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***Minutes***

***Council Meeting***

***24 August 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 Council Chambers, Nedlands and livestreamed on Tuesday 24 August 2021 at 7 pm.**

# Declaration of Opening

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

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

**Councillors** Mayor F E M Argyle (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

 Vacant Hollywood Ward

 Councillor J D Wetherall Hollywood Ward

 Councillor R A Coghlan Melvista Ward

 Councillor R Senathirajah Melvista Ward

 Councillor B Tyson 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 W R Parker Chief Executive Officer

 Mr E K Herne Director Corporate & Strategy

 Mr T G Free Director Planning & Development

 Mr A D Melville Acting Technical Services

 Ms M E Granich Executive Manager Community

 Mrs N M Ceric Executive Officer

**Public** There were 18 members of the public present and 0 online.

**Press** Nil.

**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 the Council meeting. Members of the public are also advised to wait for written advice from the CEO, on behalf of 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 would had registered that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

Nil.

# Addresses by Members of the Public

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

Mrs Helen Chatfield, Strickland Street, Mt Claremont PD27.21

(spoke in opposition to the recommendation)

Mr Brown, Strickland Street, Mt Claremont PD27.21

(spoke in opposition to the recommendation)

Mr Neil Croker, Kingsway, Nedlands CSD08.21

(spoke in support of the recommendation)

Mr Mark Vonic, Claremont Junior Football Club CSD08.21

(spoke in support of the recommendation)

Ms Margaret Brophy, Stanley Street, Nedlands Item 13.7

(spoke in opposition to the recommendation)

Ms Mei Lai Luy, Webster Street, Nedlands Item 13.7

(spoke in opposition to the recommendation)

# Requests for Leave of Absence

Nil.

# Petitions

Petitions to be tabled at this point.

## Miss Florence Long – Nedlands Primary – Save the Trees in Nedlands

The Presiding Member table a petition on behalf of Miss Florence Long and 192 other students from Nedlands Primary requesting that Council save the trees in Nedlands when in-fill developments occur, and the clearing of blocks is resulting in trees being removed.

Moved – Councillor Tyson

Seconded – Councillor Bennett

**That Council receive the petition.**

**CARRIED UNANIMOUSLY 12/-**

# Disclosures of Financial / Proximity Interest

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

## Councillor Smyth – 13.7- Consideration of Responsible Authority Report for 12 x Grouped Dwellings at 11 & 13 Webster Street, Nedlands

Councillor Smyth disclosed an impartiality interest in Item 13.7 - Consideration of Responsible Authority Report for 12 x Grouped Dwellings at 11 & 13 Webster Street, Nedlands. 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 September 2021. As a consequence, there may be a perception that my 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 believe 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 – 13.7- Consideration of Responsible Authority Report for 12 x Grouped Dwellings at 11 & 13 Webster Street, Nedlands

Councillor Bennett disclosed an impartiality interest in Item 13.7 - Consideration of Responsible Authority Report for 12 x Grouped Dwellings at 11 & 13 Webster Street, Nedlands. 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 September 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 believe 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.

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

Nil.

# Confirmation of Minutes

## Ordinary Council Meeting 27 July 2021

Moved – Councillor Senathirajah

Seconded – Councillor Wetherall

**The Minutes of the Ordinary Council Meeting held 27 July 2021 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

## Special Council Meeting 1 July 2021

Moved – Councillor Hodsdon

Seconded – Councillor McManus

**The Minutes of the Special Council Meeting held 1 July 2021 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

# Announcements of the Presiding Member without discussion

The Presiding Member gave the following announcement:

Well greetings friends,

1. Just 60 days in the job, I am extremely proud we have together removed the smoldering agenda of sale city assets – now off the table.

Also, the rate freeze. Thank you Councillors. There is so much optimism in the community. It is greatly appreciated.

It’s been a busy time.

1. I have been meeting so many people. I say hello to everyone, I ask them what’s your name, do you live in the city, what’s your hobby, what keeps you busy…I have learnt so much. There is an incredible array of people, QC’s, scientists, award winning architects, tech leaders, medical leaders, sport leaders, former heads of the property council, heads of the engineering council. They are the most incredible people, our people our the brightest of the right and the kindest of the kind – they are our best asset.
2. Of the Meetings of note

I have met with the Vice Chancellor of UWA, Prof Amit Chakha – who is keen to support the city.

Together with the acting CEO, there was a tour of the new ED department at the largest Private hospital in Australia, bigger than Charlie and Fiona Stanley, Hollywood Private Hospital. Established a working relationship with the CEO, Peter Mott. This asset is in the middle of our city- and we are so fortunate,

Met with Dr Katrina Stratton, the MLA for Nedlands. We discussed underground power, among other matters. Th meeting was a success and the communication between local and state government is now open.

Met the people behind the safe active street to learn a greater understanding as to why and how it came into being, Met wonderful women at Miss Annie’s, and the ladies behind the Floreat Toy Library, as well as Romaine from PRROC. There is a major focus on early childhood education, long term benefits, exciting to see this being a strong point in the city.

Down at the Swanbourne Nedlands Surf Club, Mr John Oldfield been a member there since 1945, looking for more people to join to the club. I will be one of them. Swanbourne to Cottesloe swim, all be a part of. Lets hope the sharks are not biting this day. On the day launched the Cygnet 9 and 10, two great looking surf boats. I also spoke with them about the loss of beach. For every 1 cm sea level rise the club will lose 1 m of beach – this will be a challenge for our city moving forward.

My personal quest and mission for a Park Connector Network in the City continues - this is a green super highway for the people. I presented this to council over a year ago. In order to make this happen, I have met with Woodside and Shell, Hon Ian Campbell, in order to link it to the children’s bridge in kings Park. Spoken to the dept of transport- need to build underpasses. They asked for the cars? I said no for the people. Need to build a city for the people in a garden – not for the cars!

1. Conclusion

Chatting to everyone I met, everyone has a story, it reminded me – something I already knew. We live in the most magnificent part of the world. The city of Nedlands is the best of the best. The people potential here is quite simply unrivalled.

In light of this, I call on all councillors to do their absolute best, and this is for me also, to bring my A game to every council meeting.  This is the window into our great city- Imperative, this council meeting runs smoothly, deliver the business of the day with professionalism and acumen.

With the right plan, vision, and leadership from all of us and the executive team, we can and will become one of the greatest cities in the country.

Thank you.

# Members announcements without discussion

## Councillor Smyth

Councillor Smyth provided the following list of events she had attending during July & August 2021

WALGA Central Metropolitan Zone Meeting – 19 August 2021 at 6:00pm at the Town of Cambridge, 1 Bold Park Drive, Floreat WA

Agenda & Minutes available on WALGA website <https://walga.asn.au/About-WALGA/Structure/Zones/Central-Metropolitan-Zone.aspx>

Mayor Fiona Argyle, CEO Bill Parker also attended.

Lake Claremont Advisory Committee meeting – 12 August 2021 at 8:00am at the Town of Claremont

Agenda & Minutes available on Town of Claremont website <https://www.claremont.wa.gov.au/Council/Committee-and-Council-Meetings>

Attended with social distancing.  Councillor Bennett also attended.

SSSI Digital Twin Seminar – 5 August 2021 at 3:00am at Main Roads WA

Presentations included:

* City of Perth’s Digital Twin Journey Shervin Family, City of Perth.
* Logistics Digital Exploration Dominique Thatcher, Fremantle Ports.
* Information Twin - Challenging the Status Quo [Anwar Lowther](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linkedin.com%2Fin%2Fanwar-lowther-459456a9%2F%3ForiginalSubdomain%3Dau&data=04%7C01%7Cnceric%40nedlands.wa.gov.au%7Cac9999210ec841dbac7708d966a67f91%7Cd583947c8c4246bd927527ca45e5e84c%7C0%7C0%7C637653687554908937%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=qStvaDWNB3110LGXIZS5TPjMpZoQayx83q%2FnECTSjN8%3D&reserved=0), Aurecon.
* Towards a 3D Cadastral System for WA [Murray Dolling](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linkedin.com%2Fin%2Fmurray-dolling-9a534333%2F&data=04%7C01%7Cnceric%40nedlands.wa.gov.au%7Cac9999210ec841dbac7708d966a67f91%7Cd583947c8c4246bd927527ca45e5e84c%7C0%7C0%7C637653687554913919%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=09l0LvBsqvBYEQfWuizLrfZ5mO78Z0bpk7otHtM0LfM%3D&reserved=0), Landgate.

Precinct Planning Sessions

* Broadway Precinct CRG Workshop #1 – Thursday 5 August 2021 – 6.00pm – 8.00pm at Acorn Room, Guild Village at the University of Western Australia
* Broadway Precinct CRG Workshop #2 – Saturday 21 August 2021 – 9.30am – 2pm at Acorn Room, Guild Village at the University of Western Australia
* Nedlands Stirling Highway Activity Corridor SRG Workshop #2 - Saturday 7 August 2021 - 9:30am - 1:30pm at the Banksia Room, Mt Claremont Community Centre
* Waratah Village Precinct CRG Workshop #1 - Monday 21 June 2021 – 6.00pm – 8.00pm at Banskia Room - Mt Claremont Community Centre
* Waratah Village Precinct CRG Workshop #2 - Saturday 17 July 2021 - 9.30am – 1.30pm at Banskia Room - Mt Claremont Community Centre
* Waratah Village Precinct CRG Workshop #3 - Monday 2 August 2021 from 6pm-8pm at Banskia Room - Mt Claremont Community Centre

DAP Meetings (x1)

Metro Inner North JDAP meeting #99 – 20 August 2021 at 9:00am at the City of Nedlands Council Chambers, 71 Stirling Highway, Nedlands to determine the following applications:

Attended in person with Councillor Coghlan.

Lot 551 (119A) Broadway, Nedlands

Mixed Use Development – 15 Multiple Dwellings with office & consulting rooms.

The RAR Council & Officer recommendation for a 90-day deferral was moved CARRIED 4/1

And

Lot 684 (135) Broadway, Nedlands

Change of Use from Mixed Use Development (20 Serviced Apartments, 8 Multiple Dwellings and Café) to 16 Multiple Dwellings.

The RAR recommendation for refusal of the Form 2 type application due to a substantial change under clause 17(1)(c) was moved with modifications\* and CARRIED 5/-

## Councillor Mangano

Councillor Mangano referred to a letter to the Post on Page 20 of last week’s Post Newspaper and also the previous week, showing Planning Minister Rita Saffiotti and Paul Blackburne of Blackburne and Chris Palandri of Multiplex at a turning of the sod ceremony at Blackburne’s apartment development in Claremont, which has many negative impacts on the amenity of the neighbouring residents.

Councillor Mangano advised he would like to know how much money Blackburne and Multiplex have donated to the Labor Party either directly or indirectly.

The attendance of the Minister of these types of events shows why the planning system in Western Australia is broken. Councillor Mangano doubted extremely that the Minister would attend a meeting of the affected residents if they requested one.

# 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 Coghlan

Seconded – Councillor Wetherall

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

**Confidential CEO Recruitment & Selection Committee 9 August 2021**

Unconfirmed, Circulated to Councillors on 18 August 2021

 **CARRIED UNANIMOUSLY 12/-**

Moved – Councillor Tyson

Seconded – Councillor Senathirajah

**Council Committee 10 August 2021**

Unconfirmed, Circulated to Councillors on 18 August 2021

**CARRIED UNANIMOUSLY 12/-**

**Note: As far as possible all the following reports under items 12.2, 12.3, and 13.1 will be moved en-bloc and only the exceptions (items which Council Members wish to amend) will be discussed.**

En Bloc

Moved - Councillor Hodsdon

Seconded – Councillor Horley

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, and 13.1 with the exception of Report Nos. PD27.21 are adopted en bloc.**

**CARRIED 11/1**

**(Against: Cr. Mangano)**

## Planning & Development Report No’s PD27.21 (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.

|  |  |
| --- | --- |
| **PD27.21** | **Reconsideration of Planning Application – No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)** |
|  |
| **Committee** | 10 August 2021 |
| **Council** | 24 August 2021 |
| **Applicant** | David Joseph |
| **Landowner** | D Joseph and C Joseph |
| **Director** | Tony Free – Director Planning & Development  |
| **Employee Disclosure under section 5.70 Local Government Act 1995**  | 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. Extract of 23 March 2021 OCM – Agenda containing report with recommendation to Council
2. Extract of 23 March 2021 OCM – Minutes
 |
| **Confidential Attachments** | 1. Plans
2. Updated Management Plan
 |

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Councillor Bennett left the meeting at 7.58 pm and returned at 8pm.

Lost 5/7

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

**Regulation 11(da) – Council agreed that the Management Plan did not meet the Policy Objective of the City of Nedlands Short Term Accommodation Local Planning Policy.**

Moved – Councillor Smyth

Seconded – Councillor Tyson

**Council Resolution**

**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) Strickland 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;**

**3. The proposal would have a detrimental impact on the existing residential amenity and character of the immediate low density residential area; and**

**4. The Management Plan proposed does not meet the Policy Objective of the City of Nedlands Short Term Accommodation Local Planning Policy as the short term accommodation does not maintain a high standard of amenity for the surrounding neighbourhood through the management controls.**

**CARRIED 7/5**

**(Against: Mayor Argyle Crs. McManus**

**Hodsdon Wetherall & Senathirajah)**

Committee Recommendation

In accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, Council approves the development application received on 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions:

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 6 months from the date of this approval.
3. The Management Plan date stamped 9 July 2021 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.
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.

Recommendation to Committee

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) Strickland 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.

## Community Services & Development & Report No CSD08.21 (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.

|  |
| --- |
| **CSD08.21 CSRFF Applications: Nedlands Tennis Club & Claremont Junior Football Club** |

|  |  |
| --- | --- |
| **Committee** | 10 August 2021 |
| **Council** | 24 August 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the *Local Government Act 1995***  | Nil |
| **Officer** | Marion Granich - Executive Manager Community |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Hodsdon

Seconded – Councillor Horley

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

**Council Resolution / Committee Recommendation**

**Council:**

1. **advises the Department of Local Government, Sport and Cultural Industries that it has ranked and rated the applications to the current Community Sport and Recreation Facilities Fund Small Grant Round as follows:**
	1. **Nedlands Tennis Club - Upgrade Synthetic Grass Courts to Hard Surface & Upgrade Lighting to LED: Well Planned and Needed by Applicant (B Rating); and**
	2. **Claremont Junior Football Club - Equipment Storage Shed: Well Planned and Needed by Applicant (B Rating);**
2. **endorses the Nedlands Tennis Club application and the Claremont Junior Football Club application to Department of Local Government, Sport and Cultural Industries, conditional on:**
	1. **all necessary statutory approvals are obtained by the applicants; and**
	2. **the projects receive DLGSC funding;**
3. **approves a grant of $59,534 (ex GST) to the Nedlands Tennis Club for its Upgrade of 2 Grass Courts to Hard Surface and Lighting Upgrade to LED project;**
4. **approves a grant of $6,000 (ex GST) to the Claremont Junior Football Club for its storage shed project.**

Recommendation to Committee

Council:

1. advises the Department of Local Government, Sport and Cultural Industries that it has ranked and rated the applications to the current Community Sport and Recreation Facilities Fund Small Grant Round as follows:
2. Nedlands Tennis Club - Upgrade Synthetic Grass Courts to Hard Surface & Upgrade Lighting to LED: Well Planned and Needed by Applicant (B Rating); and
3. Claremont Junior Football Club - Equipment Storage Shed: Not Recommended (F Rating);
4. endorses the Nedlands Tennis Club application 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 DLGSC funding; and
5. approves a grant of $59,534 (ex GST) to the Nedlands Tennis Club for its Upgrade of 2 Grass Courts to Hard Surface and Lighting Upgrade to LED project.

# Reports by the Chief Executive Officer

## Review of Assignment of House Numbers Council Policy and Graffiti Management Council Policy

|  |  |
| --- | --- |
| **Committee** | 10 August 2021 |
| **Council** | 24 August 2021 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under section 5.70 Local Government Act 1995**  | Nil. |
| **CEO** | Bill Parker |
| **Attachments** | 1. Assignment of House Numbers
2. Graffiti Management
 |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Hodsdon

Seconded – Councillor Horley

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

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

**Council adopts the following Council Policies:**

1. **Assignment of House Numbers Council Policy (attachment 1); and**
2. **Graffiti Management Policy (attachment 2).**

**Executive Summary**

All Council policies are required to be reviewed regularly and approved by Council. This report contains policies that have been reviewed and require formal Council adoption.

**Discussion/Overview**

Council policies are reviewed periodically to ensure they reflect the strategic direction and responsibilities of Council and are kept up to date.

The procedure for policy reviews is as follows:

* Policies will be reviewed and updated by relevant staff with any amendments due to changes in any Legislation, Local Laws, Regulations etc. and recommendations made to the Executive Management Team;
* Staff recommendations are reviewed by the Executive Management Team and the CEO and amended as required and recommendations made to Council;
* Where there are major amendments to existing policies these policies are then presented at a Councillor Briefing for discussion prior to presentation to Council;
* Where a number of policies have common themes, these policies may be combined to establish a new policy. Redundant and old policies will be revoked where they are substantially changed, and a new replacement policy will be presented at a Councillor Briefing for discussion prior to presentation to Council; and
* Administration may at times recommend a policy be revoked with no Council Policy to replace it. This may occur when it has been identified that the policy is operational or covered under legislation and/or the responsibility of the Chief Executive Officer.

Policy statements should provide guidance for decision-making by Council and demonstrate the transparency of the decision-making process.

**Assignment of House Numbers Council Policy**

This policy has been reviewed by the relevant staff, Executive Management Team and the Chief Executive Officer and only two minor changes are recommended (as showed in track changes in attachment 1). The first change being the removal of the reference to KFA (Key Focus Areas) in the Strategic Community Plan as these are no longer listed in the City’s current Strategic Community Plan and also the removal of the remove of the Manager Building Services and replacing with Director Planning & Development.

**Graffiti Management Council Policy**

This policy has been reviewed by the relevant staff, Executive Management Team and the Chief Executive Officer and only two minor changes are recommended (as showed in track changes in attachment 2). The first change being the removal of the reference to KFA (Key Focus Areas) in the Strategic Community Plan as these are no longer listed in the City’s current Strategic Community Plan and other minor changes as tracked for clearer understanding of intent and what can be done under this policy.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Council Policies with only minor changes are reviewed by relevant staff followed by the Executive Management Team and then referred to Council requesting feedback to ascertain whether a Council Member Workshop is required.

The Assignment of House Numbers Council Policy and Graffiti Management Council Policy was circulated to Council Members via email on the 26 June 2021 requesting feedback by Friday 2 July 2021.

As only a few minor questions were received from 2 council members it was concluded that a workshop was not required, and the policies could proceed to a Council Meeting for formal review and adoption.

**Budget/Financial Implications**

Nil.

**Conclusion**

The Council Policies listed in this report have been reviewed and are now presented to Council for formal review in accordance with the Review of Policies Council Policy and are recommended for adoption with minor changes.

## City of Nedlands Election Caretaker Policy

|  |  |
| --- | --- |
| **Council** | 24 August 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **CEO** | Bill Parker, Chief Executive Officer |
| **Attachments** | 1. City of Nedlands Election Caretaker Policy
 |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – Council agreed that it was too close to an election and wanted more time to consider the policy.**

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Lost 5/7

(Against: Crs. Horley Smyth Bennett Mangano

Youngman Coghlan & Tyson)

Recommendation to Council

That Council adopt the City of Nedlands Election Caretaker Policy, as per attachment 1.

**Executive Summary**

This Policy establishes protocols for the purpose of avoiding actual and perceived advantage or disadvantage to a candidate in a Local Government Election, using public resources or decisions made by the Council or administration on behalf of the City of Nedlands during the period immediately prior to an election.

The draft Policy (attachment 1) proposed for adoption by Council will ensure that certain types of decisions to be taken, or actions to be made cannot be construed to be for the “benefit” of council members renominating for Council.

Similarly, it will ensure that the public roles and duties of the Mayor, or Deputy Mayor, when acting) cannot be construed to be advantageous, if nominating for election.

The draft Policy will require some careful planning by the CEO to ensure major expenditures or decisions of a certain type are not made (or needed to be made) during the caretaker period - although there are provisions for such matters to be addressed if urgent to do so.

The draft policy is proposed to apply to Council Members and Employees during a ‘Caretaker Period’ relevant to:

* Decisions made by the Council
* Decisions made under delegated authority
* Decisions made administratively
* Promotional materials published by the City of Nedlands
* Discretionary community consultation
* Events and functions, held by the City of Nedlands or other organisations
* Use of the City of Nedlands’ resources
* Access to information held by the City of Nedlands.

It also introduces the concept of Significant Expenditure and a Significant Local Government Decision – both matters which will be avoided during the caretaker period.

If circumstances arise that necessitate consideration and determination of such matters then the Policy sets out a process for Council, or the CEO to be able to do so.

There will be a need for Council and the CEO to carefully evaluate and “avoid” upcoming matters that may require determination and implementation during the caretaker period.

Similarly, events and functions arranged by the City will need to be carefully thought through to ensure there is no perception that council members are being favoured with high media profiles or major expenditure decisions in the lead up an election.

There are some key issues for Council to address including:

* whether the Policy should only apply to ordinary elections, or ALL elections
* the amounts of expenditure that will be the specified amounts for “Significant”

In addition, the draft Policy proposes careful management of media statements and inquiries, where the Mayor is a candidate for election, ‘temporary editing’ of council member profiles at the City website to ensure no ‘political’ or ‘policy’ statements are being promoted by the City, as its website and careful management of access to, and use of the City’s social media.

**Discussion/Overview**

**Background**

Several years ago, when the review of the Local Government Act 1995 commenced, and several discussion papers were released it was indicated that local governments would be required to make and adopt an election caretaker policy.

To date this requirement has not been formalised in legislation but many local governments have already moved to make and adopt such a Policy.

In advance of the October 2021 ordinary local government elections, it is timely for Council to consider the adoption of an election caretaker policy.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Consideration given to approaches taken by other local governments in guiding drafting of proposed Policy.

**Strategic Implications**

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

The introduction of this Policy aligns with the ‘Great Governance and Civic Leadership’ value as outlined within the Strategic Community Plan.

**Who benefits?**

 The broader community will benefit from improved levels of transparancy.

**Does it involve a tolerable risk?**

The new Policy will mitigate the risk associated with significant decisions being made during the caretaker period.

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

 A number of local governments have introduced similar policies. The City has reviewed the incorporated elements from other local governments.

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

N/A

**Budget/Financial Implications**

No specific financial implications arise from the adoption of the draft Policy; however, care and planning will need to occur in the lead up to local government elections to ensure the Policy is not contravened in relation to types of decisions.

**Conclusion**

It is timely for the City to make and implement an election caretaker policy to ensure avoiding actual and perceived advantage or disadvantage to a candidate in a Local Government Election, using public resources or decisions made by the Council or administration on behalf of the City of Nedlands during the period immediately prior to an election.

## Street Trees Council Policy Review

|  |  |
| --- | --- |
| **Council** | 24 August 2021 |
| **Applicant** | City of Nedlands  |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995**  | Nil |
| **Director** | Andrew Melville – Acting Director Technical Services  |
| **Attachments** | 1. Draft Revised Street Trees Policy
2. Draft Revised “Approved Street Trees Species List”
 |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Bennett

Seconded – Councillor Tyson

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

**Council:**

1. **acknowledges the draft revised Street Trees Policy and Approved Street Trees Species List; and**
2. **approves advertising the draft revised Street Trees Policy as per attachment 1 and Approved Street Trees Species List as per attachment 2 for public comment.**

**Executive Summary**

All Council policies are required to be reviewed regularly and approved by Council. At its meetings on 23 March 2021 and 22 June 2021, Council resolved for the Street Trees Policy to be reviewed and updated taking in consideration the volunteer community working groups draft revised policy. This report presents the revised Policy to Council and seeks approval to advertise the draft Policy for public comment in accordance with Council’s previous resolutions.

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

**Background**

Council’s Street Trees Policy was last updated on 27 October 2015. The City has experienced an increase in development on private land in the ensuing period, particularly since the gazettal of Local Planning Scheme 3 (LPS 3) on 16 April 2019. The extent of the increase in development in recent times has resulted in loss of tree canopy cover on private land and impacted preservation of existing street trees.

Foreshadowing the implementation of LPS 3, Council adopted the Urban Forest Strategy (Strategy) on 27 November 2018. A key component of the Strategy is management of the City’s public tree assets. Of note, the Strategy has identified the future importance the City’s public tree assets, inclusive of street trees. Public tree assets will play an increasingly significant role in maintaining the City’s urban forest canopy cover and resultant quality living environment. Having identified the importance that the City’s street trees play in preserving many inherent benefits to the community, the revised Policy endeavors to strengthen protections and expansion of the City’s street tree assets.

**Key Relevant Previous Council Decisions:**

* Ordinary Council Meeting 23 March 2021 – Item 14.1, Notice of Motion – Councillor Poliwka - Street Tree Council Policy

“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.”
* Ordinary Council Meeting 22 June 2021 – Item 12.3, Report TS11.21

“Council Resolution

Council requests the CEO to ensure that the previous resolutions of Council regarding review of the "Street Tree Policy" and review of the directly associated "Preferred Street Tree Species List" are to be honoured by arranging a meeting in July attended by the relevant administration staff, any interested Council members, Prof Hans Lambers and a delegation from Nedlands Tree Canopy Advocates so that amendments to this policy and associated list can be prepared to advertise for public comment ready for final approval by Council at the August 2021 Council meetings.”

**Consultation**

In accordance with Council’s resolution of 22 June 2021, the relevant Administration staff met on 3 August 2021 with interested Councillors, Prof. Hans Lambers and delegates from the Nedlands Tree Canopy Advocates. Based on outcomes arising from this meeting, the revised Policy and Approved Street Trees Species List (Street Trees List) was presented to Councillors to seek feedback at a briefing session held on 3 August 2021. Following the Councillor feedback session, it has now been prepared for Council approval in order for the Administration to advertise the draft Policy for public comment.

**Strategic Implications**

The draft revised Policy seeks to align with the strategic priorities contained within the Strategic Community Plan – Nedlands 2028. These priorities include protection of the City’s quality living environment through providing, retaining, and maintaining public trees in streets and on reserves to at least maintain the urban forest canopy.

**Budget/Financial Implications**

Council provides funding for the planting and maintenance of street trees within the City’s annual operational budget. Currently, the annual operational budget provides for planting of approximately 500 street trees per annum and funding to cover a basic level of service for maintaining the City’s existing street trees. If adopted, the revised Policy and Street Trees List should not materially impact operational budgets in the short term. In the longer term, the City expects there to be budget implications associated with managing an increased number of street trees.

**Conclusion**

The revised Policy and Street Trees List is presented for approval to advertise for public comment following input from key stakeholders. Proposed amendments to the current Policy seek to highlight and enhance the future role that the City’s street tree assets will play in maintaining the quality living environment within the City.

## Monthly Financial Report – July 2021

|  |  |
| --- | --- |
| **Council** | 24 August 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 31 July 2021
2. Capital Works & Acquisitions – 31 July 2021
3. Statement of Net Current Assets – 31 July 2021
4. Statement of Financial Activity –31 July 2021
5. Borrowings – 31 July 2021
6. Statement of Financial Position – 31 July 2021
7. Operating Income & Expenditure by Reporting Activity – 31 July 2021
8. Operating Income by Reporting Nature & Type – 31 July 2021
 |

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

Moved – Councillor Senathirajah

Seconded – Councillor Coghlan

**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 31 July 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.

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

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

This report gives an overview of the revenue and expenses of the City for the year to date 31 July 2021 together with a Statement of Net Current Assets as at 31 July 2020.

The operating revenue at the end of July 2021 was $659k which represents $1.17m unfavourable variance compared to the year-to-date budget.

The operating expense at the end of July 2021 was $2.14m, which represents $1.69m favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 266,937

The Favourable expenditure variance is mainly due to:

* Professional and Other employee expense of $225k not spent yet.
* HR Staff recruitment cost of $21k not spent yet.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 335,742

Revenue: Unfavourable variance of $ (85,120)

The favourable expenditure variances are mainly due to:

* Corporate services ICT expense of $ 12k not spent yet.
* ICT Professional fees, ICT expenses and Special Projects of $295k not spent yet.

Unfavourable revenue variances are mainly due to:

* Delay in raising invoices for rental income of $25k;
* Rates profiling of $51k.

**Community Development and Services**

Expenditure: Favourable variance of $ 110,036

Revenue: Favourable variance of $ 33,832

The favourable expenditure variance is mainly due to:

* Community development operational activities, donations and other employee costs of $11k not expensed yet.
* PRCC amount of $20k not spent yet.
* Library amount of $ 35k not spent yet.

The favourable income variance is mainly due to:

* Increase Tresillian fees & charges of $39k.
* Offset by lower NCC income of $8k.

**Planning and Development**

Expenditure: Favourable variance of $ 514,050

Revenue: Unfavourable variance of $ (324,309)

The Favourable expenditure variance is mainly due to:

* Urban Projects expenses of $305k not spent yet.
* Planning salaries and professional fees of $88k not spent yet.
* Operation activities and other employee costs of $69k not spent yet.

The Unfavourable revenue variance is mainly due to:

* Lower fees & charges from Planning and building services of $296k.

**Technical Services**

Expenditure: Favourable variance of $ 468,970

Revenue: Unfavourable variance of $ (803,184)

The favourable expenditure variance is mainly due to:

* Maintenance expense not expensed yet for Street Road and depots, Waste management and park services of $326k.
* Insurance expense of $142k is due to delay in receiving invoices.

The Unfavourable revenue variance is mainly due to:

* Issuing rates notices in August that includes waste services of $815k.

**Borrowings**

As at 31 July 2021, we have a balance of borrowings of $1.35m.

**Net Current Assets Statement**

At 31 July 2021, net current assets were $3.07m compared to $29m as at 31 July 2020. This is due the rates notices being issued in August($25m) compared to July last year. Current assets are lower by $24m compared to 30 June 2020 offset by increased current liabilities of $937k.

Outstanding rates debtors are $288k as at 31 July 2021 compared to $31m as at 31 July 2020. Breakdown as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **31July 2021****($000)** | **31July 2020****($000)** | **Variance****($000)** |
| **Rates** | $200 | $23,553 | ($23,353) |
| **Rubbish & Pool** | $38 | $3,215 | ($3177) |
| **Pensioner Rebates** | $8 | $1178 | ($1170) |
| **ESL** | $37 | $3773 | ($3736) |
| **Other Services**  | $4 | $4 | 0 |
| **Total** | $288 | $31,723 | ($31,436) |

**Capital Works Programme**

As at 31 July, expenditure on capital works was $48k with additional capital commitments of $1.6m which represents 20% of a total budget of $8.24m.

**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 | 164 |
| Number of contract employees (temporary/agency) as of the last day of the previous month | 8 |
| \*Occupied FTE (Full Time Equivalent) count as of the last day of the previous month | 139.58 |
| Number of unfilled employee positions at the end of each month | 42 |

Employee turnover has been significantly high throughout calendar year 2021. There are early signs of reduction in turnover. Occupied FTE has trended down to 139.58 due to lag time between resignation and backfilling positions in a competitive employee market and a number of prospective employees declining offers. There are 42 unfilled employee positions (end July) compared to 29 unfilled employee positions (end June). This includes new project positions for the introduction of the ERP; backfilling of civil design roles; long-term CEO and director roles; library and administration roles; and parks and works roles.

**Conclusion**

The statement of financial activity for the period ended 31 July 2021 indicates that operating expenses are change-to-date budget by 44.17% or $1.69m, and revenue is under the budget by 64.13% or $1.17m.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Strategic Implications**

The 2021/22 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 2021/22 approved budget ensures that there is an equitable distribution of benefits in the community.

The 2021/22 budget was prepared in line with the City’s level of tolerance of risk and it is managed through budgetary review and control.

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

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – July 2021

|  |  |
| --- | --- |
| **Council** | 24 August 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Investment Report for the period ended 31 July 2021
 |

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

Moved – Councillor Wetherall

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

**Council receives the Investment Report for the period ended 31 July 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.

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

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

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

The Investment Summary shows that as at 31 July 2021 and 31 July 2020 the City held the following funds in investments:

|  |  |  |
| --- | --- | --- |
|  |  **31-Jul-2021** |  **31-Jul-2020** |
| Municipal Funds | $ 5,319,779  |  $ 5,902,735  |
| Reserve Funds | $ 3,575,562 |  $ 1,887,192 |
| Total investments | $ 8,895,341 |  $ 7,789,927 |
|  |  |  |

The City has $5.8m in a 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 31 July 2021 was $1,820.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $2,965,653 |  0.27% - 0.30% |  33.34% |
| Westpac | $1,994,753 | 0.22% - 1.05% |  22.42% |
| ANZ | $1,187,960 | 0.10%  |  13.35% |
| CBA | $2,746,975 |  0.16% - 0.25% |  30.89% |
| **Total** | **$8,895,341** |  | **100.00%** |

**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes [ ]  No [x]

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

**Strategic Implications**

The investment of surplus funds in the 2021/22 approved budget is in line with the City’s strategic direction.

The 2021/22 approved budget ensured that there is an equitable distribution of benefits in the community.

The 2021/22 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 2021/22 approved budget was based on economic and financial data available at the time of preparation of the budget.

**Budget/Financial Implications**

The July YTD Actual interest income from investments is $1,820 compared to the July YTD Budget of $3,500.

## List of Accounts Paid – July 2021

|  |  |
| --- | --- |
| **Council** | 24 August 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 – July 2021; and
2. Credit Card and Purchasing Card Payments – July 2021
 |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Tyson

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

**Council receives the List of Accounts Paid for the month of July 2021 as per attachments 1 and 2.**

**Executive Summary**

In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* Administration is required to present the List of Accounts Paid for the month to Council.

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

**Background**

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires a list of accounts paid to be prepared each month, showing each account paid since the last list was prepared. This list is to include the following information:

1. the payee’s name;
2. the amount of the payment;
3. the date of the payment; and
4. sufficient information to identify the transaction.

**Risk Management**

The accounts payable procedures ensure that no fraudulent payments are made by the City, and these procedures are strictly adhered to by the officers. These include the final vetting of approved invoices by the Coordinator Financial Accounting and the Manager Financial Services (or designated alternative officers).

**Key Relevant Previous Council Decision:**

There are no previous Council decisions to consider.

**Consultation**

Required by legislation: Yes [x]  No [ ]

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

**Strategic Implications**

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

The 2020/21approved budget is in line with the City’s strategic direction. Payments are made to meet the City’s spend on operations and capital expenses undertaken in accordance with the approved budget.

**Who benefits?**

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

**Does it involve a tolerable risk?**

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

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

All relevant information has been provided in this report and through the attachments.

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

N/A

**Budget/Financial Implications**

**Can we afford it?**

The payments are made in accordance with the approved budget.

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

This does not have any impact upon the rates.

**Conclusion**

The List of Accounts Paid for the months of July 2021 complies with the relevant legislation and can be received by Council (see attachments).

## Consideration of Responsible Authority Report for 12 x Grouped Dwellings at 11 & 13 Webster Street, Nedlands

|  |  |
| --- | --- |
| **Council** | 24 August 2021 – Council Meeting |
| **Applicant** | Urbanista Town Planning |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | 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*.* |
| **Director** | Tony Free, Director Planning & Development |
| **Attachments** | 1. Responsible Authority Report and Attachments
 |

**Councillor Smyth – Impartiality Interest**

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 September 2021. As a consequence, there may be a perception that my 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 believe 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 that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for September 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 believe 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 Smyth & Councillor Bennett left the meeting at 8.44 pm.

Moved – Councillor Coghlan

Seconded – Councillor Tyson

Council:

1. adopts as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 12x Grouped Dwellings at No.11 & No.13 Webster Street, Nedlands included at Attachment 1;
2. instructs the CEO to incorporate Council’s Responsible Authority recommendation into the Responsible Authority Report for the development of 12 x Grouped Dwellings at No. 11 & No. 13 Webster Street, Nedlands; and
3. appoints Councillor Coghlan and Councillor Tyson to coordinate Council’s submission and presentation to the Metro Inner-North JDAP for the development of 12 x Grouped Dwellings at No. 11 & No. 13 Webster Street, Nedlands.

Councillor Hodsdon left the meeting at 8.56pm and returned at 8.59pm.

Lost 12/-

(Against: Mayor Argyle Crs. Horley McManus Smyth Bennett Mangano Youngman Hodsdon Wetherall Coghlan Senathirajah & Tyson)

**Regulation 11(da) - Council considered that the development would protect the amenity of the area more appropriately if the development fully met the Deemed to Comply provisions of the Residential Design Codes.**

Moved – Councillor Mangano

Seconded – Councillor Coghlan

**Council Resolution**

**Council:**

1. **notes the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 12 x Grouped Dwellings at No.11 & No.13 Webster Street, Nedlands included at Attachment 1;**
2. **instructs the CEO to incorporate Council’s Responsible Authority recommendation into the Responsible Authority Report for the development of 12 x Grouped Dwellings at No. 11 & No. 13 Webster Street, Nedlands; and Council does not support the DAP Application reference DAP/21/02013 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Nedlands Local Planning Scheme No.3 and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, due to the following reasons:**
	1. **The development is inconsistent with State Planning Policy 7.0 *Design of the Built Environment*, in particular the principles relating to built form and scale and amenity.**
	2. **The development does not meet the design principles of State Planning Policy 7.3 *Residential Design Codes – Volume 1* relating to:**
		1. **street setbacks, in particular the proposed setbacks to the common property driveway;**
		2. **setbacks of garages and carports, in particular to the common property driveway;**
		3. **outdoor living areas, in particular to the minimum dimensions for Units 1, 6, 7 and 12;**
		4. **parking, with regard to visitor parking;**
		5. **vehicle access, in particular to the minimum driveway width proposed;**
		6. **site works and retaining with regard to the height of retaining proposed; and**
		7. **visual privacy with regard to overlooking from the dining room for Units 1 and 12; and**
	3. **the Design Review Panel did not support the original plans due to principle 3 (built form and scale), principle 6 (amenity), lack of deep soil planting areas, inadequate widths for planting of trees and a/c units in courtyards**
3. **appoints Councillor Coghlan and Councillor Tyson to coordinate Council’s submission and presentation to the Metro Inner-North JDAP for the development of 12 x Grouped Dwellings at No. 11 & No. 13 Webster Street, Nedlands.**

**CARRIED UNANIMOUSLY 10/-**

Councillor Bennett & Councillor Smyth returned to the meeting at 9.15pm.

Recommendation to Council

Council:

1. adopts as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 12x Grouped Dwellings at No.11 & No.13 Webster Street, Nedlands included at Attachment 1;
2. instructs the CEO to incorporate Council’s Responsible Authority recommendation into the Responsible Authority Report for the development of 12 x Grouped Dwellings at No. 11 & No. 13 Webster Street, Nedlands; 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 12 x Grouped Dwellings at No. 11 & No. 13 Webster Street, Nedlands.

**1.0 Executive Summary**

The purpose of this report is for Council to consider the Development Assessment Panel application that proposes 12 Grouped Dwellings at 11 & 13 Webster Street, Nedlands. Council is requested to make its recommendation to the Joint Development Assessment Panel as the Responsible Authority. Council’s recommendation will be incorporated into the Responsible Authority Report and lodged with the DAP Secretariat on 25 August 2021.

Administration recommends Council adopt the Officer Recommendation for approval.

**2.0 Application Details**

This application is for a proposed three-storey grouped dwelling development comprising of 12 units at Lots 52 (No.11) and Lot 51 (No.13) Webster Street, Nedlands. The development is separated by a central driveway and pedestrian path. Each dwelling is provided with a double garage, three bedrooms and a lift. All dwellings are designed with an open plan kitchen, living and dining area on the first floor with a balcony. Two visitor car parking bays are also provided on site.

**3.0 Consultation**

In accordance with the City’s Local Planning Policy – Consultation of Planning Proposals, the development was advertised for a period of 35 days from 2 July 2021 to 6 August 2021. The advertising period was extended by one week to accommodate the COVID-19 lockdown that occurred during the period.

Public consultation consisted of:

* Letters sent to all City of Nedlands landowners and occupiers within a 200m radius of the site;
* A sign on site was installed at the site’s street frontage;
* A notice was published on the City’s website with all documents relevant to the application made available for viewing during the advertising period;
* A notice was placed in *The Post* newspaper published on 3 July 2021;
* A Social media post was made on one of the City’s Social Media platforms;
* A notice was affixed to the City’s Noticeboard at the City’s Administration Offices; and
* A community information session was held by City Officers on 21 July 2021, where approximately 7 residents were present.

At the conclusion of advertising, the City received a total of 21 individual submissions, with 1 submission received in support of the application, and the remaining 20 submissions objecting to the proposal. The main concerns raised in the objections included, but are not limited to:

* Building height;
* Setbacks;
* Landscaping;
* Bulk and scale;
* Number of dwellings proposed;

Each of these issues are discussed in the Responsible Authority Report.

The applicant submitted amended plans on 16 and 18 August 2021 that differed from the advertised plans in the following manner:

* Increased setbacks to the northern and southern lot boundaries to meet deemed-to-comply provisions;
* Increased open space to meet deemed-to-comply provisions;
* Reduction in building height and resultant decrease in overshadowing of the southern adjoining lot; and
* Increase in the size of outdoor living areas of the courtyards for Units 2, 3, 4, 9, 10 and 11.

The amendments made are not considered to trigger the need for formal re-advertising of the proposal. However, the amended plans were made available for public inspection on the City’s Your Voice website with a summary of changes proposed. All submitters were advised by email of the amended plans.

All submissions on this proposal have been given due regard in this assessment in accordance with clause 67(y) of *Planning and Development (Local Planning Schemes) Regulations 2015.*

**4.0 Design Review**

The application was presented to the City’s Design Review Panel. The application was assessed in accordance with SPP 7.0 - State Planning Policy 7.0 – Design of the Built Environment. A summary of the review is provided below:

|  |  |
| --- | --- |
| 3 | *Supported* |
| 2 | *Supported with conditions*  |
| 1 | *Not supported*  |
| 0 | *Additional information required* |
|  | Original Plans – 10 June 2021 |
| Principle 1 – Context & Character |  |
| Principle 2 – Landscape Quality  |  |
| Principle 3 – Built Form & Scale |  |
| Principle 4 – Functionality & Built Quality  |  |
| Principle 5 - Sustainability |  |
| Principle 6 – Amenity  |  |
| Principle 7 - Legibility |  |
| Principle 8 – Safety  |  |
| Principle 9 – Community  |  |
| Principle 10 – Aesthetics  |  |

Since the original application was submitted and presented to the Design Review Panel, amended development plans were submitted to the City on 16 and 18 August 2021. Due to the timing and no extension of time granted by the applicant, Administration was unable to have the amended plans re-referred back to the Design Review Panel for a second review.

Notwithstanding, it is the City’s view that the amended plans have largely addressed the Design Review Panel comments, or adequately meet the deemed-to-comply provision of the Residential Design Codes for the following reasons:

* Increased setbacks are proposed to the northern and southern lot boundaries. All external lot boundary setbacks are now deemed-to-comply;
* Increased open space to each unit. All units now provide deemed-to-comply open space;
* Reduction in building height and resultant decrease in overshadowing of the southern adjoining lot. Shadow cast and building height now meet deemed-to-comply requirements;
* Removal of highlight windows and replacement with smaller (1m²) windows to habitable rooms to assist with internal amenity;
* Increase in the size of outdoor living areas to the courtyards for Units 2, 3, 4, 9, 10 and 11 to assist with internal amenity; and
* Modifications to the balcony layouts and additional screening added.

An Environmental Sustainability Report has not been prepared. This requirement is not mandatory for grouped dwelling development. Given the size of the development, a consideration of sustainability measures is considered prudent. In the event of approval, a condition is recommended requiring an Environmental Sustainability Report to be prepared and implemented.

A Traffic Engineering Report has been prepared by KC Traffic and Transport Pty Ltd. The report addresses swept paths for vehicles entering and exiting Units 5 & 8. If approved, a condition is recommended for a Car Parking Safety Management Plan to be prepared prior to the issue of a Building Permit.

**5.0 Recommendation to JDAP**

Administration recommends that Council adopts the Officer Recommendation contained in the Responsible Authority Report to recommend approval of the development, as included in **Attachment 1**.

Council’s recommendation will be incorporated into the Responsible Authority Report and lodged with the DAP Secretariat on 25 August 2021.

**6.0 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.

The proposal provides an appropriate transition from its R60 coding to the R160 and R-AC1 coded lots to the north of the site. The development is on balance able to be supported given that no significant areas of discretion applied, with all relevant Design Principles having been appropriately achieved.

For the above reasons, it is recommended Council adopt the Officer Recommendation contained in the Responsible Authority Report to approve the development.

# Council 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 Council Member 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 Smyth – Draining Infrastructure

At the Council meeting on 27 July 2021 Councillor Smyth gave notice of her intention to move the following at this meeting.

Moved – Councillor Smyth

Seconded – Councillor McManus

**Council Resolution**

**Council in acknowledging recent winter storm events**

1. **requests the CEO to prepare a City-wide report of damage, including but not limited to;**
* **Flooding from water draining from public land into private land with lots identifies,**
* **Flooding and storm damage to City buildings and assets,**
* **River, ocean and wetland inundation of shorelines and assets,**
* **Call out assistance received from State Emergency Services,**
* **A program of works for the remedial draining infrastructure required (if any) and**
* **A cost projection for any remedial work and impact on Budget in out years.**
1. **instructs the CEO to commission a drainage study to:**
	1. **Review the available local weather data of the storm event that occurred on 9 July 21;**
	2. **Assess the capacity of the drainage network in all affected areas; and**
	3. **Provide recommendations on any upgrade works that are required.**
2. **approves by absolute majority the transfer of $200,000 from the Service Reserve to the City Wide Drainage account for the drainage study; and**
3. **instructs the CEO to present a report to Council with the findings of this study, inclusive of recommendations, works cost estimates and a program of works to be considered within the Forward Capital Works Plan.**

**CARRIED UNANIMOUSLY 12/-**

Justification

1. Recent heavy winter rain across Perth has caused an unprecedented amount of flooding across the City of Nedlands, that has overloaded the City’s drainage networks.
2. Run-off from the public lands, such as roads, paths and verges has been beyond the capacity of parts of the drainage network, resulting in flooding of private property, requiring the City to examine its drainage responsibilities.
3. There are many sites across the City that have suffered degrees of storm damage, including City owned assets. An inventory of impact is required and insurance claim recovery plan.
4. Facilitates forward planning and future budget allocations.
5. State Emergency Services levy constitutes approximately a quarter of our Rates bill, this is an appropriate opportunity to spotlight the value that the rate payers are receiving from this levy.

At the Council Committee Meeting on 13th July 2021 an Urgent Motion was passed to address the recent flooding specifically pertaining to the Jenkins Avenue Safe Active Street area. However, although supporting the immediacy of this situation, there was also concern to review the City-wide drainage issues. This Notice of Motion is intended to raise the Drainage Infrastructure Remedial Works Program to a strategic level in line with Council’s responsibilities across the whole City.

Administration Comment

Administration commenced its response to assist residents in the immediate aftermath of the storm event.  This has included sandbagging properties, completing urgent maintenance ensuring that drainage infrastructure remains clear, speaking to affected residents, commencing the procurement process to undertake an investigation into the capacity of the City’s drainage network within the affected areas and factors influencing the flooding experienced across the City.

Administration commenced drafting procurement documents to engage a consultant to undertake a drainage study the week after the storm event.  Responses with quotations have been received and a contract can be awarded within one week.  The consultant would commence assessments on the worst 2 affected catchments, before assessing the remainder. Draft findings for the two most affected catchments will be provided to the City within one month of contract being awarded.

Administration anticipates providing a detailed briefing and Council Report to Councillors in December that will provide a detailed summary of the report findings, the recommended remediation plans, and the estimated financial impacts on the Capital Works Program and Long Term Financial Plan.

The Service Reserve’s purpose is to ‘Fund the purchase of property, purchase of land and for parking areas, expense of streets, depots, town planning schemes, valuation and legal cost, items of work of an urgent nature such as drainage’.  Administration recommends using this Reserve to fund the drainage investigation with an estimated maximum cost of $200,000.  This Service Reserve has a current balance of $214,432.

# Council Members notices of motion given at the meeting for consideration at the following ordinary meeting on 28 September 2021

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Council Member 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 28 September 2021 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

## Councillor Horley – Allen Park A Class Recreation Reserve

That the Council requests that the government replace the recent 5000 metre excision of the Allen Park A Class recreational reserve, by granting A Class reserve status to adjacent land within the Allan Park area, for example Lot 150 Sayer Street Swanbourne.

In addition, it is requested that the government provide written assurances that the fire protection for the site be managed solely onsite, with no future damage to the adjacent A Class reserve vegetation.

Justification

 The Allen Park Recreational A Class Reserve has been decreased by 5000m recently due to a recent excision by the government. There are a number of areas of land within the local area that have been awaiting A Class reserve status and are in fact assumed to be within the A Class Reserve. It is requested that these be incorporated into the A Class reserve during this process.

## Councillor Coghlan – Local Planning Policy – Primary Controls for Apartment Developments

Council instructs the CEO to prepare a Draft Local Planning Policy – Primary Controls for Apartment Developments.

Council instructs the CEO to prepare a Draft Local Planning Policy – Primary Controls for Apartment Developments.

Justification

The purpose of this policy is to establish a clear position for residents, applicants and decision-makers with respect to the application of R Codes Vol.2 Primary Controls in achieving the Element Objectives in the assessment of Apartments within the City of Nedlands.

This policy applies to all development which is subject to assessment in accordance with R Codes Vol.2. and is to be read in conjunction with the City of Nedlands Local Planning Scheme No.3. This policy will apply unless augmented by another local planning instrument of the City of Nedlands.

The objective is ensure that the built form outcomes of new development do not result in an unreasonable adverse impact on the amenity of adjoining neighbours and the wider locality, and to promote good design in terms of existing and future desired context and character.

Policy

In the absence of another endorsed local planning instrument, the City defers to the R-code zoning as designated by LPS3 and deems that to respond to the existing and desired future scale, height and character as they are defined and apply in Nedlands, and therefore achieve the Primary Control Element Objectives, a development must meet or subceed the default values for the Acceptable Outcomes in regards to the Primary Control elements. Accordingly, the City deems that exceeding these default values is not in keeping with the existing and desired future scale, height and character of Nedlands as designated by the relevant LPS3 R-code zoning, and will therefore not achieve the Element Objectives for these critical design elements.

## Councillor Smyth – Lot 500 Montogomery Drive Mt Claremont – Care and Protection of remnant bushland (Reserve R43379)

Council:

1. requests the CEO to provide a report on the land swap between Western Power and the City, including but not limited to;
* Lot configuration, abuttals to adjoining properties and access points;
* Anticipated land-use and potential for development; and
* Viability as contiguous bushland reserve.
1. instructs the CEO to;
2. ensure that the newly configured Reserve R43379 with its encumbered remnant bushland flora and fauna are protected during the development and construction on adjoining lots;
3. instructs the CEO to negotiate with the Town of Cambridge on the feasibility of a shared bush-care management plan at the interface of Mt Claremont Reserve and Banksia Farm Reserve R45409; and
4. prepare a cost projection for any remedial work and impact on Budget in out years.

Justification

1. To inform and update Council of the strategy and dealings concerning the land subject to a recent land swap and rationalisation with Western power.
2. Western Power subsequently sold the northern portion to a developer; while the southern portion adjoining the Mt Claremont Community Centre and Haldane House has returned to the City of Nedlands as a Reserve for purposes that have not been determined.
3. Protect land and vegetation during construction on Lot 100 immediately to the north.
4. Manage connection with adjoining bush land administered by the Town of Cambridge.
5. Facilitates forward planning and future budget allocations.

This land has remnant bushland including banksias that are at risk, particularly in the event of nearby construction. This land reserve is adjacent to the Mt Claremont Community Centre and as we have seen in the construction adjacent to Dalkeith Hall, building sites have little regard for their neighbours. We should not have to carry the cost of natural asset degradation and remediation.

# Urgent Business Approved By the Presiding Member or By Decision

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 9.30pm.