourne

Deputy Mayor McManus disclosed an impartiality interest in Item CPS07.21 - Swanbourne Nedlands Surf Life Saving Club – Variation to Lease at 282 Marine Parade, Swanbourne. Deputy Mayor McManus disclosed that he is a Vice Patron of the Surf Club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Deputy Mayor McManus declared that he would consider this matter on its merits and vote accordingly.

## Councillor Horley – CPS07.21- Swanbourne Nedlands Surf Life Saving Club – Variation to Lease at 282 Marine Parade, Swanbourne

Councillor Horey disclosed an impartiality interest in Item CPS07.21 - Swanbourne Nedlands Surf Life Saving Club – Variation to Lease at 282 Marine Parade, Swanbourne. Councillor Horley disclosed that she is a Vice Patron of the Surf Club, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Horley declared that she would consider this matter on its merits and vote accordingly.

## Councillor Hodsdon – CSD01.21 - Community Sport and Recreation Facilities Fund Applications – Various Clubs

Councillor Hodsdon disclosed an impartiality interest in Item CSD01.21- Community Sport and Recreation Facilities Fund Applications – Various Clubs. Councillor Hodsdon disclosed that he is an honorary and social member of the club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon 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 23 February 2021

Moved – Councillor Wetherall

Seconded – Councillor Smyth

**The Minutes of the Ordinary Council Meeting held 23 February 2021 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

## Special Council Meeting 22 September 2020

Moved – Councillor Hodsdon

Seconded – Councillor Youngman

**The Minutes of the Special Council Meeting held 22 September 2020 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

## Special Council Meeting 4 March 2021

Moved – Councillor Smyth

Seconded – Councillor Coghlan

**The Minutes of the Special Council Meeting held 4 March 2021 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

# Announcements of the Presiding Member without discussion

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

Nil.

# Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

## Councillor Smyth

List of events and meetings attended by Councillor Kerry Smyth during March 2021.

Councillor Coghlan left the meeting at 7.41 pm.

DAP Meetings (x2)

Metro Inner North JDAP meeting #73 – 17 March 2021 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Councillor Coghlan.

Lot 544 (105) Broadway, Nedlands

Mixed use development, comprising 22 apartments and ground floor office use

The RAR recommendation for refusal was moved and LOST 2/3. A procedural motion for deferral of up to 120 days was moved and CARRIED 5/-

Metro Inner North JDAP meeting #75 – 19 March 2021 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Councillor Bennett.

Lot 10629 John XXIII Avenue, Mount Claremont

Reconfigured car parks, new building, refurbished and extended existing buildings. The RAR recommendation for approval was moved and CARRIED 5/-

Email containing a threat towards Councillors

Councillor Smyth provided an additional announcement and tabled a printed copy of an email which was handed directly to the Acting CEO Mr Duff.  No other copies were distributed.

Councillor Smyth said she had received an email addressed to all Councillors, from a resident before the meeting, providing their views on an item, which it not unusual.  However, in this case, there is a sentence which she regards as a threat to Councillors concerning their right to make a decision without fear or favour.

Councillor Smyth quoted a sentence from the communication: ‘I have no doubt whatever that when the Council elections come around, the electors will be reminded of the names of those councillors who support this extraordinary proposition.’

Councillor Smyth said: We have been reminded of late about our individual and joint responsibility to call-out bullying and harassment. This is undoubtedly a disturbing email, given that it was sent by a former councillor, deputy mayor, a person that has held high office in this State. Had this been voiced in the public gallery, the presiding member would/should have condemned such threats.

Councillor Smyth handed the email to the Acting CEO and requested he take action to deal with such a threatening communication towards Councillors.

Councillor Coghlan returned to the meeting at 7.43 pm.

## Councillor Hodsdon

Councillor Hodsdon advised he had attended a community workshop on the laneway policy for the residents of Hollywood and congratulated administration on the well organised and attended workshop.

# 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 Hodsdon

Seconded – Councillor Senathirajah

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

**Audit & Risk Committee 15 March 2020**

Unconfirmed, Circulated to Councillors on 19 March 2021

**Council Committee 9 March 2021**

Unconfirmed, Circulated to Councillors on 20 March 2021

**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 Coghlan

Seconded – Councillor Senathirajah

**That all Committee Recommendations relating to Reports under items 12.2, 12.3 and 12.5 with the exception of Report Nos. PD05.21, PD06.21, PD07.21, PD09.21, CSD01.21, CSD02.21 & CPS07.21 & CPS08.21 are adopted en bloc.**

**CARRIED UNANIMOUSLY 12/-**

## Planning & Development Report No’s PD05.21 to PD10.21 (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.

|  |  |
| --- | --- |
| **PD05.21** | **Reconsideration of Planning Application – No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)** |
|  | |
| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | David Joseph |
| **Landowner** | David Joseph and Christine Joseph |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia |
| **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 2. Extract of 27 October 2020 OCM – Agenda containing report with recommendation to Council 3. Extract of 27 October 2020 OCM – Minutes |
| **Confidential Attachments** | 1. Plans 2. Management Plan 3. Submissions 4. Assessment 5. Petition |

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

Moved – Councillor Mangano

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

**CARRIED 7/5**

**(Against: Deputy Mayor McManus Crs. Hodsdon**

**Poliwka Wetherall & Senathirajah)**

**Council Resolution / Committee Recommendation**

**Council in accordance with Clause 68 (2) of the Planning & Development (Local Planning Schemes) Regulations 2015 resolves to refuse the development application dated 27 May 2020 for a Short Term Accommodation at Lot 96 (No. 37) Stricklan Street, Mount Claremont for the following reasons:**

1. **The proposal is not compatible or complimentary with the adjoining residential development and is contrary to an objective of the Residential zone under the Scheme;**
2. **The proposal does not comply with Clause 67(2)(n)(iii) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development is not in keeping with the amenity of the locality, including the social impacts of the development and**
3. **The proposal would have a detrimental impact on the existing residential amenity and character of the immediate low density residential area.**

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 will expire 12 months from the date of this approval.
3. The Management Plan date stamped 24 June 2020 forms part of this approval and is to be complied with at all times to the City’s satisfaction.
4. 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.
5. The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note a)).
6. A maximum of six (6) guests are permitted on the reside at the Holiday House at any one time.
7. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.
8. A maximum of two (2) guest vehicles for guests of the Holiday House are permitted on the premises at any one time.

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 after the expiry period (30 June 2022), an application to renew the approval must be submitted to the City’s Planning Department for assessment prior to the completion of the initial 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 any increase in the maximum number of guests at the Holiday House.
3. 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.
4. 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.
5. 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 encumbrances are adhered to.
6. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997.*
7. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbours (in accordance with City requirements).
8. 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.
9. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).
10. 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.*
11. 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.

|  |  |
| --- | --- |
| **PD06.21** | **No. 14A Odern Crescent, Swanbourne – Single House** |
|  | |
| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | Humphrey Homes |
| **Landowner** | Tracie Louise Cielak |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **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** | DA20/53238 |
| **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. Site Photographs 2. Applicant Justification and Response to Submissions 3. Clause 67 (2) Assessment 4. Local Planning Scheme No. 3 Assessment 5. Administration Summary of Submission and Officer Response |
| **Confidential Attachments** | 1. Plans 2. Summer Overshadowing Diagram 3. Submissions 4. Approved Plan of Subdivision 5. Lot Boundary Setback Assessment 6. Visual Privacy Setback Assessment |

**Regulation 11(da) – Not Applicable – Amended recommendation from Administration with amendment to plans received 11 March 2021.**

Moved – Councillor Smyth (pro forma)

Seconded – Councillor Youngman

**Council Resolution**

**Council approves the development application dated 28 August 2020, with amended plans received on 11 March 2021, for a two-storey single house at Lot 102 (No. 14A) Odern Crescent, Swanbourne, subject to the following conditions and advice notes:**

* + - 1. **This approval is for a ‘Residential’ land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
      2. **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.**
      3. **This decision constitutes planning approval only and is valid for a period four (4) years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
      4. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
      5. **Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:**
* **Face brick;**
* **Painted render;**
* **Painted brickwork; or**
* **Other clean material as specified on the approved plans**

**And maintained thereafter to the satisfaction of the City.**

* + - 1. **Prior to occupation of the development, the screening as shown on the approved plans to the southern, eastern and western elevations is to be installed in accordance with the Residential Design Codes by either:**
* **Fixed obscured or translucent glass to a height indicated on the approved plans; or**
* **Fixed timber screens, external blinds, window hoods or shutters to a height indicated on the approved plans. The installed screening is to provide a minimum 75% obscurity;**
* **All highlight windows are to have a minimum sill height of 1.60**

**metres as determined from the internal floor level; or**

* **An alternative method of screening approved by the City.**

**The required screening shall be thereafter maintained to the satisfaction of the City and shall not be removed, without first obtaining approval from the City by means of a Development Application.**

* + - 1. **Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
      2. **Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City.**
      3. **Prior to the occupation of the development, all structures within the 1.5m x1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m in height to the satisfaction of the City.**
      4. **All stormwater from the development, which includes permeable and nonpermeable areas shall be contained onsite.**

**Advice Notes:**

1. **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 encumbrances are adhered to.**
2. **This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.**
3. **The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City’s Planning Department is encouraged prior to lodgement.**
4. **The applicant is advised to liaise with the eastern and western adjoining property owners regarding the possible retention or replacement of the existing dividing fences along the common lot boundaries. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of landowners regarding dividing fences. Information is available at the following website:** [**http://www.commerce.wa.gov.au/buildingcommission/dividing-fences-0**](http://www.commerce.wa.gov.au/buildingcommission/dividing-fences-0)
5. **All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
6. **All street tree assets in the nature-strip (verge) shall not be removed or damaged. Any approved street tree removals shall be undertaken by the City and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City.**
7. **All works within verge (i.e., road, kerbs, footpath, verge, crossover) will require separate approval from the City prior to construction commencing.**
8. **Where building works are proposed a building permit shall be applied for prior to works commencing.**
9. **All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands unless otherwise approved as part of this determination.**
10. **j) In relation to condition 9, the applicant is advised that all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soakwells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.**

**CARRIED UNANIMOUSLY 12/-**

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 28 August 2020, with amended plans received on 22 February 2021, for a two-storey single house at Lot 102 (No. 14A) Odern Crescent, Swanbourne, subject to the following conditions and advice notes:

1. This approval is for a ‘Residential’ land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.
2. 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.
3. This decision constitutes planning approval only and is valid for a period four (4) years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
4. All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.
5. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:

* Face brick;
* Painted render;
* Painted brickwork; or
* Other clean material as specified on the approved plans

And maintained thereafter to the satisfaction of the City.

1. Prior to occupation of the development, the screening as shown on the approved plans to the southern, eastern and western elevations installed in accordance with the Residential Design Codes by either:
2. Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or
3. Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
4. A minimum sill height of 1.60 metres as determined from the internal floor level; or
5. An alternative method of screening approved by the City.

The required screening shall be thereafter maintained to the satisfaction of the City.

1. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.
2. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City.
3. Prior to the occupation of the development, all structures within the 1.5m x1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m in height to the satisfaction of the City.
4. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes:

1. 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 encumbrances are adhered to.
2. This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.
3. The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit.  Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City’s Planning Department is encouraged prior to lodgement.
4. The applicant is advised to liaise with the eastern and western adjoining property owners regarding the possible retention or replacement of the existing dividing fences along the common lot boundaries. Please refer to the *Dividing Fences Act 1961* for the rights and responsibilities of landowners regarding dividing fences. Information is available at the following website: <http://www.commerce.wa.gov.au/building-commission/dividing-fences-0>
5. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
6. All street tree assets in the nature-strip (verge) shall not be removed or damaged. Any approved street tree removals shall be undertaken by the City and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City.
7. All works within verge (i.e., road, kerbs, footpath, verge, crossover) will require separate approval from the City prior to construction commencing.
8. Where building works are proposed a building permit shall be applied for prior to works commencing.
9. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands unless otherwise approved as part of this determination.
10. In relation to condition 9, the applicant is advised that all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.

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| **PD07.21** | **No. 26 Louise Street, Nedlands – 5 x Grouped Dwellings** |
|  | |
| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | Urbanista Town Planning |
| **Landowner** | Canute Australia Pty Ltd |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia |
| **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** | DA20-56186 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the application proposing five dwellings. |
| **Attachments** | 1. Applicant’s Report 2. Acoustic Report 3. Traffic Impact Statement 4. Landscape Plan 5. Planning and Development (Local Planning Schemes) Regulations 2015 Assessment 6. Aims of the Scheme Assessment 7. Residential Zone Objectives Assessment 8. State Planning Policy 7.0 – Design of the Built Environment Assessment 9. State Planning Policy 7.2 – Precinct Design Assessment |
| **Confidential Attachments** | 1. Plans 2. Assessment |

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

Moved – Councillor Horley

Seconded – Councillor Tyson

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

(Printed below for ease of reference)

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

**(Against: Crs. Horley Bennett Mangano Youngman Coghlan & Tyson)**

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

**Council approves the development application dated 10 November 2020, with amended plans received on 16 February 2021 for five (5) Grouped Dwellings at Lot 166 (No. 26) Louise Street, Nedlands, subject to the following conditions and advice notes:**

1. **This approval is for a ‘Residential’ land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
2. **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.**
3. **This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
4. **Prior to the issue of a Building Permit, a Waste Management Plan shall be submitted and approved to satisfaction of the City. The Waste Management Plan shall be complied with at all times to the satisfaction of the City.**
5. **The Acoustic Report dated 10 November 2020 (Attachment 2) prepared by Hewshott Acoustics forms part of this development approval and shall be complied with at all times to the satisfaction of the City. Recommendations contained within the acoustic report to achieve compliance with the *Environmental Protection (Noise) Regulations 1997* are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
6. **The Landscape Plan (Attachment 4) forms part of this approval. Landscaping shall be installed and maintained in accordance with the approved landscaping plan prepared by Propagule dated 28 October 2020, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
7. **In accordance with the Australian Standard AS2890.1 (as amended), all car parking and vehicle manoeuvring areas are to maintain adequate circulation space, free of intrusions such as doors and storage areas which do not compromise the minimum parking dimensions required under AS2890.1.**
8. **Prior to the issue of a Building Permit, amended plans are to be submitted with the Building Permit Application to show the doors providing access into the garages for Lot 1 and Lot 5 swing in the opposite direction, away from the manoeuvring areas for the vehicles within the garage.**
9. **Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.**
10. **The location of any bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or public place and constructed to the City’s satisfaction.**
11. **All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
12. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
13. **Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level located behind the street setback area shall satisfy the deemed to comply criteria of element 5.4.1 of the Residential Design Codes Volume 1. Screening referred to in c1.1(ii) of the Residential Design Codes Volume 1 is to be in the form of;**
14. **fixed obscured or translucent glass to a height of 1.60 metres above finished floor level, or**
15. **Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.**
16. **A minimum sill height of 1.60 metres as determined from the internal floor level; or**
17. **an alternative method of screening approved by the City of Nedlands.**

**The required setbacks and/or screening shall be thereafter maintained to the satisfaction of the City of Nedlands.**

1. **Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:**
2. **Face brick;**
3. **Painted render**
4. **Painted brickwork; or**
5. **Other clean material as specified on the approved plans.**

**And maintained thereafter to the satisfaction of the City of Nedlands.**

1. **The parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004 prior to the occupation or use of the development.**
2. **Prior to occupation of the development, the proposed visitor car parking bay shall be provided with 1.5m x 1.5m visual truncations in accordance with AS2890.1 on both sides of the bay to the satisfaction of the City of Nedlands.**
3. **Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
4. **Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.**
5. **Prior to the occupation of the development, the car parking designated for visitors shall be clearly marked and signage provided to the specification and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.**

**Advice Notes specific to this proposal:**

1. **The applicant is advised that this application is for 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. The City encourages the applicant to speak with each department to understand any further requirements.**
2. **The applicant is advised to provide as part of the Building Permit application, a compaction certificate from a structural engineer for the area previously occupied by the swimming pool (Units C & D). The compaction certificate is to demonstrate that the land/foundation can support the proposed development.**
3. **The applicant is advised that the proposed development does not meet the “Deemed-to-Satisfy” provisions of the NCC BCA Vol.2 2019 in following areas Part 3.7.2.2 - External walls of Class 1 buildings, Part 3.7.2.4 - Construction of external walls, Part 3.7.2.7 - Allowable Encroachments and 3.7.3.2 - Separating Walls. The proposed development is required to satisfy the Performance Requirements P2.3.1 (Part 3.7) and be determined in accordance with A2.2(3) and A2.4(3) as applicable. Where proposed works do not satisfy the “Deemed-to-Satisfy” provisions of the NCC BCA the design/proposed works must be documented in a Performance Solution and form part of the relevant Certificate of Design Compliance and Building Permit application.**
4. **The applicant is advised that in relation to Condition 4, the maximum number of bins permitted on the verge is eight (8) bins at any time.**
5. **The applicant is advised that a separate noise management plan will be required to be prepared, submitted to the City and approved by the CEO if it is desired to work outside of normal hrs of operation during construction of the project (i.e., 0700 hrs and 1900 hours on any day that is not a Sunday or Public Holiday). This will be subject to the subject to the Clause (6) of the *Environmental Protection (Noise) Regulations 1997*, that is detailed in section 3.4.1 of the acoustic report.**
6. **The proposal requires compliance with theCity’s *Health Local Laws 2017,* which requires an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:**
   1. **Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;**
   2. **Walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;**
   3. **Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;**
   4. **Easily accessible to allow for the removal of the receptacles;**
   5. **Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City; and**
   6. **Provided with a tap connected to an adequate supply of water.**
7. **The applicant is advised outdoor lighting installations are required to comply with Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting, such that they will not cause adverse amenity impacts on the surrounding locality, and the spread of artificial light from installations is restricted to the property.**
8. **The plans indicate the parking level will be constructed beneath the natural ground level. The proposed development is within proximity to the Swan River. In the event that dewatering is required at the site during construction the applicant is to prepare, submit, and have approved a Dewatering Management Plan by the Department of Parks and Wildlife and to the satisfaction of the Department of Water and Environmental Regulation, Swan River Trust and City.**
9. **The applicant is advised to apply dust control measures during construction in accordance with *City of Nedlands Health Local Laws 2017*and DWER requirements.**
10. **The landowner is advised that all mechanical equipment (e.g., air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.**
11. **The applicant is advised to consult the City’s Acoustic Advisory Information in relation to locating any mechanical equipment (e.g., air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.**
12. **All street tree assets in the nature-strip (verge) shall not be removed without prior approval from the City of Nedlands.**
13. **The existing crossover is to be removed and the nature-strip / verge reinstated in accordance with the City of Nedlands’ Nature Strip Improvement Guidelines.**
14. **A new crossover, temporary crossover or modification to an existing crossover will require obtaining a separate Vehicle Crossover Permit from the City of Nedlands prior to construction commencing.**
15. **All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
16. **All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.**
17. **The applicant is advised that in relation to Condition 8, the Construction Management Plan shall detail how proposed site works will be managed to minimise environmental impacts and shall address but not be limited to:**
18. **Staging plan for the entire works;**
19. **Applicable timeframes and assigned responsibilities for tasks;**
20. **Onsite storage of materials and equipment;**
21. **Parking for contractors;**
22. **Waste management;**
23. **Management of noise in accordance with the requirements of the *Environmental Protection (Noise) Regulations 1997*;**
24. **Management of vibrations;**
25. **Complaints and incidents; and**
26. **Site signage showing the builder’s direct contact details (telephone number and email address).**
27. **The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**
28. **The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.**
29. **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 encumbrances are adhered to.**
30. **The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit.  Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City’s Planning Department is encouraged prior to lodgement.**
31. **This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.**

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| **PD08.21** | **Establishment of a Design Review Panel, Final Adoption of the Design Review Panel Local Planning Policy and Appointment of Panel Members** |
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| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil  “*the author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia*”. |
| **Previous Item** | OCM – 23 April 2019 - PD14.19  OCM – 17 December 2019 - Item: 16.1  SCM – 30 January 2020 - Item: 7  OCM – 30 March 2020 - Item: 14.4  OCM – 28 July 2020 - Item: 14.1  OCM – 15 December 2020 - Item:13.9  OCM – 23 February 2021 - PD02.21 |
| **Attachments** | 1. Design Review Panel – Local Planning Policy 2. Summary of comments from Office of the Government Architect |
| **Confidential Attachments** | 1. Scoring Sheets 2. Specifics of Scoring System 3. Interview Forms 4. Overview of Interviewed Applicants 5. Applicants with DRP Experience 6. Recorded Interviews (MP4 video format) |

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

Moved – Councillor Coghlan

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 12/-**

**Council Resolution / Committee Recommendation**

**Council:**

1. **proceeds to adopt the Design Review Panel - Local Planning Policy, as set out in Attachment 1, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(i);**
2. **in accordance with Clause 2 of the Design Review Panel - Terms of Reference, appoints, for a period of two years, the following Design Review Panel members:**

**General members:**

* **Dominic Snellgrove**
* **Emma Williamson,**
* **Simon Anderson**
* **Simon Venturi**
* **Tony Blackwell**
* **Tony Casella**

**Specialist members:**

* **Graham Agar**
* **John Taylor**

1. **Instructs the Chief Executive Officer to review the Design Review Panel Local Planning Policy and funding model after six months of the operation of the Panel.**
2. **In the event that one of the preferred applicants listed in Resolution 2 above is not able to accept the role due to schedule conflicts, or a decision to not proceed with being a Design Review Panel member, delegates authority to the Chief Executive Officer to select from the remaining list of interviewed applicants, in order of highest total score to lowest total score.**

Recommendation to Committee

Council:

1. Proceeds to adopt the Design Review Panel - Local Planning Policy, as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(i);
2. In accordance with Clause 2 of the Design Review Panel - Terms of Reference, appoints, for a period of two years, the following Design Review Panel members:
3. General members:
   * Tony Blackwell
   * Dominic Snellgrove
   * Samuel Klopper
   * Munira Mackay
   * Philip Gresley
   * Simon Venturi
4. Specialist members:
   * Graham Agar
   * John Taylor
5. Instructs the Chief Executive Officer to review the Design Review Panel Local Planning Policy and funding model after six months of the operation of the Panel.
6. In the event that one of the preferred applicants listed in Resolution 2 above is not able to accept the role due to schedule conflicts, or a decision to not proceed with being a Design Review Panel member, delegates authority to the Chief Executive Officer to select from the remaining list of interviewed applicants, in order of highest total score to lowest total score.

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| **PD09.21 RFT 2020-21.09 Natural Area Weed Control 2021-2025** |

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| Committee | 9 March 2021 |
| Council | 23 March 2021 |
| Applicant | City of Nedlands |
| Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality. | Nil. |
| Director | Tony Free – Director Planning & Development |
| Attachments | Nil. |
| Confidential Attachments | 1. RFT 2020-21.09 Final Evaluation Score Sheet |

**Regulation 11(da) – Council agreed there is a preference to explore the use of non-chemical weed control options, with the desire that following a trial the effectiveness of such weed control be presented to Council.**

Moved – Councillor Bennett

Seconded – Councillor Coghlan

**That the Recommendation to Council be adopted subject to the inclusion of the following:**

**Council requests that:**

1. **the CEO liaise with the Town of Claremont CEO regarding Natural Areas Management to discuss issues relating to weed control, pest management, fire risk, bushland conservation and environmentally sensitive areas.**
2. **a preference for non-chemical weed management techniques in conservation bushland and other environmentally sensitive areas where practical and budget permits, as well as precautions to avoid spray nozzles that create poison drift entering tree canopies and no chemical weed management use within 2m of the trunk of a tree.**
3. **promotion of community involvement in Natural Areas Management and assistance to community and volunteer groups in applying for grants and funding, specifically for hand weeding instead of chemical weed management.**
4. **a yearly reduction in the quantity of each chemical weed management product offset by an increase in hand weeding.**
5. **a monitoring record that is available upon inspection will be kept detailing the use of chemical weed management in Natural Areas within the City, containing the following data;**
6. **Quantities and concentration of active ingredients, surfactants and dilutants for each chemical weed management product that is used.**
7. **Date and location of each chemical weed management application.**
8. **Species of weed being chemically managed.**
9. **Identity of applicator and confirmation that signs and appropriate personal protective equipment have been utilised.**
10. **The label including application/safety instructions for each chemical weed management product that is used.**
11. **A report be presented to Council after a 6 month trial on the effectiveness on the trial and the information gathered.**

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution**

**Council:**

1. **accept the recommendation to award the contract for tender number RFT 2020-21.09 Natural Area Weed Control 2021-2025 to the South East Regional Centre for Urban Landcare (SERCUL) as the first preference panel member;**
2. **accept the recommendation to award the contract for tender number RFT 2020-21.09 Natural Area Weed Control 2021-2025 to UGC Holdings PTY LTD as the second preference panel member;**
3. **instruct the CEO to issue contracts to South East Regional Centre for Urban Landcare (SERCUL) and UGC Holdings PTY LTD;**
4. **instruct the CEO to advise all other tenderers as to the outcome of Tender number RFT 2020-21.09; and**

**Council requests that:**

1. **the CEO liaise with the Town of Claremont CEO regarding Natural Areas Management to discuss issues relating to weed control, pest management, fire risk, bushland conservation and environmentally sensitive areas.**
2. **a preference for non-chemical weed management techniques in conservation bushland and other environmentally sensitive areas where practical and budget permits, as well as precautions to avoid spray nozzles that create poison drift entering tree canopies and no chemical weed management use within 2m of the trunk of a tree.**
3. **promotion of community involvement in Natural Areas Management and assistance to community and volunteer groups in applying for grants and funding, specifically for hand weeding instead of chemical weed management.**
4. **a yearly reduction in the quantity of each chemical weed management product offset by an increase in hand weeding.**
5. **a monitoring record that is available upon inspection will be kept detailing the use of chemical weed management in Natural Areas within the City, containing the following data;**
6. **Quantities and concentration of active ingredients, surfactants and dilutants for each chemical weed management product that is used.**
7. **Date and location of each chemical weed management application.**
8. **Species of weed being chemically managed.**
9. **Identity of applicator and confirmation that signs and appropriate personal protective equipment have been utilised.**
10. **The label including application/safety instructions for each chemical weed management product that is used.**
11. **A report be presented to Council after a 6 month trial on the effectiveness on the trial and the information gathered.**

Committee Recommendation / Recommendation to Committee

Council:

1. accept the recommendation to award the contract for tender number RFT 2020-21.09 Natural Area Weed Control 2021-2025 to the South East Regional Centre for Urban Landcare (SERCUL) as the first preference panel member;
2. accept the recommendation to award the contract for tender number RFT 2020-21.09 Natural Area Weed Control 2021-2025 to UGC Holdings PTY LTD as the second preference panel member;
3. instruct the CEO to issue contracts to South East Regional Centre for Urban Landcare (SERCUL) and UGC Holdings PTY LTD; and
4. instruct the CEO to advise all other tenderers as to the outcome of Tender number RFT 2020-21.09.

|  |  |
| --- | --- |
| **PD10.21** | **Response to Proposed Policy Framework – Cumulative Traffic Impact Assessment** |
|  | |
| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia |
| **Previous Item** | Nil |
| **Attachments** | 1. Special Meeting of Electors Minutes – 3 December 2020 |
| **Confidential Attachments** | 1. Legal Review of Policy Proposed at Special Meeting of Electors – 3 December 2020 |

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

Moved – Councillor Coghlan

Seconded – Councillor Senathirajah

**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:**

1. **acknowledges the legal advice obtained from Castledine Gregory dated 12 February 2021; and**
2. **request that an information briefing session of Councillors be held to allow for discussion on the legal ad**
3. **vice received and for City officers to outline a path forward.**

## Community Services & Development Report No’s CSD01.21 to CSD02.21 (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.

|  |
| --- |
| **CSD01.21 Community Sport and Recreation Facilities Fund Applications – Various Clubs** |

|  |  |
| --- | --- |
| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 of the Local Government Act 1995* and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil |
| **Director** | Pat Panayotou – Executive Manager Community |
| **Attachments** | Nil |
| **Confidential Attachments** | Nil |

**Deputy Mayor McManus – Impartiality Interest**

Deputy Mayor McManus disclosed that he is a life member and current Vice President of the Club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Deputy Mayor McManus declared that he would consider this matter on its merits and vote accordingly.

**Councillor Hodsdon – Impartiality Interest**

Councillor Hodsdon disclosed that he is an honorary and social member of the club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon declared that he would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Council agreed to support the Hollywood-Subiaco Bowling Club for its Synthetic Bowling Green and to increase the amount to be included in the draft 2022/23 budget for expenditure on CSRFF grants to $107,710.**

Moved – Councillor Wetherall

Seconded – Councillor Hodsdon

**Council Resolution**

**Council:**

1. **Advises Department of Local Government, Sport and Cultural Industries that it has ranked and rated the application to the Community Sport and Recreation Facilities Fund Small Grant Round as follows:**
   1. **Claremont Nedlands Cricket Club – Upgrade of Turf Wicket Infrastructure: Well planned and needed by the applicant (B Rating);**
   2. **Nedlands Tennis Club – Upgrade of Synthetic Grass Courts: Well planned and needed by the applicant (B Rating);**
   3. **Allen Park Tennis Club – Tennis Court Fence Replacement: Well planned and needed by the applicant (B Rating);**
   4. **Dalkeith Tennis Club – Hardcourt Rebuild with LED Floodlighting: Well planned and needed by the applicant (B Rating);**
   5. **Hollywood-Subiaco Bowling Club – New Synthetic Bowling Green: Well planned and needed by the applicant (B Rating).**
2. **Endorses each of the above applications to Department of Local Government, Sport and Cultural Industries conditional on:**
   1. **all necessary statutory approvals are obtained by the applicant; and**
   2. **the Claremont Nedlands Cricket Club, Nedlands Tennis Club, Allen Park Tennis Club and Dalkeith Tennis Club projects receives DLGSCI funding.**
   3. **the Hollywood-Subiaco Bowling Club project either receives DLGSCI funding OR the Club funds 2/3 of the total cost of the project.**
3. **Approves a Council grant of $19,944 (ex GST) to the Claremont Nedlands Cricket Club for its Upgrade of Turf Wicket Infrastructure project on Melvista Oval.**
4. **Approves a Council grant of $25,000 (ex GST) to the Nedlands Tennis Club for its Upgrade of Synthetic Grass Courts project.**
5. **Approves a Council grant of $27,324 (ex GST) to the Allen Park Tennis Club for its Tennis Court Fence Replacement project.**
6. **Approves a council grant of $99,289 (ex GST) to the Dalkeith Tennis Club for its Hardcourt Rebuild with LED Floodlighting project.**
7. **Approves a Council grant of $36,153 (ex GST) to the Hollywood-Subiaco Bowling Club for its Synthetic Bowling Green Project.**
8. **Carries over the $100,000 approved for CSRFF expenditure in the 2020/21 budget to the 2021/22 financial year.**
9. **Instructs the CEO to include a further $107,710 in the draft 2022/23 budget for expenditure on CSRFF grants, for Council consideration in the 2022/23 budgeting process (in addition to the carried-over amount referred to at item 8 above).**

**CARRIED 11/1**

**(Against: Cr. Senathirajah)**

Committee Recommendation / Recommendation to Committee

Council:

1. advises Department of Local Government, Sport and Cultural Industries that it has ranked and rated the application to the Community Sport and Recreation Facilities Fund Small Grant Round as follows:
   1. Claremont Nedlands Cricket Club – Upgrade of Turf Wicket Infrastructure: Well planned and needed by the applicant (B Rating);
   2. Nedlands Tennis Club – Upgrade of Synthetic Grass Courts: Well planned and needed by the applicant (B Rating);
   3. Allen Park Tennis Club – Tennis Court Fence Replacement: Well planned and needed by the applicant (B Rating);
   4. Dalkeith Tennis Club – Hardcourt Rebuild with LED Floodlighting: Well planned and needed by the applicant (B Rating); and
   5. Hollywood-Subiaco Bowling Club – New Synthetic Bowling Green: Needed by the applicant, more planning required (D Rating).
2. endorses each of the above applications to Department of Local Government, Sport and Cultural Industries conditional on:
   1. all necessary statutory approvals are obtained by the applicant; and
   2. the project receives DLGSCI funding.
3. approves a Council grant of $19,944 (ex GST) to the Claremont Nedlands Cricket Club for its Upgrade of Turf Wicket Infrastructure project on Melvista Oval;
4. approves a Council grant of $25,000 (ex GST) to the Nedlands Tennis Club for its Upgrade of Synthetic Grass Courts project;
5. approves a Council grant of $27,324 (ex GST) to the Allen Park Tennis Club for its Tennis Court Fence Replacement project;
6. approves a council grant of $99,289 (ex GST) to the Dalkeith Tennis Club for its Hardcourt Rebuild with LED Floodlighting project;
7. provides in-principle support to the Hollywood-Subiaco Bowling Club’s application; however, recommends that the project is deferred pending the Master Plan for Highview Park;
8. carries over the $100,000 approved for CSRFF expenditure in the 2020/21 budget to the 2021/22 financial year; and
9. instructs the CEO to include a further $100,000 in the draft 2022/23 budget for expenditure on CSRFF grants, for Council consideration in the 2022/23 budgeting process (in addition to the carried-over amount referred to at item 8 above).

|  |
| --- |
| **CSD02.21 Future use of Haldane House, 109 Montgomery Avenue, Mt Claremont** |

|  |  |
| --- | --- |
| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 of the Local Government Act 1995* and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil |
| **Director** | Pat Panayotou – Executive Manager Community |
| **Attachments** | Nil |
| **Confidential Attachments** | Nil |

Moved – Councillor Senathirajah

Seconded – Councillor Wetherall

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

1. reiterates that the transfer of NCC services to Haldane House is to facilitate the provision of improved services to NCC clients and make available more dedicated space for the City’s Positive Ageing activities at 97 Waratah Avenue, Dalkeith.
2. confirms that the Council at this stage has no plans as to the future development of 97-99 Waratah Avenue, Dalkeith; any proposed plans would be preceded by extensive community consultations.

Amendment

Moved - Councillor Mangano

Seconded - Councillor Youngman

That the words “any proposed plans would be preceded by extensive community consultations.” be deleted from clause 5.

The AMENDMENT was PUT and was

LOST ON THE CASTING VOTE 6/6

(Against: Deputy Mayor McManus Crs. Smyth Hodsdon

Poliwka Wetherall & Senathirajah)

Councillor Mangano left the meeting at 9.05 pm and returned at 9.07 pm.

The Original was PUT and was

LOST 5/7

(Against: Deputy Mayor McManus Crs. Bennett Mangano Youngman Poliwka Coghlan & Tyson**)**

**The Mayor granted a recess for the purposes of a refreshment break.**

The meeting adjourned at 9.13 pm and reconvened at 9.22 pm with the following people in attendance:

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

Councillor F J O Bennett Dalkeith Ward

Councillor Youngman Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor B Tyson Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

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

Mrs L M Driscoll Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr J Duff Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Regulation 11(da) – Not Applicable – Item deferred to April 2021 Council Meeting.**

Moved – Councillor Youngman

Seconded – Councillor Bennett

**Council Resolution**

**Council defers this item to the April 2021 Council Meeting to allow administration to provide further clarification and information on the items discussed at the Councillor Briefing on 18 March 2021 as follows:**

* + - 1. **investigate the use of both NCC and Haldane House;**
      2. **the current users of Nedlands Community Care be shown Haldane House and then given a questionnaire asking which facility they prefer Haldane House or Nedlands Community Care;**
      3. **understanding of why expressions of interest for extension of aged care activities were not done; and**
      4. **clarifications on comments regarding asset sales and remove it from the report.**

**CARRIED 11/1**

**(Against: Cr. Smyth)**

Committee Recommendation / Recommendation to Committee

Council:

1. notes the options available for future use of Haldane House as detailed within this report;
2. instructs the CEO to commence arrangements for the operations of the Nedlands Community Care Service to be transferred from the 97-99 Waratah Avenue, Dalkeith site, to Haldane House, and;
3. authorises expenditure of $15,000 from the Welfare Reserve, to assist with the costs of moving from 97 Waratah Avenue to Haldane House, setting up Haldane House for the clients with the purchase of some new furniture and resources, to be reconciled in the budget process.

Moved – Councillor Mangano

Seconded – Councillor Bennett

**That item 13.8 be brought forward.**

**CARRIED 11/1**

**(Against: Cr. Smyth)**

Please note this item was brought forward from page 102.

## Consideration of Responsible Authority Report for 10 Multiple Dwellings at Lot 372 (No. 12) Philip Road, Dalkeith

|  |  |
| --- | --- |
| **Council** | 23 March 2021 |
| **Applicant** | Stewart Urban Planning Pty Ltd |
| **Landowner** | Gunner Development Pty Ltd |
| **Director** | Tony Free, Interim Director Planning and Development Services |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia*.* |
| **Report Type**  Information Purposes | Item provided to Council for information purposes. |
| **Reference** | DA20-57964 (DAP/20/01922) |
| **Previous Item** | Nil |
| **Delegation** | Not applicable – Joint Development Assessment Panel application. |
| **Attachments** | 1. Responsible Authority Report and Attachments |

**Councillor Smyth – Impartiality Interest**

Councillor Smyth disclosed an impartiality interest in Item 13.8 - Consideration of Responsible Authority Report for 10 Multiple Dwellings at Lot 372 (No. 12) Philip Road, Dalkeith. Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 1 April 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth advised she would not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate Councillor Smyth intended to listen to Public Questions and Addresses as she believed this is a neutral position and does not predispose a bias for the JDAP. A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

**Councillor Bennett – Impartiality Interest**

Councillor Bennett disclosed an impartiality interest in Item 13.8 - Consideration of Responsible Authority Report for 10 Multiple Dwellings at Lot 372 (No. 12) Philip Road, Dalkeith. Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 1 April 2021. As a consequence, there may be a perception that his impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett advised he would not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate Councillor Bennett intended to listen to Public Questions and Addresses as he believed this is a neutral position and does not predispose a bias for the JDAP. A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

Councillor Bennett & Councillor Smyth left the meeting at 9.30 pm.

**Regulation 11(da) – Council agreed to note the Responsible Authority Report the Officer Recommendation however resolved that it was not supported by Council.**

Moved – Councillor Mangano

Seconded – Councillor Youngman

**Council Resolution**

**That Council:**

1. **notes the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 10 multiple dwellings at 12 Philip Road, Dalkeith included at Attachment 1;**
2. **instructs the CEO to incorporate Council’s Responsible Authority recommendation into the Responsible Authority Report for the development of 10 multiple dwellings at 12 Philip Road, Dalkeith; and**
3. **does not support the Responsible Authority Report;**
4. **appoints Councillor Mangano and Councillor Youngman to coordinate Council’s submission and presentation to the Metro Inner-North JDAP for the development of 10 multiple dwellings at 12 Philip Road, Dalkeith.**

**CARRIED UNANIMOUSLY 10/-**

Councillor Bennett & Councillor Smyth returned to the meeting at 9.42 pm

Councillor Hodsdon left the meeting at 9.43 pm.

Recommendation to Council

That Council:

1. adopts as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 10 multiple dwellings at 12 Philip Road, Dalkeith included at Attachment 1;
2. instructs the CEO to incorporate Council’s Responsible Authority recommendation into the Responsible Authority Report for the development of 10 multiple dwellings at 12 Philip Road, Dalkeith; and
3. appoints Councillor (insert name) and Councillor (insert name) to coordinate Council’s submission and presentation to the Metro Inner-North JDAP for the development of 10 multiple dwellings at 12 Philip Road, Dalkeith.
4. **Executive Summary**

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Administration has prepared a Responsible Authority Report in relation to the plans received on 11 March 2021 for the Metro-Inner North Joint Development Assessment Panel (JDAP) Form 1 Application at Lot 372 (No. 12) Philip Road, Dalkeith.

The purpose of this report is to inform Council of the recommendation to the JDAP and for Council to make its recommendation as the Responsible Authority.

1. **Background**

**3.1 Land Details**

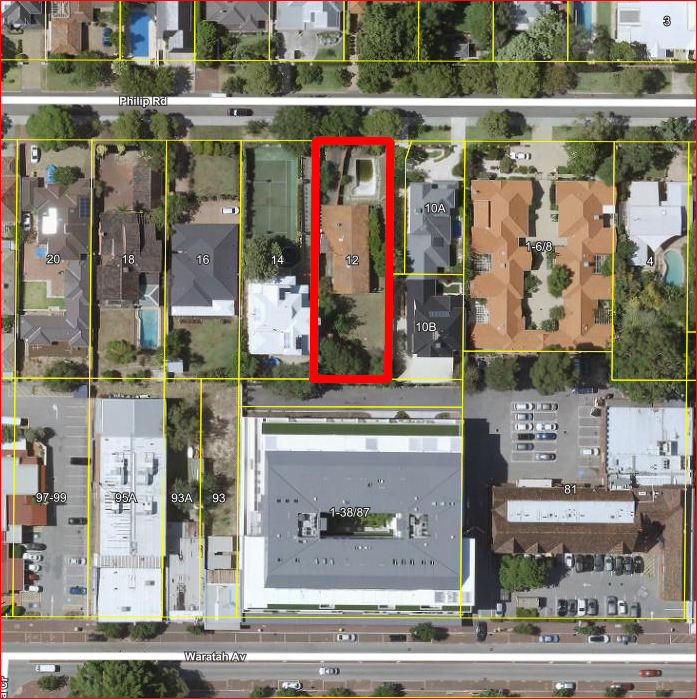
|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R80 |
| **Land area** | 1,136m2 |
| **Additional Use** | No |
| **Special Use** | No |
| **Local Development Plan** | No |
| **Structure Plan** | No |
| **Land Use** | Proposed – Residential (Multiple Dwelling) |
| **Use Class** | Proposed – ‘P’ Permitted use |

**3.2 Locality Plan**

Lot 372 (No. 12) Philip Road, Dalkeith (the site) is located within the street block bounded by Philip Road to the north, Adelma Road to the east, Waratah Avenue to the south and Alexander Road to the west.

The site experiences a slope in natural ground level of approximately 2.5m from the front boundary (north) to the rear boundary (south). The land to the south has been rezoned R-AC3 and forms the Waratah Village.

The site currently contains a residential dwelling, which is proposed to be demolished. An aerial map of the site is provided below.



Aerial Map

**3.2 Background**

On 3 December 2020, the City received a development application for a Multiple Dwelling Development comprising of 10 apartments at Lot 372 (No. 12) Philip Road, Dalkeith (the site). This is to be determined by the Metro Inner-North Joint Development Assessment Panel (JDAP).

1. **Application Details**

The applicant seeks development approval for a residential development comprising 10 multiple dwellings over four (4) storeys, with basement level parking. The building is proposed as follows:

* A ground floor level comprising two (2) x 2-bedroom apartments, bin store, storerooms, resident lobby and six (6) bicycle rails.
* Levels 1 and 2 comprising of one (1) x 2-bedroom apartment and two (2) x 3-bedroom apartments on each floor.
* Level 3 comprising of two (2) x 3-bedroom apartments only.
* The roof level comprising of Private outdoor living areas for Apartments 301 and 302 (no public access).
* A total of 20 resident car parking spaces will be provided at basement level. Three visitor car parking spaces are to be provided.
* Communal facilities comprising of open space and a pedestrian path located along the eastern lot boundary to access the rear laneway to Waratah Village is availability to residents on the ground floor.

1. **Consultation**

In accordance with the City’s Local Planning Policy – Consultation of Planning Proposals, the development proposal is considered a Complex Application. The application was advertised for over four weeks, commencing on 22 January 2021 and concluding on 16 Feburary 2021. Additional consultation time was granted to accommodate the rescheduled community information session that was cancelled due to the WA Government mandatory lockdown between 31 January – 5 February 2021.

Administration received a total of 29 submissions during the public consultation period, of which:

* 2 submissions were in support of the application;
* 3 submissions were neither supportive nor objecting; and
* 24 submissions objected to the proposal.

Due to the number of concerns raised during public consultation, a separate summary of the submissions is contained as **Attachment 1**.

1. **Recommendation to JDAP**

Administration recommends that the application is approved, subject to conditions. Justification for this is provided below.

**Design Review**

For this application, an architectural and landscape architectural design review was undertaken. A copy of the architectural and landscape architectural design review against State Planning Policy 7.0 - Design of The Built Environment (SPP 7.0) is contained as **Attachment 1**. A meeting was also held to allow the applicants an opportunity to present to the City’s consultants and address any queries.

A summary of the proposal against SPP 7.0 is provided below, noting that since the original application was submitted, further information and amended development plans were provided by the applicant in response to the initial comments of the City’s consultants. The table below demonstrates aspects of the development proposal that the City’s consultants are supportive of.

|  |  |  |  |
| --- | --- | --- | --- |
| Legend | | | |
| 3 | Supported | | |
| 2 | Supported with conditions | | |
| 1 | Further information required | | |
| 0 | Not supported | | |
| SPP 7.0 Principles | | Architectural design review | Landscape Architectural design review |
| Principle 1: Context and Character | | 3 | N/A |
| Principle 2: Landscape Quality | | 3 | 3 |
| 1. 3.2 Orientation | | 3 |
| 1. 3.3 Tree Canopy and Deep Soil Areas | | 3 |
| 1. 3.4 Communal Open Space | | 3 |
| 1. 3.6 Public Domain Interface | | 3 |
| 1. 4.12 Landscape Design | | 3 |
| 1. 4.16 Water Management Conservation | | 3 |
| Principle 3: Built Form and Scale | | 3 | N/A |
| Principle 4: Functionality and Built Quality | | 3 | N/A |
| Principle 5: Sustainability | | 2 | N/A |
| Principle 6: Amenity | | 2 | N/A |
| Principle 7: Legibility | | 3 | N/A |
| Principle 8: Safety | | 2 | N/A |
| Principle 9: Community | | 3 | N/A |
| Principle 10: Aesthetics | | 3 | N/A |

Whilst the City acknowledges that an individual architectural and landscape architectural design review is not a substitute for a formal DRP, their comments have nonetheless assisted the City in the consideration of the application against SPP 7.0. The proposal is considered consistent with the 10 design principles of SPP 7.0.

**Assessment against Residential Design Codes Volume 2 (R-Codes)**

An assessment of the proposal against the R-Codes is detailed in full in **Attachment 1**. Those elements that were raised as the main areas of concern during public consultation or which require the imposition of conditions are addressed in the table below. Further discussion of these issues, as well as all other relevant issues, is provided in **Attachment 1**.

| **Element** | **How it is addressed** |
| --- | --- |
| 2.1 Building Height | Achieves Element Objectives  The overall building height of the proposed development is 15.7m high above the Natural Ground Level (NGL) in lieu of 15m taken from the highest roof point.  The building presents as four (4) storeys to the primary street and five (5) storeys to the rear. However, in accordance with the definition of ‘storey’, the basement floor is not considered to be a storey and is excluded from the building height calculation.  The four (4) storey development is consistent with the acceptable outcomes building height for the R80 code. In the absence of a local planning policy that articulates the desired height for the location, the City must defer to the heights set out in Table 2.1 of the R-Codes. |
| 2.4 Side and Rear Setbacks | Achieves Element Objectives  There is adequate separation between neighbouring properties due to compliance with the acceptable outcomes for side/rear setbacks from the ground floor and above.  However, it is noted that the proposed boundary walls as a result of the basement level on the eastern, western and southern lot boundaries results in the following variations to the Acceptable Outcomes as follows:   * Walls on three (3) boundaries in lieu of one lot boundary only. * Proposed boundary walls exceed 2/3 length as follows:   + - * East side: 88% in lieu of 66.66% in length.       * South side: 93% in lieu of 66.66% in length.   It should be noted that the boundary wall height is less than two storeys high which is consistent with the acceptable outcome for boundary wall heights.  The proposed western boundary wall abuts an existing 14m in length boundary wall on 14 Philip Road. The southern (rear) boundary wall abuts an existing 7.0m wide laneway for the entire length. The proposed boundary walls still provide adequate separation from adjoining properties for a development of this nature and scale. |
| 2.5 Plot Ratio | Achieves Element Objectives  The development proposes a plot ratio of 1.29 in lieu of 1.0 specified by Table 2.1. This translates to approximately 335m2 or 29.5% of additional floor space. Notwithstanding, the element objective is achieved for the reasons outlined in **Attachment 1**. |
| 2.7 Building Separation | Achieves Element Objectives  The building height and setbacks will allow for appropriate separation should adjoining properties by developed in the future.  The proposal provides opportunity for passive surveillance, with half of all apartment balconies overlooking the street. The proposed setbacks are considered to achieve the desired R80 streetscape pattern. |
| 3.2 Orientation | Achieves Element Objectives  Due to the design and lot orientation, the maximum shadow cast at mid-winter is 2% of the rear property at 87 Waratah Avenue which is zoned R-AC3. |
| 3.3 Tree Canopy and Deep Soil Areas | Achieves Element Objectives with Conditions  The acceptable outcome for deep soil area has been exceeded by the development (proposed 129m2 in lieu of 114m2).  Arboriculture advice with respect to the proposed development’s impact on trees on the adjoining properties is to be managed by way of condition.  Although no trees are retained onsite, the applicant has demonstrated a greater increase to the overall tree canopy within the proposed development through new plantings. |
| 3.5 Visual Privacy | Achieves Element Objectives  The development is consistent with the acceptable outcomes for visual privacy as follows:   * All major openings to bedroom and study windows are setback 3.0m. * All major openings to habitable rooms other than bedroom and studies are setback 4.5m * All balconies are setback 6.0m from the eastern and western lot boundaries. * All balconies facing the south lot boundary- the visual cone falls within a 7.0m wide laneway for the entire southern lot boundary. * Proposed screening is 1.6m high from the finished floor level (FFL).   The façades of the proposed development are articulated with portions stepping in and out, along with balconies and vegetation limiting direct overlooking.  If the abutting side lots are redeveloped in the future, they will need to be designed in accordance with the R-Codes. This will ensure adequate separation is provided between any new balconies/major openings and those currently proposed by the subject development.  Furthermore, it is considered the orientation and design of the proposal has tried to minimise direct overlooking to the eastern, western and southern lots.  In the event of JDAP approval, it is recommended that a condition be placed that requires the balustrading to the balconies of Apartments 4, 5, 7, 8 and 10 to be obscure glaze or solid to prevent downwards views into adjoining properties\*.  \*Council will require all balustrades to be obscure glaze and this has been upheld by JDAP previously. |
| 3.7 Pedestrian access and entries | Achieves Element Objectives  The pedestrian entry is located on the western side of the building and is not directly visible from the primary street being Philip Road.  The entry into the building is at grade located to the western side of the building. The entry to the building is identified via a welcoming entry colonnade with trellis and canopy cover. This allows it to be easily accessed and identified which should encourage an attractive street presence along Philip Road. |
| 4.7 Managing the Impact of Noise | Achieves Element Objectives  Meets element objectives, subject to condition for compliance with Acoustic Report. |

1. **Conclusion**

Council is requested to consider the proposed development as the Responsible Authority. It is requested that Council makes a recommendation to the JDAP to either approve or refuse the application.

The application has been assessed in accordance with the planning framework and in instances where the proposal does not satisfy a provision or statute, a condition has been recommended to address the requirement.

Administration acknowledges the proposal represents a change to the existing dwellings that adjoin the property. That notwithstanding, there are multiple sites within the street that are likely to take advantage of the R80 and R60 density codes over time. Philip Road provides an important transition between the newly coded Mixed Use R-AC3 (along Waratah Avenue) and lower density areas beyond with default height of six (6) storey to a default height of four (4) storey for R80.

The potential changes in the form of subdivision, grouped dwellings and multiple dwellings can be managed through appropriate siting and design. Administration is of the view that the subject application has appropriately considered façade, street setback, form, and streetscape presentation in order to achieve the relevant element objectives of the R-Codes or can be made capable by the application of conditions.

It is recommended Council adopt the Officer Recommendation contained in the Responsible Authority Report to approve the development.

## Corporate & Strategy Report No’s CPS05.21 to CPS08.21 (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.

|  |
| --- |
| **CPS05.21 List of Accounts Paid – January 2021** |

|  |  |
| --- | --- |
| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing – January 2021; and 2. Credit Card and Purchasing Card Payments – January 2021 (29 December 2020 – 27 January 2021). |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Coghlan

Seconded – Councillor Senathirajah

**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 months of January 2021 as per attachments.**

|  |
| --- |
| **CPS06.21 Future of Nedlands Child Health Clinic – 152 Melvista Avenue, Nedlands** |

|  |  |
| --- | --- |
| **Committee** | 9 March 2021 |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Building Maintenance Inspection – May 2020; and 2. Asset Management Inspection – May 2020. |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Coghlan

Seconded – Councillor Senathirajah

**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:**

1. **accepts the variances to the Management Licence requested by the Department of Health, with the exclusion of the request to reduce the Licence Fee to $5,000 per annum;**
2. **instructs the CEO to advise the Department of Health that the City’s final offer for a Licence Fee will remain at $10,000 per annum; and**
3. **should the Department of Health accept the City’s terms, and subject to the Minister for Lands Consent, approves the Mayor and CEO to execute the agreement and apply the City’s common seal; and**

1. **should the Department of Health decline to accept the City’s terms, instruct the CEO to request the Department vacate the premises, giving 3 months’ notice and request Administration investigate possible cost-neutral or revenue generating options for the facility, including detail and cost implications surrounding demolition of the facility and provide a further report to Council.**

|  |
| --- |
| **CPS07.21 Swanbourne Nedlands Surf Life Saving Club – Variation to Lease at 282 Marine Parade, Swanbourne** |

|  |  |
| --- | --- |
| **Committee** | 9 February 2021 |
| **Council** | 23 February 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Councillor Smyth - Impartiality Interest**

Councillor Smyth disclosed that she is Vice Patron of the Surf Club, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

**Deputy Mayor McManus - Impartiality Interest**

Deputy Mayor McManus disclosed that he is a Vice Patron of the Surf Club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Deputy Mayor McManus declared that he would consider this matter on its merits and vote accordingly.

**Councillor Horley - Impartiality Interest**

Councillor Horley disclosed that she is a Vice Patron of the Surf Club, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Horley declared that she would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Not Applicable – Amended administration recommendation adopted for clarification of lease.**

Moved – Councillor Smyth

Seconded – Councillor Horley

**Council Resolution**

**Council:**

1. **approves the extension of the Annual Grant payment as noted within the City’s Lease to Swanbourne Nedlands Surf Life Saving Club. and;**
2. **instructs the CEO to arrange a Deed of Variation to the Lease with Swanbourne Nedlands Surf Life Saving Club to reflect the changes as noted within this report, with the agreement to be prepared at the City’s cost; and**
3. **subject to the Minister for Lands Consent, authorises the CEO and Mayor to execute the Deed of Variation agreement and apply the City’s Common Seal.**

Councillor Bennett left the meeting at 9.44 pm.

Councillor Hodsdon returned to the meeting at 9.45 pm.

Councillor Bennett returned to the meeting at 9.46 pm.

**CARRIED UNANIMOUSLY 12/-**

Committee Recommendation / Recommendation to Committee

Council:

1. instructs the CEO to arrange a Deed of Variation to the Lease with Swanbourne Nedlands Surf Life Saving Club with the agreement to be prepared at the City’s cost; and
2. subject to the Minister for Lands Consent, authorises the CEO and Mayor to execute the Deed of Variation agreement and apply the City’s Common Seal.

|  |
| --- |
| **CPS08.21 Mid-Year Budget Review – 2020/21** |

|  |  |
| --- | --- |
| **Committee** | 9 February 2021 |
| **Council** | 23 February 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Revised Rate Setting Statement for the year ending 30 June 2021; 2. List of Changes Required to the Revised Operating Budget 2020/21; and 3. List of Changes Required to the Revised Capital Works & Acquisition Program Budget 2020/21. |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – Not Applicable – Amended administration recommendation adopted with corrected estimated net surplus amount.**

Moved – Councillor Senathirajah

Seconded – Councillor Youngman

**Council Resolution**

**Council:**

1. **receives and adopts, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, the mid-year budget review and the revised Rate Setting Statement for the year ending 30 June 2021;**
2. **notes the requested changes to the current 2020/21 Annual Budget listed in Attachments 2 and 3, and summarised in this report;**
3. **approves the net decrease in transfers from reserves of $460,828; and**
4. **approves the Draft Budget incorporating all the changes listed in Attachments 1, 2 and 3 of this report, providing an estimated net surplus of $471,213 (Attachment 1).**

**CARRIED 9/3**

**(Against: Crs. Bennett Mangano & Tyson)**

Recommendation to Committee

Council:

1. receives and adopts, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, the mid-year budget review and the revised Rate Setting Statement for the year ending 30 June 2021;
2. notes the requested changes to the current 2020/21 Annual Budget listed in Attachments 2 and 3, and summarised in this report;
3. approves the net decrease in transfers from reserves of $460,828; and
4. approves the Draft Budget incorporating all the changes listed in Attachments 1, 2 and 3 of this report, providing an estimated net surplus of $620,742 (Attachment 1).

ABSOLUTE MAJORITY REQUIRED

# Reports by the Chief Executive Officer

## List of Delegated Authorities – February 2021

Moved – Councillor Hodsdon

Seconded – Councillor Youngman

**The attached List of Delegated Authorities for the month of February 2021 be received.**

**CARRIED 11/1**

**(Against: Cr. Coghlan)**

**February 2021**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Property** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **February 2020** | | | | | | |
| 1/02/2021 | 3048812 - Withdrawn Parking Infringement Notice - Compassionate Grounds | 28 Leura Street, NEDLANDS, Lot 307, 37302, 135913 | Manager Health & Compliance | Local Government Act 1995 | 9.20/6.12(1) | Dee Ghandi |
| 1/02/2021 | BA135415 Demolition permit - Full site | 92 Kingsway, NEDLANDS, Lot 3, 54952, 153031 | Manager Building Services | Building Act 2011 | 21.1 | Preferred Demolition |
| 1/02/2021 | BA133042 Certified building permit - Dwelling | 22 Baird Avenue, NEDLANDS, Lot 2, 82648, 200238 | Manager Building Services | Building Act 2011 | 20.1 | Residential Building WA |
| 2/02/2021 | BA131701 Certified building permit - Dwelling | 64 Mayfair Street, MT CLAREMONT, Lot 1, 82724, 108043 | Manager Building Services | Building Act 2011 | 20.1 | Distinctive Homes WA |
| 3/02/2021 | (APP) -DA21-59904 - 86 Adelma Road, Dalkeith - Removal of Previous Planning Conditions | 86 Adelma Road, DALKEITH, Lot 164, 14277, 113662 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | J Ralph |
| 3/02/2021 | (APP) - DA20-54104 - 17 Adderley Street, Mt Claremont - Grouped Dwelling | 17 Adderley Street, MT CLAREMONT, Lot 289, 288, 100552 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | W Pole |
| 4/02/2021 | Approval to write off uncollected Infringement Notice debit - $12,014.01 | 71 Stirling Highway, NEDLANDS, Lot 500, 43521, 142026 | Chief Executive Officer | Local Government Act 1995 | 6.12(1)(c) |  |
| 4/02/2021 | (APP) - DA20-52566 - Rodrigues Bodycoat Architects - 1 Mayfair Street, Mt Claremont - Residential Single House | 1 Mayfair Street, MT CLAREMONT, Lot 206, 7777, 107334 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Rodrigues Bodycoat Architects |
| 4/02/2021 | BA135285 Demolition permit - Garage and upper floor only | 59 Goldsmith Road, DALKEITH, Lot 3851, 20462, 119768 | Manager Building Services | Building Act 2011 | 21.1 | Nateis Contracting Pty Ltd |
| 4/02/2021 | BA131653 Certified building permit - Dwelling | 64A Mayfair Street, MT CLAREMONT, Lot 2, 82725, 200857 | Manager Building Services | Building Act 2011 | 20.1 | Distinctive Homes WA |
| 5/02/2021 | 3048958 -Withdrawn Parking Infringement Notice - Compassionate Grounds | Monash Avenue, NEDLANDS, Lot 8699, 39833, 138396 | Manager Health & Compliance | Local Government Act 1995 | 9.21/6.12(1) | Pavneet Kaur |
| 5/02/2021 | BA135584 Certified building permit - Dwelling | 4/116 Waratah Avenue, DALKEITH, Lot 4, 82721, 200832 | Manager Building Services | Building Act 2011 | 20.1 | Projex Management and Construction |
| 8/02/2021 | BA135130 Certified building permit - Dwelling | 59 Riley Road, DALKEITH, Lot 241, 25860, 125005 | Manager Building Services | Building Act 2011 | 20.1 | Building Corporation WA Pty Ltd |
| 8/02/2021 | 3047109 - -Withdrawn Parking Infringement Notice - Compassionate Grounds | Marine Parade, SWANBOURNE, Lot 328, 80383, 184721 | Manager Health & Compliance | Local Government Act 1995 | 9.20/6.12(1) | Abla Ruhayel |
| 8/02/2021 | BA135244 Certified building permit -Dwelling | 3/116 Waratah Avenue, DALKEITH, Lot 3, 82720, 200824 | Manager Building Services | Building Act 2011 | 20.1 | Projex Management & Construction |
| 8/02/2021 | BA132638 Uncertified building permit - Pool barrier | 62 Browne Avenue, DALKEITH, Lot 95, 17178, 116483 | Manager Building Services | Building Act 2011 | 20.1 | Mulvay Pty Ltd |
| 8/02/2021 | BA133203 Uncertified building permit - Pool barrier, Deck | 12 Jubaea Garden(s), MT CLAREMONT, Lot 201, 73978, 171041 | Manager Building Services | Building Act 2011 | s20.1 | Bobtail Landscaping |
| 9/02/2021 | (APP) - DA20-56358 - 7 Wavell Road, Dalkeith - Residential Single House | 7 Wavell Road, DALKEITH, Lot 698, 30601, 129544 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 |  | New Home Building Brokers |
| 9/02/2021 | BA135683 Demolition permit - Full site | 54 Alexander Road, DALKEITH, Lot 1, 15011, 114355 | Manager Building Services | Building Act 2011 | 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 9/02/2021 | BA135199 Demolition permit - Full Site | 64 Kingsway, NEDLANDS, Lot 7, 68399, 165555 | Manager Building Services | Building Act 2011 | 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 9/02/2021 | BA135710 Certified building permit - Dwelling | 20B Dalkeith Road, NEDLANDS, Lot 701, 82637, 200162 | Manager Building Services | Building Act 2011 | 20.1 | Bauer & Young Pty Ltd |
| 10/02/2021 | BA133099 Certified building permit - Additions | 24 Odern Crescent, SWANBOURNE, Lot 72, 9517, 109082 | Manager Building Services | Building Act 2011 | 20.1 | Jumeirah Homes |
| 10/02/2021 | BA134435 Certified building permit - 5 Storey Apartment | 95A Waratah Avenue, DALKEITH, Lot 388, 29042, 128033 | Manager Building Services | Building Act 2011 | 20.1 | Pyramid Constructions (WA) Pty Ltd |
| 10/02/2021 | BA135917 Demolition permit - full site | 68 Archdeacon Street, NEDLANDS, Lot 532, 46684, 145037 | Manager Building Services | Building Act 2011 | 21.1 | BJF Holdings |
| 10/02/2021 | BA135869 Demolition permit - Full site | 32 Clark Street, NEDLANDS, Lot 417, 49991, 148163 | Manager Building Services | Building Act 2011 | 21.1 | Vinsan Contracting |
| 11/02/2021 | BA135845 Certified building permit - Dwelling | 63A Strickland Street, MT CLAREMONT, Lot 0, 82644, 200204 | Manager Building Services | Building Act 2011 | 20.1 | Plunkett Homes |
| 11/02/2021 | BA136068 Demolition permit - Full site | 24 Clark Street, NEDLANDS, Lot 421, 49894, 148064 | Manager Building Services | Building Act 2011 | 21.1 | Vinsan Contracting |
| 11/02/2021 | BA133124 Certified building permit - Storage Facility | 101 Monash Avenue, NEDLANDS, Lot 565, 82619, 181206 | Manager Building Services | Building Act 2011 | 20.1 | Cooper & Oxley Builders |
| 12/02/2021 | (APP) - DA20-54361 - 7 Edward Street, Nedlands - 4x Residential Grouped Dwellings | 7 Edward Street, NEDLANDS, Lot 435, 52154, 150250 | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Welink Group Pty Ltd |
| 12/02/2021 | BA135114 Certified building permit - Dwelling | 27 Kennedia Lane, MT CLAREMONT, Lot 3, 82726, 200865 | Manager Building Services | Building Act 2011 | 20.1 | Subiaco Building Company |
| 12/02/2021 | BA136487 Uncertified building permit - Alterations | 7 Gainsford Lane, MT CLAREMONT, Lot 355, 77365, 174649 | Manager Building Services | Building Act 2011 | 20.1 | Mr C McKenzie |
| 15/02/2021 | (APP) DA20-57115 - 13 Shann Street, Floreat | 13 Shann Street, FLOREAT, Lot 1, 77225, 174367 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Coast Homes WA Pty Ltd |
| 15/02/2021 | (APP) - DA20-57231 – 6 Watt Street, Swanbourne - Amendment to DA19-40572 | 6 Watt Street, SWANBOURNE, Lot 115, 13069, 112490 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Create Homes Pty Ltd |
| 15/02/2021 | (APP) - DA20-56936 - 24 Lisle Street, Mt Claremont - Residential Single House | 24 Lisle Street, MT CLAREMONT, Lot 338, 6991, 106583 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Oswald Homes (1972) Pty Ltd |
| 15/02/2021 | BA135778 Uncertified building permit - Carport | 2 Viewway, NEDLANDS, Lot 490, 63739, 161422 | Manager Building Services | Building Act 2011 | 20.1 | M S Platell |
| 15/02/2021 | BA135610 Certified building permit - Pool | 57 Adderley Street, MT CLAREMONT, Lot 67, 741, 100990 | Manager Building Services | Building Act 2011 | 20.1 | Aquatic Leisure Technologies Pty Ltd |
| 15/02/2021 | BA132586 Building approval certificate - Deck | 20 Clement Street, SWANBOURNE, Lot 405, 82098, 102905 | Manager Building Services | Building Act 2011 | 58.1 | Resolve Group Pty Ltd |
| 15/02/2021 | BA134244 Certified building permit - Dwelling | 9 Lisle Street, MT CLAREMONT, Lot 322, 6844, 106435 | Manager Building Services | Building Act 2011 | 20.1 | Distinctive Homes WA |
| 15/02/2021 | (APP) - DA20-57599 - 197 Selby Street, Floreat - Residential Single House Carport Addition and Retrospective Outbuilding | 197 Selby Street, FLOREAT, Lot 275, 11059, 110544 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mass Group WA |
| 15/02/2021 | BA136603 Certified building permit - Retaining wall | 9 Muecke Way, SHENTON PARK, Lot 26, 82591, 199893 | Manager Building Services | Building Act 2011 | 20.1 | Ranlak Pty Ltd |
| 16/02/2021 | BA136449 Certified building permit - Pool | 59 Riley Road, DALKEITH, Lot 241, 25860, 125005 | Manager Building Services | Building Act 2011 | 20.1 | Quality Dolphin Pools |
| 16/02/2021 | 3047110 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Marine Parade, SWANBOURNE, Lot 328, 80383, 184721 | Manager Health & Compliance | Local Government Act 1995 | 9.20/6.12(1) | Kaheil Soloman |
| 16/02/2021 | BA136312 Demolition permit - Full site | 3 Archdeacon Street, NEDLANDS, Lot 129, 46008, 144378 | Manager Building Services | Building Act 2011 | 21.1 | BJF Holdings |
| 16/02/2021 | BA135185 Uncertified building permit - Addition | 28 Marita Road, NEDLANDS, Lot 102, 56271, 154310 | Manager Building Services | Building Act 2011 | 20.1 | Mr L Q Haskett |
| 16/02/2021 | BA135893 Certified building permit - Addition | 46 Archdeacon Street, NEDLANDS, Lot 180, 46456, 144808 | Manager Building Services | Building Act 2011 | 20.1 | Addstyle Constructions Pty Ltd |
| 17/02/2021 | (APP) - DA20-56506 - 16 Viewway, Nedlands - Residential - Single House | 16 Viewway, NEDLANDS, Lot 483, 63878, 161562 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Atrium Homes (WA) Pty Ltd |
| 17/02/2021 | BA136424 Uncertified building permit - Paio | 1 Kings Row, MT CLAREMONT, Lot 519, 72655, 169482 | Manager Building Services | Building Act 2011 | 20.1 | Wanneroo Patios |
| 17/02/2021 | BA13551 Demolition permit - Full site | 13 Shann Street, FLOREAT, Lot 1, 77225, 174367 | Manager Building Services | Building Act 2011 | 21.1 | AAA Demolition & Tree Service |
| 17/02/2021 | BA136478 Certified building permit - Dwelling | 100A Smyth Road, NEDLANDS, Lot 889, 82723, 200840 | Manager Building Services | Building Act 2011 | 20.1 | Allure Homes (WA) Pty Ltd |
| 18/02/2021 | BA136218 Building approval certificate - Retaining wall | 26 Shann Street, FLOREAT, Lot 65, 11601, 111054 | Manager Building Services | Building Act 2011 | 58.1 | Perth Building Certifiers |
| 18/02/2021 | BA127133 Building approval certificate - Storeroom | 197 Selby Street, FLOREAT, Lot 275, 11059, 110544 | Manager Building Services | Building Act 2011 | 58.1 | Ms R Creighan |
| 18/02/2021 | BA134121 Certified building permit - 9 x Dwelling | 9 Doonan Road, NEDLANDS, Lot 81, 51441, 149542 | Manager Building Services | Building Act 2011 | 20.1 | BRUCE CONSTRUCTION DESIGN |
| 18/02/2021 | BA136367 Certified building permit - Dwelling | 48 Alexander Road, DALKEITH, Lot 505, 14976, 114314 | Manager Building Services | Building Act 2011 | 20.1 | TONY TOMIZZI BUILDERS |
| 19/02/2021 | BA135955 Certified building permit - Stage 1 Forward works | 68 Jutland Parade, DALKEITH, Lot 6, 22579, 121798 | Manager Building Services | Building Act 2011 | 20.1 | Maek Pty Ltd |
| 22/02/2021 | BA135738 Certified building permit - Patio | 2 Endell Ridge, MT CLAREMONT, Lot 336, 78075, 175992 | Manager Building Services | Building Act 2011 | 20.1 | Allcolour Holdings Pty Ltd |
| 22/02/2021 | BA57786 Certified building permit - Additions (final stage) | 13 Hobbs Avenue, DALKEITH, Lot 50, 20705, 119990 | Manager Building Services | Building Act 2011 | 20.1 | Mr G Knights |
| 22/02/2021 | BA137453 Certified building permit - Pool | 131 Circe Circle South, DALKEITH, Lot 743, 18247, 117549 | Manager Building Services | Building Act 2011 | 20.1 | Malibu Pools and Spas |
| 22/02/2021 | BA127146 Certified building permit - Carport | 197 Selby Street, FLOREAT, Lot 275, 11059, 110544 | Manager Building Services | Building Act 2011 | 20.1 | Mass Group WA |
| 22/02/2021 | BA135978 Certified building permit - Dwelling | 15 Sadka Lane, SHENTON PARK, Lot 10, 82564, 199687 | Manager Building Services | Building Act 2011 | 20.1 | Residential Building WA |
| 22/02/2021 | BA136970 Building approval certificate - Footing change | 24 Nandina Avenue, MT CLAREMONT, Lot 201, 8850, 108431 | Manager Building Services | Building Act 2011 | 58.1 | Resolve Group Pty Ltd |
| 23/02/2021 | 3045368 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Lemnos Street, SHENTON PARK, Lot 41989, 76316, 173344 | Manager Health & Compliance | Local Government Act 1995 | 9.20/6.12(1) | Lisa Barry |
| 23/02/2021 | 3048900 - Withdrawn Parking Infringement Notice - Compassionate Grounds | 72 Monash Avenue, NEDLANDS, Lot 254, 39956, 138511 | Manager Health & Compliance | Local Government Act 1995 | 9.20/6.12/(1) | Joseph Brosnan |
| 23/02/2021 | BA131893 Uncertified building permit - Pergola | 13 Whitfeld Street, FLOREAT, Lot 217, 13378, 112813 | Manager Building Services | Building Act 2011 | 20.1 | Soltex Pty Ltd |
| 23/02/2021 | BA136393 Certified building permit - Dwelling | 64 Kingsway, NEDLANDS, Lot 7, 68399, 165555 | Manager Building Services | Building Act 2011 | 20.1 | Averna Pty Ltd |
| 23/02/2021 | BA137472 Occupancy permit - Offices | 26 Leura Street, NEDLANDS, Lot 308, 81044, 167411 | Manager Building Services | Building Act 2011 | 58.1 | Perth Building Certifiers |
| 24/02/2021 | (APP) - DA21-60374 - 21 Kinninmont Avenue, Nedlands - Residential - Single House - Front Fence | 21 Kinninmont Avenue, NEDLANDS, Lot 199, 36089, 134775 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | K F Martinick & N J Martinick |
| 24/02/2021 | BA135829 Certified building permit - Shed extension | 119 Melvista Avenue, NEDLANDS, Lot 706, 56938, 154971 | Manager Building Services | Building Act 2011 | 20.1 | Andantino Pty Ltd |
| 25/02/2021 | BA135727 Certified building permit - Dwelling | 20A Dalkeith Road, NEDLANDS, Lot 700, 82636, 200154 | Manager Building Services | Building Act 2011 | 20.1 | Bauer & Young Pty Ltd |
| 25/02/2021 | (APP) - DA21-59339 - 90 Mountjoy Road, Nedlands - Residential Single House | 90 Mountjoy Road, NEDLANDS, Lot 35, 57837, 155853 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | R Fitzgerald |

## Monthly Financial Report – February 2021

|  |  |
| --- | --- |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the city of Nedlands Code of Conduct for Impartiality.** | Nil |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 28 February 2021 2. Capital Works & Acquisitions – 28 February 2021 3. Statement of Net Current Assets – 28 February 2021 4. Statement of Financial Activity –28 February 2021 5. Borrowings – 28 February 2021 6. Statement of Financial Position – 28 February 2021 7. Operating Income & Expenditure by Reporting Activity – 28 February 2021 8. Operating Income by Reporting Nature & Type – 28 February 2021 |

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

Moved – Councillor Youngman

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

**Council receives the Monthly Financial Report for 28 February 2021.**

**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 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.

1. The monthly financial management report meets the requirements of Regulation 34(1) and 34(5) of the Local Government (Financial Management) Regulations 1996.
2. 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.
3. This report gives an overview of the revenue and expenses of the City for the year to date 28 February 2021 together with a Statement of Net Current Assets as at 28 February 2021.
4. The operating revenue at the end of February 2021 was $32.61 M which represents $936 K favourable variance compared to the year-to-date budget.
5. The operating expense at the end of February 2021 was $20.98 M, which represents $557 K favourable variance compared to the year-to-date budget.
6. 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 $ 1,051

Revenue: Unfavourable variance of $ (76,922)

The favourable expenditure variance is mainly due to:

* WESROC expenses of $266k not spent,
* Office expenses and special projects Communication of $54k not spent yet,
* Other employee costs and Member of Councils of $66k not spent yet,
* Professional fees overspend by $76k arising from additional legal advice on planning matters,
* 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 temporary 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 $310k is offset against the $288K salary savings yet to be realised, though underway.

The unfavourable revenue variance is due to the relocating of all WESROC services to another local government and subsequently there will be no income receivable. For the past 5 years the City of Nedlands has hosted the WESROC Environmental Officer’s position and managed expenses and invoicing of WESROC local governments. This position has now moved to the Town of Claremont, along with the associated management of the WESROC financials.

The budget for WESROC expense and revenue will be adjusted at mid-year budget review to reflect the move of the WESROC services to the Town of Claremont.

**Corporate and Strategy**

Expenditure: Unfavourable variance of $ (60,587)

Revenue: Favourable variance of $ 439,369

The favourable expenditure variances are mainly due to:

* Professional fees of $96k not spent yet,
* Offset by ICT expenses of $139k.

The favourable revenue variances are mainly due to:

* Increase in Rates income of $561k because of 3rd interim rates.
* Offset by lower term deposit interest income of $131k.

**Community Development and Services**

Expenditure: Favourable variance of $ 265,916

Revenue: Favourable variance of $ 286,888

The favourable expenditure variance is mainly due to:

* Community Special projects, donations of $122k not expensed yet,
* Savings on PRCC salary of $44k due to delay in filling up vacant position,
* Positive ageing other expenses of $15k not expensed yet,
* Nedlands library salary, office and other expenses of $69k not yet expensed.

The favourable income variance is mainly due to:

* Increase fees and charges from Tresillian and PRCC of $269k – at the time of setting the budget revenue estimates were based on the Covid 19 environment at that time (i.e. restrictions relating to public attendances at events), with restrictions easing these services have benefitted from higher attendances
* Increase on NCC grants income by $30k,
* Offset by lower Grants from Volunteer services and from council properties of $18k.

**Planning and Development**

Expenditure: Favourable variance of $ 190,482

Revenue: Favourable variance of $ 267,567

The Favourable expenditure variance is mainly due to:

* Urban Projects expenses of $526k not expensed yet. YTD budget increased by $280k.
* Operational activities of $101k not spent yet.
* Underspent environmental salaries of $50k due to delay in back-filling vacancies.
* Urban planning, Ranger services and Building services salaries over spent by $246k. Urban planning salaries are higher by $204k due to increased applications, SAT appeals and unplanned policy work and re-work. Building services salaries is higher by $27k due to additional works. Ranger services salaries are higher by $14k.
* Professional fees of $248k have over expensed as a result of a Council approved un-budgeted expenditure on professional services related to the Woolworths DA appeal including traffic advice, public realm modelling and professional advice.

The favourable revenue variance is mainly due to:

* Increase fees & charges income in Urban Planning, Environmental Health and Building services of $186k.
* Increase fine & penalties from ranger services of 55k.

**Technical Services**

Expenditure: Favourable variance of $ 160,613

Revenue: Favourable variance of $ 19,317

The favourable expenditure variance is mainly due to:

* Building, road, and Park maintenance expense of $394k not expensed yet,
* Plant expenses and waste minimisation expenses of $651k not expensed yet,
* Underground power project of $290k over expensed due to profiling, scoping, and planning work by Western power. Under YTD budget of $983k,
* Utilities invoices of $63k not received yet,
* Off-set against lower charge out of on-cost to projects by $679k.

The small favourable revenue variance is mainly due to timing variances.

**Borrowings**

As at 28 February 2021, we have a balance of borrowings of $4.77 M.

**Net Current Assets Statement**

At 28 February 2021, net current assets were $13.96 M compared to $13.59 M as at 28 February 2020. Current assets are higher by $3.7 M offset by lower current liabilities of $3.6 M.

Outstanding rates debtors are $3.7 M as at 28 February 2021 compared to $4.1 M as at 28 February 2021. Breakdown as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **28 February 2021**  **($000)** | **28 February 2020**  **($000)** | **Variance**  **($000)** |
| **Rates** | $3,041 | $3,335 | -$294 |
| **Rubbish & Pool** | $97 | $103 | -$6 |
| **Pensioner Rebates** | $449 | $551 | -$102 |
| **ESL** | $113 | $119 | -$6 |

**Capital Works Programme**

As at 28 February, expenditure on capital works was $3.01 M with additional capital commitments of $1.56 K which is 52% of a total budget of $8.7 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 | 175 |
| Number of contract staff (temporary/agency staff) as of the last day of the previous month | 3 |
| \*FTE (Full Time Equivalent) count as of the last day of the previous month | 153.61 |
| Number of unfilled staff positions at the end of each month | 15 |

Reduction in Full Time Employees from 133 in January to 129 in February as a result of a number of resignations. Part time employee numbers remain steady at 29. Occupied FTE reduced from 159.28 to 153.61. Temp contractors reduced from 4 to 3, being 2 assisting in Finance Department and 1 in Assets.

**Conclusion**

The statement of financial activity for the period ended 28 February 2021 indicates that operating expenses are under the year-to-date budget by 2.95% or $557 K, while revenue is above the Budget by 2.95% or $936 K.

**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 leve**l.**

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – Febraury 2021

|  |  |
| --- | --- |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the city of Nedlands Code of Conduct for Impartiality** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Investment Report for the period ended 28 February 2021 |

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

Moved – Councillor Hodsdon

Seconded – Councillor Youngman

**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 28 February 2021.**

**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 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 28 February 2021 and 28 February 2020 the City held the following funds in investments:

|  |  |  |
| --- | --- | --- |
|  | 28-Feb-2021 | 28-Feb-2020 |
| Municipal Funds | $ 10,061,496 | $ 8,390,500 |
| Reserve Funds | $ 6,022,104 | $ 7,049,659 |
| Total investments | $ 16,083,600 | $ 15,440,159 |

The City has $5.8 M is Westpac online saver account which returns an interest rate of 0.40% per annum. As this rate is higher than the rates quoted for the term deposits as of end November, the surplus cash is maintained in the Westpac online saver account.

The total interest earned from investments as at 28 February 2021 was $57,838.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $5,895,325 | 0.35% - 0.45% | 36.65% |
| Westpac | $5,015,500 | 0.20% - 1.05% | 31.18% |
| ANZ | $2,186,100 | 0.20% | 13.60% |
| CBA | $2,985,775 | 0.12% - 0.31% | 18.57% |
| **Total** | **$16,083,600** |  | **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

**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 February YTD Actual interest income from investments is $57,838 compared to the February YTD Budget of $180,000.

The approved budget is prepared taking into consideration the Long-Term Financial Plan and current economic situation.

The adopted 2020/21 budget included a 0% rate increase.

## Annual Compliance Audit Return 2020

|  |  |
| --- | --- |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **CEO** | Jim Duff – A/Chief Executive Officer |
| **Attachments** | 1. Compliance Audit Return 2020 |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – Council agreed that it should be noted that they are aware of the non-compliance items and reasons. Future Compliance Audit Returns to include further information included in the comments section.**

Moved – Councillor Youngman

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

Amendment

Moved - Councillor Smyth

Seconded - Councillor Coghlan

**Council notes the number of non-compliances in the Annual Audit Return 2020 and requests that the Acting CEO takes immediate action to address the non-compliant items.**

**The AMENDMENT was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**The Substantive Motion was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution**

**Council:**

* 1. **adopts the 2020 Compliance Audit Return as per recommendation by the Audit & Risk Committee.**
  2. **notes the number of non-compliances in the Annual Audit Return.**

Recommendation to Council

Council adopts the 2020 Compliance Audit Return as per recommendation by the Audit & Risk Committee.

**Executive Summary**

The 2020 Compliance Audit Return is an annual return that is required to be reviewed and adopted by Council prior to submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2021. The Audit & Risk Committee has reviewed the Audit Return and submits it for Council adoption.

**Discussion/Overview**

Local governments are required to complete the annual Compliance Audit Return. The attached return for the City of Nedlands is for the period 1 January 2020 to 31 December 2020. It is required to be review by the Audit and Risk Committee and then considered and adopted by Council, and submitted to the Department of Local Government, Sports and Cultural Industries by 31 March 2021.

In accordance with Regulation 14 and 15 of the Local Government (Audit) Regulations 1996 the 2020 Annual Compliance Audit Return must be:

1. Presented to the Audit and Risk Committee for review and then presented to Council;
2. Adopted by Council;
3. Recorded in the minutes of the meeting at which it was adopted; and
4. A certified copy of the return, along with a copy of the minutes recording its adoption, to be submitted to the Department by 31 March 2021.

The City’s 2020 Compliance Audit Return was completed in February by Management following a review and assessment of:

* Council meeting agendas and minutes;
* Performance plans, media advertisements, procedures and policies, registers, delegation records, local laws; and
* Interviews with responsible officers.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

The Audit and Risk Committee has reviewed the return at it’s meeting on Thursday 4 March 2021 and is now submitting the results of that review to Council.

**Budget/Financial Implications**

The 2020 Compliance Audit Return has been conducted using internal resources and there are no other financial impacts.

## City of Nedlands Mayoral Election

|  |  |
| --- | --- |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Executive Officer** | Nicole Ceric |
| **CEO** | Jim Duff, Acting Chief Executive Officer |
| **Attachments** | 1. Election Timetable |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Youngman

Seconded – Councillor Mangano

**Council Resolution**

**Council:**

1. **fixes in accordance with section 4.9(1) of the *Local Government Act 1995* the date of the extraordinary election to fill the vacancy of Mayor to be on Friday 18 June 2021 as per the timeline (attachment 1) provided by the Western Australian Electoral Commission; and**

**2. approves in accordance with section 6.8(1)(b) of the *Local Government Act 1995* the unbudgeted expenditure of $50,000 for the carrying out of the extraordinary election for the vacancy of Mayor.**

**CARRIED BY ABSOLUTE MAJORITY 7/5**

**(Against: Deputy Mayor McManus Crs. Hodsdon**

**Poliwka Wetherall & Senathirajah)**

Recommendation 1 to Council

Council:

1. instructs the Acting Chief Executive Officer to write to the Electoral Commissioner of the Western Australian Electoral Commission requesting the vacancy of Mayor remain unfilled until the October 2021 Ordinary Election; and
2. in the event the request is denied fixes in accordance with section 4.9(1) of the *Local Government Act 1995* the date of the extraordinary election to fill the vacancy of Mayor to be on Friday 18 June 2021 as per the timeline (attachment 1) provided by the Western Australian Electoral Commission and approves in accordance with section 6.8(1)(b) of the *Local Government Act 1995* the unbudgeted expenditure of $50,000 for the carrying out of the extraordinary election for the vacancy of Mayor.

ABSOLUTE MAJORITY REQUIRED

OR

Recommendation 2 to Council

Council:

1. fixes in accordance with section 4.9(1) of the *Local Government Act 1995* the date of the extraordinary election to fill the vacancy of Mayor to be on Friday 18 June 2021 as per the timeline (attachment 1) provided by the Western Australian Electoral Commission; and

2. approves in accordance with section 6.8(1)(b) of the *Local Government Act 1995* the unbudgeted expenditure of $50,000 for the carrying out of the extraordinary election for the vacancy of Mayor.

ABSOLUTE MAJORITY REQUIRED

**Executive Summary**

This report is provided for Council to consider options in relation to filling the vacancy of Mayor. Options for an extraordinary election and deferral to the October 2021 Ordinary Election have been provided.

**Discussion/Overview**

**Background**

Mayor de Lacy tendered her resignation to the Chief Executive Officer on the21st February 2021 effective from the 25th February 2021 therefore, leaving the Mayoral position vacant.

Mayor de Lacy’s term was due to expire at the October 2023 Ordinary Election. Any Extraordinary Election held now to fill this vacancy would only be for the balance of this term.

**Risk Management**

The holding of elections is highly regulated by the Local Government Act 1995, consequently, there is a risk of the City being non-compliant if it does not act expediently to arrange the extraordinary election or request for the vacancy to remain unfilled until the October 2021 Ordinary Election.

**Required by Legislation**

Local Government Act 1995

4.9. Election day for extraordinary election

1. Any poll needed for an extraordinary election is to be held on a day decided on and fixed —

(a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or

(b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).

1. The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
2. If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —

(a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and

(b) advise the CEO of the day fixed.

6.8. Expenditure from municipal fund not included in annual budget

1. A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
2. is incurred in a financial year before the adoption of the annual budget by the local government; or
3. is authorised in advance by resolution\*; or
4. is authorised in advance by the mayor or president in an

emergency.

**Key Relevant Previous Council Decisions:**

Extract Council Minutes – 23 April 2019 – Item 13.5 Future Elections and Polls to 2023

“Council:

1. declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible for the conduct of all future elections and polls until the end of 2023; and
2. decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting all future elections or polls will be as a postal election.”

**Consultation**

As this is a requirement under the Local Government Act 1995 the decision only requires consultation with the Deputy Mayor, the Western Australian Electoral Commission (WAEC) and Council.

Administration has consulted with Deputy Mayor McManus regarding setting a day for a Mayoral Election as required however, Deputy Mayor McManus declined to set a date and advised it would be more appropriate for Council as a whole to make a decision due to the timing and the associated unbudgeted expenditure which requires a Council resolution.

Administration have consulted with the Western Australian Electoral Commission who have provided the timeline (attachment 1) and requirements to run an extraordinary election and also the option to request the vacancy remain unfilled until the October 2021 Ordinary Election.

The necessary consultation and advertising required to run the election is set out in Part 4 of the Act and will be the responsibility of the returning officer appointed by the Western Australian Electoral Commission.

**Strategic Implications**

N/A

**Budget/Financial Implications**

The City held an extraordinary election in August 2020 to fill a vacancy in the Dalkeith Ward at a cost of $17,021.44 which was unbudgeted, holding a second extraordinary election in the current financial year 2020/21 would be the second unbudgeted expenditure for this financial year.

The Western Australian Electoral Commission have provided a cost estimate of $50,000 which has not been budgeted for in 2020/21 to run an extraordinary election.

Council would need to approve the unbudgeted expenditure, pursuant to section 6.8(1)(b) of the Local Government Act 1995 should they wish to provide with an extra ordinary election.

The Western Australian Electoral Commission have also provided a cost estimate of $5,000 to hold the Mayoral election in conjunction with the Ordinary Election in October 2021 which would be included in the annual budget for 2021/22 in addition to the $75,000 to be included for the October 2021 Ordinary Election. Therefore, a total $80,000 would need to be allocated for this purpose in the 2021/22 annual budget.

Section 4.16(4) provides that a Council may apply to the Electoral Commissioner to have an election for an Extraordinary Vacancy that occurs between the first Saturday in January and the first Saturday in July prior to an Ordinary Election, deferred until that Ordinary Election. Therefore, Council can seek approval from the Western Australian Electoral Commission requesting that this vacancy remain unfilled until the October 2021 Ordinary Election which would be the most cost effective and appropriate course of action.

Advice from the Western Australian Electoral Commission is that the Electoral Commissioner would agree to the vacancy remaining unfilled until the October 2021 Ordinary Election if requested by the City of Nedlands and this would be their preference however, the Western Australian Electoral Commission will conduct an extraordinary election if required to do so but having the vacancy unfilled until the October Ordinary Election would be a significant saving of $45,000 for the City of Nedlands.

**Conclusion**

In conclusion due to the significant unbudgeted amount, which is the second for this financial year, administration is recommending that Council make a request to the Electoral Commission to leave the position of Mayor unfilled until the October 2021 Ordinary Election.

A second recommendation has been provided should Council wish to proceed with an extraordinary election.

## Review of Wards & Representation

|  |  |
| --- | --- |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil |
| **CEO** | Jim Duff, Acting Chief Executive Officer |
| **Attachments** | 1. A Review of Wards and Councillor Numbers for the City of Nedlands - Options & Discussion Paper – December 2020 2. Review of Wards - Overall Summary |
| **Confidential Attachments** | * + - 1. Survey Responses - Review of Wards - Submission Forms |

Councillor Youngman left the meeting at 10.32 pm.

**Regulation 11(da) – Council noted the community submissions received but agreed that no change was needed.**

Moved – Councillor Mangano

Seconded – Councillor Bennett

**Council Resolution**

**That the City of Nedlands Council recommends to the Local Government Advisory Board that the current four wards structure and twelve (12) councillors, three (3 per ward) remain unchanged.**

Councillor Youngman returned to the meeting at 10.34 pm.

**CARRIED BY ABSOLUTE MAJORITY 8/4**

**(Against: Deputy Mayor McManus Crs. Poliwka Wetherall & Senathirajah)**

Recommendation to Council

That the City of Nedlands Council recommends to the Local Government Advisory Board that:

1. the current four wards structure remain unchanged; and
2. an order be made under section 2.18(3) of the *Local Government Act 1995* to reduce the number of offices of councillor on the Council from twelve (12) to eight (8) and designate the following number of offices of councillor for each ward: Coastal (2), Dalkeith (2), Hollywood (2) and Melvista (2).

ABSOLUTE MAJORITY REQUIRED

**Executive Summary**

Local Governments are required to assess Wards and Councillors numbers every eight years. This report concludes this process following public consultation as required under the Local Government Act 1995.

The last review of the wards in the City of Nedlands was undertaken in 2012 and it is now due to carry out another review.

**Discussion/Overview**

**Background**

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and the number of councillor representation for each ward and that no more than eight years elapses between successive reviews.

The City of Nedlands undertook its last review of wards and representation in 2012 and therefore as required a review is now due.

The City of Nedlands has four wards; Coastal, Hollywood, Melvista and Dalkeith.

The City of Nedlands has 12 councillors and a Mayor. Three councillors are elected for each ward.

Table: City of Nedlands elector to Councillor ratios - current situation

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Ward** | **Number of**  **Electors1** | **Number of**  **Councillors** | **Councillor/ Elector Ratio** | **% Ratio**  **Deviation** |
| Coastal | 4,320 | 3 | 1:1,440 | +12.16% |
| Hollywood | 4,046 | 3 | 1:1,349 | +5.04% |
| Melvista | 3,508 | 3 | 1:1,169 | -8.92% |
| Dalkeith | 3,533 | 3 | 1:1,178 | -8.28% |
| **Total** | **15,407** | **12** | **1:1,284** | Not applicable |

1. Number of electors at close of roll for the 19 October 2019 ordinary election.

The current local government reform process is considering prescribing councillor numbers to population though this has no legal standing presently. It would likely reduce the number of councillors in the City of Nedlands if it went forward.

**The Review Process**

The review process involves a number of mandatory steps:

* The Council resolves to undertake the review and advertise (this report)
* Public submission period opens
* Information provided to the community for discussion
* Public submission period closes
* The Council considers all submissions and relevant factors and makes a decision
* The Council submits a report to the Local Government Advisory Board (the Board) for its consideration
* If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister will be in place for the next ordinary election where possible.

**Implementation of Proposed Changes**

The local government can indicate to the Board when it prefers the implementation of proposed changes to take place. In most cases this will be at the next ordinary elections day however, there may be some instances where proposed changes to representation (e.g., a reduction in the number of offices of councillor created by a vacancy can take place the day after the date of gazettal) occur as soon as possible.

When offices of councillor are to be redistributed into new wards, or there is a reduction or increase in the number of offices of councillor, the implementation method should give consideration to clauses 1 and 2 of Schedule 4.2 of the *Local Government Act 1995*. As near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years.

**Key Relevant Previous Council Decisions:**

The most recent ward and councillor numbers assessment was carried out in 2012.

No changes were made to the ward boundaries or councillor representation per ward at that time.

At the 27 October 2020 Ordinary Council Meeting the following was resolved:

“That the item be deferred to an informal Councillor discussion.”

This discussion occurred on the 18 November 2020, and the matter was presented for Council determination for advertising purposes on the 15 December 2020 where Council Resolved the following:

Ordinary Council Meeting 15 December 2020 – Item 13.7 Review of Wards and Councillor Numbers

“Council Resolution

Council:

1. receives the Ward Review and Councillor Numbers Discussion Paper for the purposes of seeking public submissions; and
2. instructs the Chief Executive Officer to give local public notice of its intention to carry out a review of Wards and Councillor numbers and invites submissions as required under Clause 6(1) of Schedule 2.2 of the Local Government Act 1995.”

**Consultation**

A Ward Review and Councillor Numbers Discussion Paper was created to use in the Community Consultation to assist community members of understanding the review process and provide feedback.

The purpose of the community consultation was for the community to review the Ward Review and Councillor Numbers Discussion Paper and provide feedback on their preferred options.

The City undertook community consultation for six weeks from the 16 January - 1 March 2021.

The review was advertised in the Post newspaper on the 16 January 2021 and also advertised in the full page Nedlands News advertisement in the Post on the 6 February 2021. It was also advertised on Your Voice, the City’s engagement hub from that date as well.

The community were encouraged to complete a Submission Form with their preferences online during the consultation period and a total of 21 submissions were received.

21 submissions were received over the 48 days the community consultation was open.

To understand the reports from Your Voice Nedlands, stakeholders are classified as follows:

**Aware** –a visitor to Your Voice is aware when they have made one single visit to our project page.

**Informed** – a visitor who has taken the ‘next step’ from being aware and clicked on something on the Your Voice site e.g. A document or a photo.

**Engaged** – a visitor who has contributed to a survey (submission) or asked a question.

There was a total of 247 visits to the project page.

With 21 engaged visitors who completed a submission form.

93 visitors became informed.

215 visitors became aware.

58 visitors downloaded or viewed 66 documents from the document library.

14 visitors downloaded or viewed the FAQs relating to the review.

**Note: Totals listed below show more than 21 submissions due to some people selecting more than one option in a few of the questions which causes the disparity in submission numbers.**

The outcomes of Wards and Councillor numbers are list below with the residents preference of the current four wards with a reduction of Councillors from twelve(12) to eight (8) (two 2 per ward instead of the current 3 per ward):

|  |  |
| --- | --- |
| **The options for Wards are** | **Outcome** |
| No Wards \* | 1 |
| Two Wards | 6 \* |
| Three Wards | 3 |
| Four Wards | 14 |

\*One engaged visitor selected three options in Q6 (2, 3 and 4 Wards)

|  |  |
| --- | --- |
| **Options for Councillor numbers** | **Outcome** |
| 12 Councillors\* | 8 |
| 8 Councillors\* | 10 |
| 6 Councillors | 4 |
| Other \*\* | 1 - |

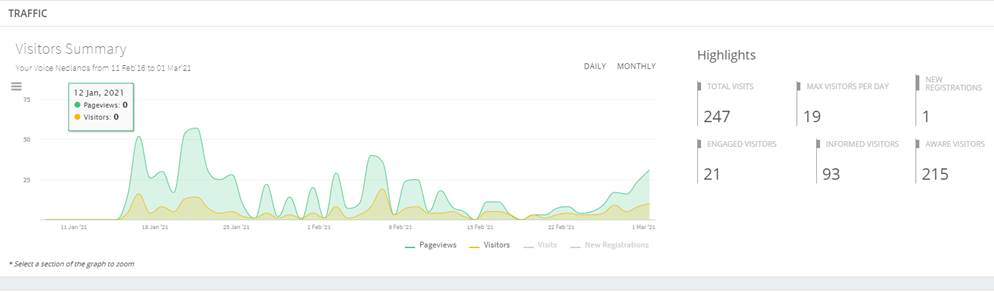
\* One engaged visitor suggested two options of 12 Councillors and 8 Councillors

\*\* Other - Suggestion of three wards with 9 Councillors (3 per ward).

As a small local government, it appears the community believes there is too much representation and believes savings can be made by reducing the number of Councillors but retain the current four ward structure.

**Key Comments:**

* City of Nedlands contains diverse demographics and land uses. Ward Councillors are important to make sure that the needs of these different stakeholders and uses are understood and properly represented.
* Have a North/South boundary best for a small City like Nedlands. Half the Councillors to six to save the City unnecessary additional expenses e.g., Legal fees for Councillors, travel and accommodation for Conferences, meals, workshops etc.
* Most support retaining four wards but with reduced Councillor representation, so they still provide a reasonable representation of ratepayers to councillors ratio. Believe there are too many Councillors which do not contribute effectively. Elected on basis of a certain interest group.



**Strategic Implications**

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

Engagement is a core part of the City’s community engagement strategy so fits with the strategic direction under the 2018-2028 Community Strategic Plan.

**Who benefits?**

The community benefits under this proposal as more funds can be directed to other City initiatives with the savings from accepting the reduction in Councillor Numbers.

**Does it involve a tolerable risk?**

Yes, as the City is a small local government and at present is overrepresented by having 4 wards with three Councillors per ward. The risk is greater by retaining the higher Councillor Numbers as it impacts on effective Council decision making.

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

Yes, the Your Voice reports are provided in full to support the summary information in this report.

**Does this affect any CEO Key Result Areas?**

Yes, effective community engagement and improvement of existing processes is one of the CEO’s KRAs.

**Budget/Financial Implications**

**Can we afford it?**

The direct impact of councillor number reductions is discussed in the options paper in Attachment 1. It is not possible to quantify indirect financial impacts of different ward or councillor numbers in terms of decision-making and strategic direction.

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

The direct impact of councillor number reductions is discussed in the options paper in Attachment 1.

**Conclusion**

It is noted that more feedback was received during this review compared to the last review done in 2012.

With only 21 community members providing input on behalf of over 22,000 residents, the City of Nedlands may need to consider further consultation to get an increase in feedback before accepting any recommendation to change.

However, as this decision does not directly relate to the City of Nedlands services or a rate increase, I believe the impact is low and acceptable. Reason for this is due to the review being advertised in the Post newspaper on two occasions and on our Your Voice engagement hub:

* Standalone advertisement in the Post on 16 January 2021
* Advertised in the Post in the City’s full page advertisement (Nedlands News) on 6 February 2021
* Online advertising via a dedicated Review page on Your Voice.

The Post has the largest readership in the Western Suburbs and based on this, community members had sufficient opportunity to see this information and provide feedback.

A reduction in Councillor numbers resulting in a reduction of associated costs, is something the community feel strongly about as mentioned in their feedback. The community has mentioned that for such a small local government of only 22,000 residents, feedback implies that having 12 Councillors is too many and impacts on the City’s ability to function effectively.

Therefore, following the required community consultation this report now concludes the required review process and it is recommended that Council adopts the recommendation to the Local Government Advisory Board to keep the current four (4) ward structure but reduce its representation to two (2) councillors per ward rather than three (3) as per the Community Feedback.

## Appointment of Acting Chief Executive Officer

|  |  |
| --- | --- |
| **Council** | 23 March 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **CEO** | Jim Duff, Acting Chief Executive Officer |
| **Attachments** | 1. Policy for Temporary Employment or Appointment of Acting CEO |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – Council agreed and end date for the acting period should be identified for clarity.**

Moved – Councillor Youngman

Seconded – Councillor Smyth

**Council Resolution**

**Council appoints Mr Ed Herne, to the Acting CEO role from 7 April 2021 for the period of 3 months maximum or until an interim CEO is appointed.**

Councillor Hodsdon left the meeting at 11.15 pm.

**CARRIED UNANIMOUSLY 11/-**

Recommendation to Council

Council appoints Mr Ed Herne, to the Acting CEO role from 7 April 2021.

**Executive Summary**

CEO Mark Goodlet resigned his position with the City of Nedlands his last working day was the 24 February 2021.

Mr Jim Duff, Director Technical Services is the current Acting CEO however, as per Council resolution of 2 February 2021 Council resolved to share the role among the three directors. Jim Duff, Director Technical Services has currently been in the role for 1 month ending on 6 April 2021 and therefore, Mr Ed Herne, Director Corporate & Strategy is now nominated for appointment by Council.

This appointment will see the continuation of the oversight of administrative functions and good governance of the City, it is necessary to have a higher duties Acting CEO with appropriate skills to bridge the gap.

In accordance with s5.39C of the Local Government Act 1995, a Policy for Temporary Employment or Appointment of an Acting CEO is now required.

**Discussion/Overview**

**Mr Edmund (Ed) Herne, interim Director Corporate and Strategy**

Mr Herne has over 35 years’ experience in senior positions in both the private and public sectors. Ed’s experience includes the role of Director Corporate Services for 13 years at the City of Stirling where he was responsible for the suite of corporate services including financial management, ICT, human resources and strategic asset management. Prior to joining the City of Stirling Ed held a similar position at Murdoch University.

Mr Herne holds a Bachelor of Business Degree and has been a CPA since 1981.

**Key Relevant Previous Council Decisions:**

11 February 2020

Council:

1. revokes Council Resolution, Item 10 “Chief Executive Officer Recruitment” to adopt the Terms of Reference and approve appointment of recruitment agents, of the Special Council Meeting 2 February 2021;
2. requests to the CEO that the Director Corporate and Strategy, Director Technical Services and Director Planning & Development share the position of Acting CEO on higher duties from 25 February 2021 until Council determines an interim or long-term CEO;
3. requests the CEO to advise the respondents to RFQ 2020-21.137 that no respondent has been selected;
4. requests the CEO to undertake a further request for quotation process to seek suitably experienced organisations from a wide field to provide recruitment services for (a) Interim CEO and (b) Long term CEO.
5. adopts the revised CEO Recruitment and Selection Committee 2021 Terms of Reference below, with deletions shown as strike through and additions shown in bold.

1. The CEO Recruitment and Selection Committee is to be an interim Committee for the life of the CEO recruitment and selection processes.

1. In accordance with Local Government Operational Guidelines Number 10 – Appointing a CEO (updated April 2019) and in the interests of professionalism for all parties and the reputation of the City, matters discussed and information relating to executive search companies that are commercial in confidence or relating to applicants and their details will be treated in the strictest confidence. All Councillors and staff dealing with the CEO recruitment and selection processes are to sign a confidentiality agreement.

1. The role of respective members of the Committee are to be clarified and confirmed – that is, the roles of the Mayor and Committee members and the roles of alternate Committee members, including whether the alternate Committee members are to act as proxies. That the alternate Committee members are to act as proxies, with voting rights if the respective Committee members cannot attend.

1. The CEO Recruitment and Selection Committee, will refine the requirements for the selection of the CEO and will assist with coordination of the process.The CEO Recruitment and Selection Committee may request the assistance of an independent human resources consultant.

1. The CEO Recruitment and Selection Committee will coordinate the end-to-end recruitment process, including working with an Executive Search consultancy as required to advertise for and search and select appropriate candidates.

1. The CEO Recruitment and Selection Committee will report back to Council at important points in the process as approved by Council and enable Council to make the final decision regarding selection and appointment of the interim CEO and the long-Term CEO**.**
2. The CEO recruitment process will operate in accordance with;
   * 1. section 5.39A “Model standards for CEO recruitment, performance and termination” of the Local Government Act 1995;
     2. regulation 18FA. “Model standards for CEO recruitment, performance and termination” of the Local Government (Administration) Regulations 1996;
     3. Schedule 2 — “Model standards for CEO recruitment, performance and termination” of the Local Government (Administration) Regulations 1996;
     4. prior to the determination of the position description and selection criteria for the long-term CEO, the independent person be appointed to the Committee; and
     5. that the Committee’s Recommendations for appointing the independent person be in accordance with the Department of Local Government Guidelines for CEO Recruitment; and

1. notes that the next meeting of the CEO Recruitment and Selection Committee 2021 will make recommendations to Council that comply with the new requirements under the Local Government Act 1995 and its subsidiary legislation, including, but not limited to;

1. Inclusion of an independent person on the committee;
2. Determining the position description; and
3. Determining the selection criteria.

**Consultation**

N/A

**Strategic Implications**

Ensures appropriate management and good governance.

**Budget/Financial Implications**

Within existing budget.

**Can we afford it?**

Backfilling essential positions ensures the continuation of the leadership and management of the City and is within existing budget.

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

No impact on rates as is within existing budget.

**Conclusion**

Council to endorse Ed Herne as the Acting CEO, pending the recruitment and appointment of an interim CEO.

Please note this item was brought forward see page 45.

## Consideration of Responsible Authority Report for 10 Multiple Dwellings at Lot 372 (No. 12) Philip Road, Dalkeith

|  |  |
| --- | --- |
| **Council** | 23 March 2021 |
| **Applicant** | Stewart Urban Planning Pty Ltd |
| **Landowner** | Gunner Development Pty Ltd |
| **Director** | Tony Free, Interim Director Planning and Development Services |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia*.* |
| **Report Type**  Information Purposes | Item provided to Council for information purposes. |
| **Reference** | DA20-57964 (DAP/20/01922) |
| **Previous Item** | Nil |
| **Delegation** | Not applicable – Joint Development Assessment Panel application. |
| **Attachments** | 1. Responsible Authority Report and Attachments |

# 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.

## Councillor Poliwka – Street Tree Council Policy

At the Council meeting on 23 February 2021 Poliwka gave notice of his intention to move the following at this meeting.

Moved – Councillor Poliwka

Seconded – Councillor Wetherall

**Council Resolution**

**Council instructs the CEO to:**

1. **review and update the Council’s Street Trees Policy (last updated in October 2015);**
2. **take into consideration the draft revised Street Trees Policy (Attachment 1) prepared by a volunteer community working group, as part of the update; and**
3. **present the updated Street Trees Policy to Council in May 2021 for approval to advertise for public comment.**

Councillor Hodsdon returned to the meeting at 11.17 pm.

**CARRIED UNANIMOUSLY 13/-**

Justification

1. The City of Nedlands street trees are a valuable asset to our community.

2. Increasing development in our City as a result of LPS3 is putting significant pressure on our urban tree canopy. It is proving difficult to obtain adequate deep soil planting in some proposed developments to match Nedlands existing urban tree canopy. Of particular concern is the subdivisions approved by WAPC and the grouped dwellings approved under delegated authority where grey surfaces significantly increase to the detriment of green surfaces (Figure 1).

3. As a comparison, the City of Bayswater has experienced this type of medium density development resulting in a recent report finding that in urban areas across Australia the City of Bayswater has experienced the largest increase in grey surfaces between 2016 and 2020 (Figure 2).

4. The greatest influence the City can have over increasing the urban tree canopy is on land that it either owns freehold (eg Peace Memorial Rose Gardens) or which is Crown land vested in the City (eg verges). The right street trees can make a significant difference to urban tree canopy cover in urban, spacious and low rainfall areas like Nedlands serving to reduce the heat island effect, as illustrated in Figure 3 and Figure 4.

5. The environmental and property value cost benefits alone have been calculated at $3.81 for every $1.00 spent on street tree planting and management.

Figure 1



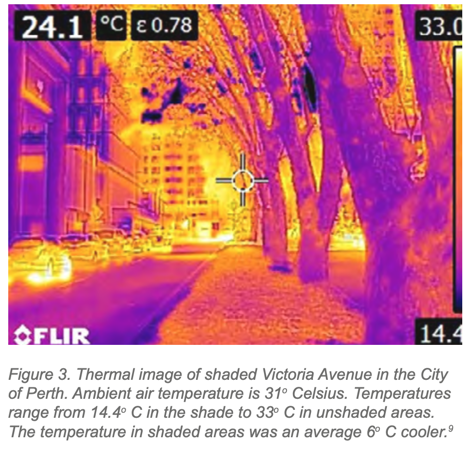
Figure 2

P3729#yIS1

Figure 3



Figure 4



## Councillor Youngman – Mayoral Election

**Please note Councillor Youngman withdrew this notice of motion as it was already resolved at item 13.5.**

On the 4 March 2021 Councillor Youngman gave notice of his intention to move the following at this meeting.

Council instructs the Acting Chief Executive Officer, through the Western Australian Electoral Commission, to commence the process for an extra ordinary election to elect a new Mayor for the City of Nedlands.

Justification

* Following the resignation of Mayor Cilla de Lacy, effective 25 February 2021, the City of Nedlands needs a new Mayor.
* Residents and ratepayers have a democratic right to have an elected Mayor in the role.
* The time period until the next Local Government elections in October 2021 is 8 months, too long for a caretaker position.
* The next Mayoral election for the City of Nedlands is October 2023 so effectively the term has 32 months to still run.
* This is a lengthy process and should be commenced as soon as possible.
* The City of Nedlands is missing an elected member during a time of exceptionally high workloads.
* Having an even number of elected members will see more casting vote decisions being made, these can at time be controversial and place undue pressure on the Presiding Member in front of the community.
* The Deputy Mayor filling the Mayoral duties without the benefit of the remuneration is unfair given the size of the current workload.
* The City of Nedlands is currently in need of a leadership re-set and this is the time to be proactive.
* The 2021 Local Government election for the City of Nedlands is not a Mayoral election, so there are extra costs in raising it to a Mayoral election.
* There is also the scenario that if a Councillor is elected Mayor, then a subsequent by-election would be required.  If the Mayor is elected ahead of the October 2021 Local Government election, the Councillor vacancy could be filled at the October 2021 election, thereby saving the cost of another by-election in 2022.
* The mover has requested administration to provide comparative costings for the 2017 ordinary half council election and the 2019 Mayoral plus half council election. At the time of writing this Notice of Motion no information had been received regarding comparative costs.

Administration Comment

Administration had advised that this notice of motion was not required as a report would be presented to Council with all the information including financial and other options for Council to make a fully informed decision on the Mayoral election required to elect a new Mayor for the City of Nedlands. This report has been presented earlier in this agenda.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 27 April 2021

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 April 2021 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.

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 11.18 pm.