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**Minutes**

**Council Meeting**

**25 August 2020**

**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 a meeting of the Council held online via Teams and livestreamed for the public and onsite in the Ellis Room at the Bendat Basketball Centre, 201 Underwood Avenue, Floreat on Tuesday 25 August 2020 at 6 pm.**

# Declaration of Opening

The Presiding Member declared the meeting open at 6.07 pm and drew attention to the disclaimer below.

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

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

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Vacant 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 G A R Hay 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

**Public** There were 60 members of the public present.

**Press** The Post Newspaper & The West Australian 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.

## Mr Michael Cahill, 65 Melvista Avenue, Nedlands

Question 1

The current level of DAs being lodged with the NCC is placing a burden on the budget and the ratepayers are paying for the increased staff, consultants, etc.

When does Council propose to start charging developers the true cost of processing their DAs?

Answer 1

The City is unable to charge applicants the full cost of processing applications as the assessment fees are set by the State Government. The City can only charge the fee set by regulation but in some cases is also able to "on-charge" the cost of specialist assessments by experts that the Council does not employ - for example architects.

## Mrs Bronwyn Stuckey, 26 Kingsway, Nedlands

Question 1

In the minutes of the Council meeting 27 March 2012 it is stated ‘The legislation requires the City to have a Heritage List and the Heritage Council recommends that all properties older than 60 years should be evaluated for possible inclusion

into the list.’   Is that legislation still current? “

I did not receive a direct answer to that question but received the following response. “The City has a list of properties that are afforded statutory protection under Local Planning Scheme No. 3. Heritage protection is afforded to properties that have been registered in the Local Planning Scheme or State Heritage List.” (see minutes of 14 July 2020).

The developers for 137-139 Broadway state in their application that the administration of the Council has granted permission to demolish 139 Broadway, a property which is listed by the Heritage Council of Western Australia on the Municipal Inventory of heritage properties.

Answer 1

Properties listed in the Council’s Municipal Inventory have no additional protections from demolition compared to properties not on the MI.

Question 2

Who made the decision to grant permission to demolish 139 Broadway?

Answer 2

The City’s Administration.

Question 3

By what authority did the City grant permission?

Answer 3

By the authority under the Building Act delegated by Council to Administration.

Question 4

What consultation was there in granting this permission?

Answer 4

Nil - None required.

## Mr Giuliano Sala Tenna, 14 Whitfield Street, Floreat

Question 1

Please explain how the council has justified the rate-able increase from $0.05755 in FY19 to $0.065578 in FY20. This equates to an increase of 14.38% in a single year at time where we have a global pandemic, personal household incomes are under pressure and we have a headline inflation rate in Australia of less than 2%.

My personal rates have increased from $4,136.52 to $4,548.56 in a single year which represents a rise of 9.96% when the council is publishing misleading statements saying they have a "rate freeze" this year. I have now engaged with over 20 households on Whitfeld Street in Floreat and every single household has experienced a rate increase of 4% - 12%. I understand how the rate's calculation works and that GRV on apartments has declined and hence the council has decided to increase the rate-able amount. I, along with the residents I have engaged with to date, strongly feel this is an exorbitant rate increase in such a difficult year and we ask the question has the council considered tightening their own belts as everyone else in Australia is doing. In a year such as this it is not reasonable to consider that the council should receive the same income as previous years but rather they should be reducing expenses on new projects and staff in order to reduce rates. To add further insult, it has been brought to my attention that several properties in Dalkeith where I personally know the owners are paying significantly less rates than myself even though their properties are valued at twice the value of my property. Once again this shows the flawed system where Landgate does not conduct proper market research leading to undervalued rental assessments on some properties meaning other residents carry more of the rate burden in order for the council to balance their budget. As the nominated representative for the residents of Whitfeld Street let me advise you we have the full intention to progress this matter further until a review of the rates has been conducted in our ward.

Answer 1

The rate in the dollar is in relation to the GRV and therefore as the GRV decreases, the rate in the dollar has increased to maintain the same rate revenue as previous year. The Council decision was in line with the Government’s direction and to ensure that the level of services provided was maintained as approved by Council and as legislated.

Rates freeze is on the total rates revenue raised by the City and not on the rate in the dollar. Therefore, although the total rates revenue has been maintained at the previous year, rates for each property does not remain the same. In trying to achieve the same rates revenue of the three categories of rates, ie residential (total GRV decrease by 13%), non-residential (total GRV increase by 12%) and vacant (total GRV decrease by 3%), the rates in the dollar has to be changed accordingly. Therefore, where the GRV has decreased the rate in the dollar had to be increased to maintain the rate revenue. Landgate’s GRV calculation of your property has unfortunately only reduced by 1.78%.

The overall average decrease in GRV for residential properties is 13% and is not only related to the decrease in GRV for apartments.

The 2020/21 budget as approved by Council was based on a zero-based budget approach where each expense item (down to the lowest level) was justified. Level of services are regularly reviewed and is an on-going process. Staff salaries have been frozen and employee costs maintained at 2019/20 levels despite the need for increased staffing levels in the Planning Department as a direct consequence of LPS3. Councillors made significant additional reductions to those recommendation by Administration during the Special Council Meeting to approve the budget.

# 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 Vic Jackovich, 23 B Leon Road, Dalkeith PD38.20

(spoke in support of the recommendation)

Ms Yamini Preetham PD38.20

(spoke in support of the recommendation)

Mr Petar Mrdja, Urbanista Planning, 231 Bulwer Street, Perth PD38.20

(spoke in support of the recommendation)

Mrs Marlene Harding, 28 Mountjoy Road, Nedlands PD40.20

(spoke in opposition to the application)

Mr Nick Heggart, 25 Mountjoy Road, Nedlands PD40.20

(spoke in opposition to the recommendation)

Ms Kate Bainbridge, Element, L18, 191 St George’s Terrace, Perth PD40.20

(spoke in opposition to the recommendation)

Mr Andrew Crabtree, 13 Bulimba Road, Nedlands PD43.20

(spoke in opposition to the item)

Mr John Shields, 46 Jutland Parade, Dalkeith PD43.20

(spoke in opposition to the item)

Mr Luke Bishop, 282 Marine Parade, Swanbourne CM06.20

(spoke in support of the recommendation)

Ms Rebecca Faugno, 74 Doonan Road, Nedlands 14.2

(spoke in support of the motion)

Mr Matthew McNeilly, 71 Doonan Road, Nedlands 14.2

(spoke in support of the motion)

Ms Carmen Tutor, 8A Alexander Road, Dalkeith 13.10

(spoke in opposition to the recommendation)

Moved – Councillor Mangano

Seconded – Councillor Bennett

**That Council suspend Standing Orders Local Law 3.4 (5) to allow the following 3 public addresses.**

**CARRIED UNANIMOUSLY 12/-**

Mr Charlie Ball, 17 & 18 Doonan Road, Nedlands

(spoke in relation to Doonan Road, Laneways & Built Form Requirements)

Mr Ian Lunt, 12 Bulimba Road, Nedlands Safe Active Street

(spoke in opposition to the item)

Councillor Coghlan left the meeting at 7.26 pm.

# Requests for Leave of Absence

Moved – Councillor Wetherall

Seconded – Councillor McManus

**Councillor Smyth be granted leave of absence from the 5th – 12th October 2020.**

**CARRIED UNANIMOUSLY 11/-**

Moved – Councillor Hodsdon

Seconded – Councillor Mangano

**That Councillor Horley be granted leave of absence for October and November 2020.**

**CARRIED UNANIMOUSLY 11/-**

# Petitions

## Ms Elizabeth Gibson, 41 Louise Street, Nedlands

Mr Mark Goodlet, CEO presented a petition on behalf of Ms Elizabeth Gibson and 442 others. Nedlands has traditionally prohibited fast-food outlets within the City but these are planning Scheme No 3. It is believed that such outlets present a hazard to traffic movement on Stirling Hwy are not compatible with the City's existing and proposed residential areas and are unnecessary when such outlets are located nearby in adjoining local government areas. The Council's present attempt to modify requirements for Fast Food Outlets by Amendment No. 4 to Local Planning Scheme No.3 are miss-directed. 14 AUG 2020 now permitted by local. We, the undersigned electors of the City of Nedlands, request that Council amends clause 17 of Local Planning Scheme No. 3 (Zoning Table 3) to specify Fast Food Outlet as an "X" (not permitted) use in all zones.

Councillor Coghlan returned to the meeting at 7.28 pm.

Moved – Councillor Wetherall

Seconded – Councillor Hay

**That Council receives the petition.**

**CARRIED UNANIMOUSLY 12/-**

# Disclosures of Financial and/or 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.

## Councillor Bennett – PD42.20 - Scheme Amendment 7 – Amendment to Density Coding on Broadway, Hillway, Kingsway, Edward Street and Elizabeth Street – Summary of Submissions

Councillor Bennett disclosed a financial interest, his interest being that he is an owner occupier at 133 Broadway Nedlands which falls within the Scheme Amendment 7 area. Councillor Bennett declared that he had received approval from the Minister to remain in the room and vote subject to the following conditions:

1. The approval is only valid for the Council Committee Meeting on 11 August 2020 and Ordinary Council Meeting on 25 August 2020 when agenda item PD42.20 is considered;
2. The abovementioned Councillor must declare the nature and extent of their interest at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department’s letter of approval to the abovementioned Councillor;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillor, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

## Councillor Hodsdon – Item 13.8 - Broadway, Waratah Village and Nedlands Town Centre – Local Distinctiveness Study and Context Analysis

Councillor Hodsdon disclosed a financial interest in Item 13.8 – Broadway, Waratah Village and Nedlands Town Centre – Local Distinctiveness Study and Context Analysis, his interest being that he has a property in the area. Councillor Hodsdon declared that he would leave the room during discussion on this item.

# 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 – CM06.20 - Community Sport and Recreation Facilities Fund Applications – Swanbourne Nedlands Surf Life Saving Club, UWA Sport and Peak Trampoline Inc

Councillor Smyth disclosed an impartiality interest in Item CM06.20- Community Sport and Recreation Facilities Fund Applications – Swanbourne Nedlands Surf Life Saving Club, UWA Sport and Peak Trampoline Inc. Councillor Smyth disclosed that she is a vice patron of the 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.

## Councillor McManus – CM06.20 - Community Sport and Recreation Facilities Fund Applications – Swanbourne Nedlands Surf Life Saving Club, UWA Sport and Peak Trampoline Inc

Councillor McManus disclosed an impartiality interest in Item CM06.20 - Community Sport and Recreation Facilities Fund Applications – Swanbourne Nedlands Surf Life Saving Club, UWA Sport and Peak Trampoline Inc. Councillor McManus disclosed that he is a vice patron of the club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus declared that he would consider this matter on its merits and vote accordingly.

# Declarations by Member That They Have Not Give Due Consideration to Papers

Nil.

# Confirmation of Minutes

## Ordinary Council Meeting 28 July 2020

Moved – Councillor Hay

Seconded – Councillor Coghlan

**The Minutes of the Ordinary Council Meeting held 28 July 2020 be confirmed**.

**CARRIED UNANIMOUSLY 12/-**

## Special Council Meeting 7 July 2020

Moved – Councillor Hay

Seconded – Councillor Wetherall

**The Minutes of the Special Council Meeting held 7 July 2020 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

## Special Council Meeting 4 August 2020

Moved – Councillor Hay

Seconded – Councillor Smyth

**The Minutes of the Special Council Meeting held 4 August 2020 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

## Correction to Ordinary Council Meeting Minutes – 28 April 2020

Moved – Councillor Wetherall

Seconded – Councillor Hay

**The Minutes of the Ordinary Council Meeting held 28 April 2020 be amended to correct a typo to add Councillor Wetherall’s names to the list of Councillor’s against the amendment as show below in yellow:**

|  |  |
| --- | --- |
| **PD11.20** | **Local Planning Scheme 3 – Local Planning Policy: Residential Aged Care Facilities** |
|  | |
| **Committee** | 14 April 2020 |
| **Council** | 28 April 2020 |
| **Applicant** | City of Nedlands |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Reference** | Nil |
| **Previous Item** | PD52.19 – OCM 17 December 2019 |
| **Attachments** | * 1. Tracked Changes Draft Residential Aged Care Facilities Local Planning Policy (LPP)   2. Draft Residential Aged Care Facilities Local Planning Policy (LPP) |

**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)

Amendment

Moved - Councillor Mangano

Seconded - Councillor Bennett

That the height limit be amended to 3 storeys.

The AMENDMENT was PUT and was

Lost 6/7

(Against: Mayor de Lacy Crs. McManus Hassell Wetherall Hay Poliwka & Senathirajah)

**CARIED 9/3**

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

# Announcements of the Presiding Member without discussion

It’s been a very difficult month on Council. In fact, it’s been a very difficult year. The stress of dealing with LPS3 combined with COVID and all the changes we have had to make to ensure Council operations continue as much as is normal has really taken a toll. We are doing our best under extraordinary circumstances and we ask that the community bear with us.

We are working through the issues associated with the State Government’s announcement that a children’s hospice is planned for Allen Park in Swanbourne. This is moving very fast and we are having to respond very quickly. I have a meeting this week with the Perth Children’s Hospital Foundation to work through this. However, unfortunately the Minister for Health cannot see us until the 27th October 2020.

I am also meeting on the 8th September with the City of Perth Commissioner Andrew Hammond to discuss Scheme Amendment No.7 South Broadway. I am hoping we can agree on a strategy to present to the Minister Planning; Transport to relocate some of the density on the Nedlands side of Broadway into the Crawley/Nedlands Urban Growth Area that City of Perth is currently working on as part of a new Local Planning Scheme.

We are still facing a deluge of Development Applications, and in the absence of a Design Review Panel, some of these DA’s are not of a high standard. We need to put in place a DRP to improve the design standards and also to slow down the lodgement of DA’s as Design Review is best done pre-lodgement.

I also have a meeting on 10th September with the Hon Celia Hammond to advocate for Federal COVID economic recovery funding for underground power. At a State level I have written to the Premier and Energy Minister to suggest they repackage the State Underground Power Program as a COVID economic recovery program whereby the State government matches the net benefit contributed by Western Power to projects, with Local Government and landowners paying the remainder. I hope to follow this up with a meeting in due course.

# Members announcements without discussion

## Councillor Coghlan

Councillor Coghlan gave the following apology:

Mr Peter Mickleson,

Director of Planning, City of Nedlands.

I wish to add to my earlier written apology regarding comments by me and deemed inappropriate, about the Local Planning Policy Residential Aged Care printed in the Post newspaper after the July Council Meeting. Caught off guard, I did make those points. However, they were in no way a reflection of the hard and often very stressful work the professional planning staff are doing to try and keep up with the deluge of planning issues swamping the City.

I acknowledge my mistake and it will not be repeated.   The Planning team work extremely hard and adapt quickly to assist the Council to work through the current Residential Age Care Issues in the City.  I look forward to working with the planners and the Council in dealing with the many planning matters faced by the City of Nedlands, as they continue to arise.

## Councillor Smyth

Councillor Smyth advised that all the Councillors are working hard along with the Mayor.

List of events and meeting attended by Councillor Kerry Smyth during August 2020.

Lake Claremont Advisory Committee meeting – 13 August 2020 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](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.claremont.wa.gov.au%2FCouncil%2FCommittee-and-Council-Meetings&data=02%7C01%7Cnceric%40nedlands.wa.gov.au%7C0a2e2d1fb102423c10a508d848ad793c%7Cd583947c8c4246bd927527ca45e5e84c%7C1%7C0%7C637339257192733246&sdata=Uq%2Fa%2B75KSbtHBkDWKKfhA%2B6BBfxEC9piih143hjUduA%3D&reserved=0)

Attended with social distancing.  Councillor Bennett also attended.

Swanbourne Nedlands Surf Life Saving Club - Sunday 9th August at 9:30am

Building Petition Launch and a media photo opportunity to promote the campaign.

Message - We have support from SLSWA and the City of Nedlands, and we’ve partnered with Club Patrons Celia Hammond MP and David Honey MLA to create a petition and help us secure funding.

To sign petition go to [https://www.petition.org.au/lifesaving/](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.petition.org.au%2Flifesaving%2F&data=02%7C01%7Cnceric%40nedlands.wa.gov.au%7C0a2e2d1fb102423c10a508d848ad793c%7Cd583947c8c4246bd927527ca45e5e84c%7C1%7C0%7C637339257192743208&sdata=ChRHMSviwIMKjtnJAvliGD%2Fz3ghtk0Yi8DybG2MPb0Q%3D&reserved=0)

Councillor Horley also attended.

# Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee 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

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.

## 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 Wetherall

Seconded – Councillor Hodsdon

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

**Council Committee 11 August 2020**

Unconfirmed, Circulated to Councillors on 18 August 2020

**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 Hay

Seconded – Councillor Senathirajah

**That all Committee Recommendations relating to Reports under items 12.2, 12.3 and 12.4 with the exception of Report Nos. PD40.20, PD41.20, PD42.20 & PD43.20 are adopted en bloc.**

**CARRIED UNANIMOUSLY 12/-**

Moved – Councillor Mangano

Seconded – Councillor Wetherall

**That items 14.1 & 14.2 be brought forward.**

**CARRIED UNANIMOUSLY 12/-**



## Councillor Mangano – Reopening Council & Council Committee Meeting to Public

**Please note: this item was brought forward from page 116.**

On the 11th August 2020 Councillor Mangano gave notice of his intention to move the following at this meeting.

Moved – Councillor Mangano

Seconded – Councillor Bennett

**That all Council and Committee Meetings are reopened to the community, and a suitable venue is used to accommodate a minimum of 100 members of  the community in the gallery, in accordance with any restrictions in place at the time due to the COVID pandemic and WA’s state of emergency. In addition, these meetings are to continue to be live-streamed.**

Amendment

Moved - Councillor Horley

Seconded - Councillor Wetherall

**That the words “a minimum of 100” be removed and replace with words “an appropriate number”**

**The AMENDMENT was PUT and was**

**CARRIED 9/3**

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

Amendment

Moved – Mayor de Lacy

Seconded - Councillor Hodsdon

**That the words “and Committee” be removed**

**The AMENDMENT was PUT and was**

**CARRIED 8/4**

**(Against: Crs. Bennett Mangano Coghlan & Hay)**

**The Substantive Motion was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution**

**That all Council Meetings are reopened to the community, and a suitable venue is used to accommodate an appropriate number of members of  the community in the gallery, in accordance with any restrictions in place at the time due to the COVID pandemic and WA’s state of emergency. In addition, these meetings are to continue to be live-streamed.**

Justification

* + 1. Other councils have long been reopened to the public.
    2. There are many ratepayers wishing to physically attend the meeting, as evidenced at the last meeting at Bendat Basketball Centre.
    3. That the current situation is resulting in extended meetings due to issues associated with using the remote meeting IT platform.

Administration Comment

Refer to report at item 13.5.

## Councillor Coghlan – Betty Doonan Age Care Submissions

**Please note: this item was brought forward from page 116.**

On the 13th August 2020 Councillor Coghlan gave notice of her intention to move the following at this meeting.

Moved – Councillor Coghlan

Seconded – Councillor Mangano

**That Council instructs the CEO to make publicly available, all public submissions received in response to the advertising of the Development Application – 16 & 18 Betty Street and 73 and 75 Doonan Road, Nedlands – Residential Aged Care Facility (DA) at the 8th September 2020 Council Committee Meeting in accordance with the Council’s Privacy Statement, the submissions via the PDF document (created from Your Voice).**

**CARRIED UNANIMOUSLY 12/-**

Justification

Transparency

1. Public consultation is central to the City’s planning process. The ‘Your Voice Nedlands’ webpage expresses the City’s ‘commitment to providing opportunities for our community to be involved in our decision-making processes’ and notes that ‘this will lead to stronger community cohesion, city amenity and quality of life for the City of Nedlands community’.
2. Transparency is needed around consultation and consequent decision-making, to ensure community confidence in planning process and to facilitate accountability to ratepayers on the part of the City and Councillors.
3. It is standard practice for summary analysis of submissions to be provided to Councillors. This approach is aimed at approving accountability, transparency and appropriate depth of consideration in Council’s deliberations and determinations in the public interest.
4. However, Councillors as decision-makers need to be fully informed. Given the breadth of concern and submissions received in relation to the DA, full access to all submissions is needed to enable comprehensive, deliberate and informed decision-making taking into account all relevant considerations.
5. In light of the number of submissions received (approx. 500), a summary analysis will not be adequate for fulsome consideration by Councillors.
6. In the interests of transparency and informed community engagement, and in light of the unprecedented community engagement and the ongoing nature of aged care planning in the City, it is appropriate and necessary that submissions relating to the DA be made available in full both to Councillors and to City’s ratepayers.

Community interest and engagement on this DA

1. Aged Care in the City of Nedlands is a matter of significant and ongoing community concern.
   1. Over 150 residents attended a community meeting, also attended by the Mayor, on 6 July 2020.
   2. In response to significant resident concern and requests, the Council meeting on 28 July was moved to a larger venue (Bendat Stadium) to allow in-person attendance by members of the public. The number of residents who attended was so high that they could not all be physically accommodated in the venue.
   3. Council, Councillors and the City have received an unprecedented volume of correspondence, including letters, emails and phone calls, from residents with a strong interest and concern in aged care planning in the City.

Continuing community interest in the DA and aged care planning in the City

1. At a Special Council Meeting on 28 July 2020, Council voted unanimously to revoke decision PD11.20 of 28 April 2020 to adopt the *Local Planning Policy – Residential Aged Care Facilities.*

1. At a Special Council Meeting on 4 August 2020, Council resolved to prepare, and advertises for a period of 21 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Division 2, Clause 4 a draft *Local Planning Policy – Residential Aged Care Facilities* (*Draft LPP*).
2. The Draft LPP was advertised for public comment from 4 August 2020, with submissions closing at 5pm on Saturday 29 August 2020.
3. Submissions made in relation to the DA are also relevant to the Draft LPP and should be publically available ahead of the closing date for consideration in the process of preparing submissions on the Draft LPP.

Continuing community interest in aged care and the DA

1. The developer has now withdrawn its DA from the JDAP process and indicated an intention to pursue approval from the recently established State Development Assessment Unit.
2. However, community concern regarding the DA remains strong and ratepayers should be fully informed about submissions received as this is a matter of sustained and significant ratepayer consternation.

A practice of publication

1. Publishing the submissions in full would accord with best practice in planning matters.
2. On making a submission in relation to the DA, all submitters were advised via the ‘Your Voice Nedlands’ submission portal that submissions are not confidential.
3. At DAP level, submissions in the form of presentations are published in full in the relevant agendas.’
4. Reports relating to Metropolitan Region Scheme Amendments include the publication of submissions and a transcript of public hearings.
5. WA Planning legislation does not prescribe that submissions should be confidential nor limit how regulatory and governance bodies are to restrict publication of submissions.
6. Other local councils adopt a practice of publishing submissions in full. For example, Cambridge Council published full submissions relating to a contentious *Local Planning Strategy.*
7. In these circumstances, a failure to provide access to full submissions may be perceived by ratepayers as an attempt at secrecy. In the absence of clear justification for keeping the submissions confidential, the planning process is compromised by a perception of incomplete consideration of relevant matters, a lack of consideration of submissions and a lack of transparency regarding the basis on which decisions are made.

Administration Comment

To meet the September Committee meeting agenda deadline Administration, have 5 working days to summarise over 500 submissions. This is 100 per day or approximately one every 5 minutes. Many of the submissions are comprehensive and require reading, analysing and then summarising. 30 minutes per submission would be doing well therefore 6 staff (qualified planners) would need to be allocated to this task full time for 5 days (approximately 240 hours of staff time). This resource is not currently available within Administration so would need to be outsourced. Assuming a contractor with enough qualified staff could be found at short notice Council should allocate approximately $36,000 for this task (240hrs x $150 p/hr). As noted above this application has been withdrawn and Administration no longer has any involvement with it.

## Planning & Development Report No’s PD37.20 to PD43.20

Planning & Development Report No’s PD37.20 to PD43.20 to be dealt with at this point (copy attached yellow cover sheet).

|  |  |
| --- | --- |
| **PD37.20** | **No. 78 Waratah Avenue, Dalkeith – x 5 Grouped Dwellings** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | Urbanista Town Planning |
| **Landowner** | Emerald Development Alliance Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19-42171 |
| **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 Justification Report 2. Applicant’s Assessment Against State Planning Policy 7.0 3. Acoustic Report 4. Waste Management Report 5. Summary of Submissions |
| **Confidential Attachments** | 1. Plans 2. Submissions 3. Assessment 4. WAPC Approved Subdivision Plan |

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

Moved – Councillor Hay

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**

**That Council refuses the development application dated 20 November 2019 for the following reasons:**

* + - 1. **Insufficient street setbacks;**
      2. **Too many lot boundary walls (one lot boundary wall to the parent lot); and**
      3. **Insufficient open space.**

Recommendation to Committee

Council approves the development application dated 20 November 2019, with amended plans received on 22 May 2020 for five (5) Grouped Dwellings at Strata Lots 1, 2 and 3 on Strata Plan 24132 (No. 78) Waratah Avenue, Dalkeith, subject to the following conditions and advice notes:

1. This approval is for a ‘Residential’ (grouped dwellings) and the subject land may not be used for any other use without prior approval of the City.
2. Prior to the issue of a Building Permit, a detailed landscaping plan and management plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
3. Waste management for the development shall comply with the approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to the satisfaction of the City of Nedlands.
4. The acoustic report (Attachment 3) prepared by Sealhurst dated 22 January 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. 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.
5. 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.
6. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.
7. All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.
8. 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 be set back in accordance with element 5.4.1 of the Residential Design Codes Volume 1, in direct line of sight within the cone of vision from the lot boundary, a minimum distance as prescribed in C1.1 of Clause 5.4.1 – Visual Privacy of the Residential Design Codes. Alternatively, the major openings are to be screened in accordance with the Residential Design Codes by either;
9. fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
10. timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
11. a minimum sill height of 1.60 metres as determined from the internal floor level; or
12. 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 or 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 ventes 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 construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.
6. 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.
7. 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.

Advice Notes specific to this proposal:

1. 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. The City encourages the applicant to speak with each department to understand any further requirements.
2. The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:
   1. species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;
   2. species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;
   3. species and maturity of landscaping within each lot; and
   4. maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.
3. The applicant is advised that in relation to condition 3, the maximum number of bins permitted on the verge is eight (8) bins at any time.
4. 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.
5. 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. sufficient in size to accommodate all receptacles used on the premises;
   2. constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
   3. 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;
   4. smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
   5. easily accessible to allow for the removal of the receptacles;
   6. provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
   7. provided with a tap connected to an adequate supply of water; and
   8. adequately ventilated, such that they do not create a nuisance to residences.
6. The applicant shall seek independent expert advice from a suitably qualified consultant\* detailing the particulars of the application, specifications of the type of lighting proposed and certifying\*\* that the proposed lighting will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard\*\*\*;
   1. a full site plan indicating the proposed siting of lighting columns including details of their proposed height;
   2. times of operation;
   3. a Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;
   4. details of orientation and hooding and/ or other measures to minimise their impact in the interests of pedestrian and/ or vehicular safety and amenity; and
   5. details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard\*\*\*.
7. The applicant is advised to apply dust control measures during construction in accordance with *City of Nedlands Health Local Laws 2017* and DWER requirements.
8. 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.
9. 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.
10. 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.
11. The applicant is advised that in relation to Condition 14, the Construction Management Plan is to address but is not limited to the following matters
12. construction operating hours;
13. contact details of essential site personnel;
14. noise control and vibration management;
15. dust, sand and sediment management;
16. stormwater and sediment control;
17. traffic and access management;
18. protection of infrastructure and street trees within the road reserve and adjoining properties;
19. dilapidation report of adjoining properties;
20. security fencing around construction sites;
21. site deliveries;
22. waste management and materials re-use
23. parking arrangements for contractors and subcontractors;
24. consultation plan with nearby properties; and
25. complaint procedure;
26. In accordance with section 35, (3) (b) of the Health Local Law, Waste and recycling bins storage enclosure in accordance with the Waste Management Plan for No. 78 Waratah Avenue, Dalkeith.
27. The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.
28. All internal bins located at individual dwellings shall be purchased and maintained by the strata management or owners by private arrangement.
29. Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
30. Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.
31. Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.
32. 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.
33. 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.
34. 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.
35. 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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| **PD38.20** | **No.130 & 132 Waratah Avenue, Dalkeith - x 9 Grouped Dwellings** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | Urbanista Town Planning |
| **Landowner** | Sapphire Developments Alliance Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA20-44526 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the number of dwellings and objections being received |
| **Attachments** | 1. Applicant’s Response to Submissions 2. Summary of Submissions 3. Acoustic Report 4. Waste Management Plan |
| **Confidential Attachments** | 1. Plans 2. Landscape Plan 3. Submissions 4. Planning Assessment |

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

Moved – Councillor Hay

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**

**That Council refuse the Development Application dated 4 February 2020 for the following reasons:**

1. **Impact of amenity on the neighbours due to insufficient rear setback;**
2. **Overshadowing of the southern properties;**
3. **Bulk and scale of the two-storey boundary wall;**
4. **Health and amenity due to proximity of bins to rear boundary;**
5. **Insufficient street setback;**
6. **Lack of open space; and**
7. **Inadequate outdoor living areas.**

Recommendation to Committee

Council approves the development application dated 4 February 2020 and revised plans received on 9 and 10 June 2020 for nine (9) Grouped Dwellings at Lots 234 & 235 (No.130 & No.132) Waratah Avenue, Dalkeith, subject to the following conditions and advice notes:

1. This approval is for a ‘Residential (Grouped Dwelling)’ land use as defined under the City’s Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.
2. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan dated 9 June 2020, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
3. Waste management for the development shall comply with the approved Waste Management Plan prepared by Dallywater Consulting to the satisfaction of the City of Nedlands.
4. The Acoustic Report prepared by Sealhurst (Revision 3) dated 8 July 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. 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.
5. Prior to the occupation of the development the responsible entity (strata/corporate body) shall provide detailed specifications on the confirmed waste compactor for 360L bins and include a written service agreement.
6. The responsible entity (strata/corporate) shall be liable for all bin replacement costs and/or repair costs relating to any damage which may occur as a result of the bin compaction process.
7. The location of any bin stores shall be behind the street alignment so as not to be visible from the street or public place and constructed in accordance with the *City’s Health Local Law 1997*.
8. All stormwater generated from the development shall be contained on site.
9. All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.
10. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;
    1. fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or
    2. timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure; or
    3. a minimum sill height of 1.60 metres as determined from the internal floor level; or
    4. an alternative method of screening approved by the City of Nedlands.

The required 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 or in:
   1. face brick;
   2. painted render;
   3. panted brickwork; or
   4. other clean material as specified on the approved plans

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

1. Prior to occupation of the development, the proposed car parking and vehicle access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.
2. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing ventes 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 or secondary street to the satisfaction of the City.
3. Prior to the construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved Construction shall be observed at all times throughout the construction process to the satisfaction of the City.
4. Prior to the occupation of the development, a lighting plan is to be submitted and approved by the City and maintained for the duration of the development to the satisfaction of the City.
5. 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.
6. 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.

Advice Notes specific to this proposal:

1. The applicant is advised that in relation to Condition 2, the landscaping plan shall also detail a maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.
2. The applicant is advised that in relation to Condition 14 the Construction Management Plan is to address but is not limited to the following matters:
   1. construction operating hours;
   2. contact details of essential site personnel;
   3. Noise control and vibration management;
   4. Dust, sand and sediment management;
   5. Stormwater and sediment control;
   6. Traffic and access management;
   7. Protection of infrastructure and street trees within the road reserve
   8. and adjoining properties;
   9. Dilapidation report of adjoining properties;
   10. Security fencing around construction sites;
   11. Site deliveries;
   12. Waste management and materials re-use
   13. parking arrangements for contractors and subcontractors;
   14. consultation plan with nearby properties;
   15. complaint procedure;
3. The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.
4. Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to commencing construction.
5. Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.
6. Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.

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| --- | --- |
| **PD39.20** | **No. 2 Burwood St, Nedlands – Additions to a Single House (Carport) SAT Section 31** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | John Edwards |
| **Landowner** | John Edwards |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | PD49-19 |
| **Previous Item** | DA19/37053 |
| **Delegation** | The landowner has applied for a review of the previous decision made by Council to the State Administrative Tribunal, who have issued a section 31 notice for Council to reconsider the application based on amendments proposed to the original development proposal. As Council have previously considered and determined this application, Council is required to determine the reconsideration. |
| **Attachments** | 1. Applicant Justification Report |
| **Confidential Attachments** | 1. Plans |

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

Moved – Councillor Hay

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 approves the development application dated 14 July 2020 to install a carport within the front setback area at Lot 75, No. 2 Burwood St, Nedlands, subject to the following conditions and advice notes.**

1. **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.**
2. **This development approval only pertains to the installation of a carport as indicated on the plans attached.**
3. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
4. **This approval is limited to the installation of a carport only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.**
5. **Prior to the occupation of the development, all structures within the 1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m height to the satisfaction of the City of Nedlands.**
6. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note ‘m’).**

**Advice Notes:**

1. **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.**
2. **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.**
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. **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.**
5. **There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.**
6. **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.**
7. **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.**
8. **All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.**
9. **The contractor/developer shall protect the City’s street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City’s policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).**
10. **Where building works are proposed a building permit shall be applied for prior to works commencing.**
11. **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.**
12. **In relation to condition 6, 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.**
13. **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.**
14. **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.**
15. **There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.**
16. **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.**
17. **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.**
18. **All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.**
19. **The contractor/developer shall protect the City’s street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City’s policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).**
20. **Where building works are proposed a building permit shall be applied for prior to works commencing.**
21. **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.**
22. **In relation to condition 6, 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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| --- | --- |
| **PD40.20** | **Local Planning Scheme No. 3 – Local Planning Policy: Jenkins Avenue Laneway and Built Form Requirements** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil. |
| **Previous Item** | PD13.20 OCM 28 April 2020 |
| **Attachments** | 1. Tracked Changes Jenkins Avenue Laneway and Built form Requirements Local Planning Policy 2. Jenkins Avenue Laneway and Built Form Requirements Local Planning Policy – Clean for Council Adoption 3. Summary of Submissions 4. Original Submissions 5. City of Nedlands/Department of Transport Jenkins Ave Engineering Schematic Diagram |
| **Confidential Attachments** | * + - 1. Plans of Subdivision proposals addressing Jenkins Avenue Local Planning Policy |

**Regulation 11(da) – Council determined that the laneway policy was no longer supported in this location due to the impact on private property and their values.**

Moved – Councillor Wetherall

Seconded – Councillor Hay

**Council Resolution**

**That the Council does not adopt the Jenkins Avenue Laneway and Built form Requirements Local Planning Policy.**

**CARRIED 11/1**

**(Against: Cr. Mangano)**

Committee Recommendation / Recommendation to Committee

That Council:

1. proceeds to adopt the Jenkins Avenue Laneway and Built form Requirements Local Planning Policy, with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii);
2. refers the Jenkins Avenue Laneway and Built form Requirements Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 1 Clause 7.3.2; and
3. revokes the current Doonan Rd Laneway Policy in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 6 following final approval by the Western Australian Planning Commission and notice of the Jenkins Avenue Laneway and Built form Requirements Local Planning Policy being published to give effect to the policy.

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| --- | --- |
| **PD41.20** | **Local Planning Scheme 3 – Local Planning Policy: Existing Laneway Requirements** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil. |
| **Previous Item** | Nil. |
| **Attachments** | 1. Draft Existing Laneway Requirements Local Planning Policy (LPP) |
| **Confidential Attachments** | Nil |

**Regulation 11(da) – Council determined to enhance the recommendation n order to provide certainty regarding which land parcels and laneways are affected by the Policy; to ensure transparency and engagement with effected landowners and to promote informed decision making.**

Moved – Councillor Smyth

Seconded – Councillor Mangano

**That the Recommendation to Council be adopted subject to:**

1. **Add a new Clause 3 as follows:**

**3. Council supplements this Policy and the advertising process with a map (or maps) that definitively identifies the Land Parcels and Right of Ways (Laneways) subject to this Policy; and**

1. **To Clause 2.1 of the Policy add the words “and as shown on the map attached to this Policy.”**

**CARRIED 11/1**

**(Against: Cr. McManus)**

**Council Resolution**

**Council:**

1. **prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Laneway Requirements Local Planning Policy;**
2. **instructs the City to schedule laneway upgrades within the capital works budget;**
3. **Council supplements this Policy and the advertising process with a map (or maps) that definitively identifies the Land Parcels and Right of Ways (Laneways) subject to this Policy; and**
4. **To Clause 2.1 of the Policy add the words “and as shown on the map attached to this Policy.”**

Committee Recommendation / Recommendation to Committee

Council:

1. prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Laneway Requirements Local Planning Policy; and
2. instructs the City to schedule laneway upgrades within the capital works budget.

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| --- | --- |
| **PD42.20** | **Scheme Amendment No. 7 – Amendment to Density Coding on Broadway, Hillway, Kingsway, Edward Street and Elizabeth Street – Summary of Submissions** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil. |
| **Previous Item** | OCM 28 April 2020 - PD15.20 |
| **Attachments** | 1. Summary of submissions - Scheme Amendment No. 7 |
| **Confidential Attachments** | 1. Full submissions – Scheme Amendment No. 7 |

**Councillor Bennett – Financial Interest**

Councillor Bennett disclosed a financial interest, his interest being that he is an owner occupier at 133 Broadway Nedlands which falls within the Scheme Amendment 7 area. Councillor Bennett declared that he had received approval from the Minister to remain in the room and vote subject to the following conditions:

1. The approval is only valid for the Council Committee Meeting on 11 August 2020 and Ordinary Council Meeting on 25 August 2020 when agenda item PD42.20 is considered;
2. The abovementioned Councillor must declare the nature and extent of their interest at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department’s letter of approval to the abovementioned Councillor;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillor, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

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

Moved – Councillor Mangano

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

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

**That Council receives the report.**

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| --- | --- |
| **PD43.20** | **Department of Transport’s Draft Long Term Cycle Network** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands on behalf of Department of Transport |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil. |
| **Previous Item** | Item 14.5 OCM 31 March 2020  PD20.20 OCM 26 May 2020 |
| **Attachments** | 1. LTCN Memo and Final Draft Map – July 2020 2. City of Nedlands proposed changes to the draft LTCN |
| **Confidential Attachments** | Nil |

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

Moved – Councillor Wetherall

Seconded – Councillor Mangano

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

(Printed below for ease of reference)

**CARRIED 11/1**

**(Against: Cr. Smyth)**

**Council Resolution / Committee Recommendation**

**That Council defers this item to the September 2020 Council Committee Meeting.**

Recommendation to Council

Council endorse the Department of Transport’s draft Long Term Cycling Network, with modifications outlined in Attachment 2, for the purpose of advertising for 21 days.

## Community Development No’s CM06.20

Report No’s CM06.20 to be dealt with at this point (copy attached orange cover sheet).

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| --- |
| **CM06.20 Community Sport and Recreation Facilities Fund Applications – Swanbourne Nedlands Surf Life Saving Club, UWA Sport and Peak Trampoline Inc** |

|  |  |
| --- | --- |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | Nil |
| **Confidential Attachments** | Nil |

**Councillor Smyth – Impartiality Interest**

Councillor Smyth disclosed an impartiality interest, her interest being that she is a vice patron of the 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.

**Councillor McManus – Impartiality Interest**

Councillor McManus disclosed an impartiality interest, his interest being that he is a vice patron of the club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus declared that he would consider this matter on its merits and vote accordingly.

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

Moved – Councillor Hay

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. **advises Department of Local Government, Sport and Cultural Industries (DLGSCI) that it has ranked and rated the application to the Community Sport and Recreation Facilities Fund Annual Grant round as follows:** 
   1. **Swanbourne Nedlands Surf Life Saving Club (A Rating);**
   2. **UWA Sport (A Rating);**
   3. **Peak Trampoline (A Rating).**
2. **endorses the above applications to DLGSCI on the condition that all necessary statutory approvals are obtained by the applicant;**

1. **approves an amount of $248,400 (ex GST) for Swanbourne Nedlands Surf Lifesaving Club for consideration in the 2021/22 draft budget, conditional on the project receiving DLGSCI or other funding; and**
2. **considers the Swanbourne Nedlands Surf Life Saving Club request to partially waive the Development Applications fees for their project; and**
   1. **Approves a 100% waiver of the development application fee.**

Recommendation to Committee

Council:

1. advises Department of Local Government, Sport and Cultural Industries (DLGSCI) that it has ranked and rated the application to the Community Sport and Recreation Facilities Fund Annual Grant round as follows:
   1. Swanbourne Nedlands Surf Life Saving Club (A Rating);
   2. UWA Sport (A Rating);
   3. Peak Trampoline (A Rating).
2. endorses the above applications to DLGSCI on the condition that all necessary statutory approvals are obtained by the applicant;
3. approves an amount of $248,400 (ex GST) for Swanbourne Nedlands Surf Lifesaving Club for consideration in the 2021/22 draft budget, conditional on the project receiving DLGSCI funding; and
4. considers the Swanbourne Nedlands Surf Life Saving Club request to partially waive the Development Applications fees for their project and:
   1. Approves a 50% waiver of the development application fee: or
   2. Does not approve a waiver of the development application fee.

## Corporate & Strategy Report No’s CPS14.20 to CPS17.20

Report No’s CPS14.20 to CPS17.20 to be dealt with at this point (copy attached green cover sheet).

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| --- |
| **CPS14.20 List of Accounts Paid – June 2020** |

|  |  |
| --- | --- |
| **Committee** | 11 August2020 |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing – June 2020 2. Credit Card and Purchasing Card Payments – June 2020 (28 May – 28 June 2020) 3. CEO Credit Card Payments – April – June 2020 (31 March – 28 June 2020) |

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

Moved – Councillor Hay

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 month of June 2020 as per attachments.**

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| **CPS15.20 Extension of Tenure – Nedlands Golf Club** |

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| --- | --- |
| **Committee** | 11 August2020 |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Nil |

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

Moved – Councillor Hay

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. **approves the extension of tenure of Nedlands Golf Club for an additional period of ten (10) years, expiring on 31 December 2034, with no other changes to the current lease agreement.**
2. **requests that after receiving the Minister for Lands consent to the extension, the Mayor and CEO execute the agreement and apply the City’s common seal.**
3. **considers the Nedlands Golf Club’s request to waive the Development Applications fees for their project and:**
   1. **approves a 100% waiver of the development application fee.**

Recommendation to Committee

Council:

1. approves the extension of tenure of Nedlands Golf Club for an additional period of ten (10) years, expiring on 31 December 2034, with no other changes to the current lease agreement.
2. requests that after receiving the Minister for Lands consent to the extension, the Mayor and CEO execute the agreement and apply the City’s common seal.
3. considers the Nedlands Golf Club’s request to waive the Development Applications fees for their project and:
4. approves a 100% waiver of the development application fee; or
5. approves a 50% waiver of the development application fee; or
6. does not approve a waiver of the development application fee.

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| **CPS16.20 City Membership of the West Australian Local Government Association (WALGA)** |

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| --- | --- |
| **Committee** | 11 August2020 |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | Nil. |

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

Moved – Councillor Hay

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. subject to the Mayor & CEO being satisfied as to the benefits to the City, authorises the Chief Executive Officer to enter into discussions with WALGA for a membership agreement that is beneficial to the City; and**

**2. agrees to accept the recommendation that the City of Nedlands take up membership of the Western Australian Local Government Association (WALGA).**

Recommendation to Committee

Council:

1. agrees to accept the recommendation that the City of Nedlands take up membership of the Western Australian Local Government Association (WALGA); and

2. authorises the Chief Executive Officer to enter into discussions with WALGA for a membership agreement that is beneficial to the City.

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| 0BCPS17.20 City Insurances, Brokerage, Management and Consultancy |

|  |  |
| --- | --- |
| **Committee** | 11 August2020 |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | Nil. |
| **Confidential Attachments** | 1. Tender Evaluation and Recommendation Report RFT 2020-21.02 City Insurance Brokerage, Management and Consultancy Services |

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

Moved – Councillor Hay

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. **accepts the City’s recommendation to award the contract for RFT 2020-21.01 - Brokerage, Management and Consultancy Services to LGIS for the initial term of 24 months with the option of a further 12 months to be awarded at the sole discretion of the City; and**
2. **authorises the CEO to enter into a contract with the accepted tenderer.**

Recommendation to Committee

Council:

1. Option 1

accepts the City’s recommendation to award the contract for RFT 2020-21.01 - Brokerage, Management and Consultancy Services to LGIS for the initial term of 24 months with the option of a further 12 months to be awarded at the sole discretion of the City; and

OR

Option 2

accepts the City’s alternative recommendation to award the contract for RFT 2020-21.01 - Brokerage, Management and Consultancy Services to AON for the Annual fixed fee of $25,000 exc GST and the schedule of fees for additional services for the initial term of 24 months with the option of a further 12 months to be awarded at the sole discretion of the City; and

1. authorises the CEO to enter into a contract with the accepted tenderer.

# Reports by the Chief Executive Officer

## Common Seal Register Report – July 2020

Moved – Councillor Hay

Seconded – Councillor McManus

**The below Common Seal Register Report for the month of July 2020 be received.**

**CARRIED UNANIMOUSLY 12/-**

**July 2020**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 946 | 30 July 2020 | Planning & Development | Delegated Authority | Seal Certification - Seal No. 946 - Removal of Section 70A - restriction of occupancy of dwelling to those aged 55 years or over from Certificate of Title of 49 Edward Street Nedlands. |

## List of Delegated Authorities – July 2020

Moved – Councillor Hay

Seconded – Councillor Wetherall

**The attached List of Delegated Authorities for the month of July 2020 be received.**

**CARRIED UNANIMOUSLY 12/-**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | | **Applicant / CoN / Property Owner / Other** |
| **June 2020** | | | | | | |
| 1/07/2020 | [3046816 - Withdrawn Parking Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F3046816%20%2D%20Withdrawn%20Parking%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Health & Compliance | Local Government Act 1995 | 9.20\6.12(1) | Kerris Moffat | |
| 1/07/2020 | [3042978 - Withdrawn Parking Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F3042978%20%2D%20Withdrawn%20Parking%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Health and Compliance | Local Government Act 1995 | 9.20\6.12(1) | Glen Parsons | |
| 1/07/2020 | [BA119420 Certified building permit - Patio](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA119420%20Certified%20building%20permit%20%2D%20Patio&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Screenstyle WA Pty Ltd | |
| 2/07/2020 | [(APP)DA20-45614 - 132 Rochdale Road, Mount Claremont - Short Term Accommodation Holiday House](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29DA20%2D45614%20%2D%20132%20Rochdale%20Road%2C%20Mount%20Claremont%20%2D%20Short%20Term%20Accomodation%20Holiday%20House&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Principle Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | C & E Payne | |
| 2/07/2020 | [BA120459 Occupancy Permit - Vehicle Shelter](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120459%20Occupancy%20Permit%20%2D%20Vehicle%20Shelter&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s58.1 | Modus Compliance Pty Ltd | |
| 3/07/2020 | [BA120024 Certified building permit - Alterations](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120024%20Certified%20building%20permit%20%2D%20Alterations&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | RU Developments Pty Ltd | |
| 3/07/2020 | [BA120464 Certified building permit - Alterations](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120464%20Certified%20building%20permit%20%2D%20Alterations&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Petit Homes Pty Ltd | |
| 6/07/2020 | [BA120532 Building approval certificate - Fence](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120532%20Building%20approval%20certificate%20%2D%20Fence&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s58.1 | Fast Track Approvals Pty Ltd | |
| 6/07/2020 | [BA119495 Certified building permit - Boundary wall](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA119495%20Certified%20building%20permit%20%2D%20Boundary%20wall&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Dasco Building Group | |
| 6/07/2020 | [BA120604 Certified building permit - Addition](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120604%20Certified%20building%20permit%20%2D%20Addition&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Addstyle Constructions Pty Ltd | |
| 6/07/2020 | [BA119407 Certified building permit - Retaining wall](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA119407%20Certified%20building%20permit%20%2D%20Retaining%20wall&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | WA Stoneworks Pty Ltd | |
| 6/07/2020 | [BA120437 Occupancy permit - Office](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120437%20Occupancy%20permit%20%2D%20Office&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s58.1 | Fast Track Approvals Pty Ltd | |
| 7/07/2020 | [BA119678 Certified building permit - Addition](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA119678%20Certified%20building%20permit%20%2D%20Addition&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Nexus Home Improvement | |
| 7/07/2020 | [BA120304 Certified building permit - Dwelling](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120304%20Certified%20building%20permit%20%2D%20Dwelling&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Mr R Beresford | |
| 7/07/2020 | [BA57487 Certified building permit - Dwelling](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA57487%20Certified%20building%20permit%20%2D%20Dwelling&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Shelford Construction | |
| 8/07/2020 | [3043468 - Withdrawn Parking Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F3043468%20%2D%20Withdrawn%20Parking%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) |  |  | 9.20\6.12(1) | Emily Gambold | |
| 8/07/2020 | [3042991 - Withdrawn Parking Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F3042991%20%2D%20Withdrawn%20Parking%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Tianqiang Jia | |
| 8/07/2020 | [3046852 - Withdrawn Parking Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F3046852%20%2D%20Withdrawn%20Parking%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | manger Health and Conpliance | Local Government Act 1995 | 9.20/6.12(1) | Lucy Syme | |
| 9/07/2020 | [(APP) - DA20-48514 - 16 Brockway Rd, Mt C - Veranda](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29%20%2D%20DA20%2D48514%20%2D%2016%20Brockway%20Rd%2C%20Mt%20C%20%2D%20Veranda&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Principal Planner | Planning and Development (Local Planning Scheme) Regulations 2015 | Regulation 82 | Perette Minciullo | |
| 9/07/2020 | [BA120574 Certified building permit - Extension](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120574%20Certified%20building%20permit%20%2D%20Extension&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Colli Constructions Pty Ltd | |
| 10/07/2020 | [BA120525 Occupancy permit - Cool room](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120525%20Occupancy%20permit%20%2D%20Cool%20room&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s58.1 | Resolve Group Pty Ltd | |
| 10/07/2020 | [BA120656 Certified building permit - Additions](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120656%20Certified%20building%20permit%20%2D%20Additions&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Tangent Nominees Pty Ltd | |
| 10/07/2020 | [BA120816 Uncertified building permit - Remedial works](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120816%20Uncertified%20building%20permit%20%2D%20Remedial%20works&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Robert Logan Homes Pty Ltd | |
| 14/07/2020 | [BA121158 Uncertified building permit - Pool barrier](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121158%20Uncertified%20building%20permit%20%2D%20Pool%20barrier&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Principal Landscapes | |
| 15/07/2020 | [3046854 - Withdrawn Parking Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F3046854%20%2D%20Withdrawn%20Parking%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Health and Compliance | Local Government Act 1995 | 9.20\6.12(1) | Bradley Wibrow | |
| 15/07/2020 | [BA120243 Certified building permit - Additions](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120243%20Certified%20building%20permit%20%2D%20Additions&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Hollis Constructions Pty Ltd | |
| 15/07/2020 | [BA120794 Certified building permit - Alterations](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120794%20Certified%20building%20permit%20%2D%20Alterations&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | B C West | |
| 15/07/2020 | [BA104077 Uncertified building permit - Pool Barrier](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA104077%20Uncertified%20building%20permit%20%2D%20Pool%20Barrier&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | G D Perth | |
| 15/07/2020 | [BA58496 Uncertified building permit - Fence](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA58496%20Uncertified%20building%20permit%20%2D%20Fence&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Mr M P Murrey | |
| 16/07/2020 | [BA120863 Certified building permit - Dwelling](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120863%20Certified%20building%20permit%20%2D%20Dwelling&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Four D Homes Pty Ltd | |
| 16/07/2020 | [BA120131 Uncertified building permit - Pool](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120131%20Uncertified%20building%20permit%20%2D%20Pool&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Barrier Reef Pools Northside | |
| 16/07/2020 | [BA121023 Demolition Permit - Full Site](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121023%20Demolition%20Permit%20%2D%20Full%20Site&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s21.1 | Maxbay Pty Ltd | |
| 20/07/2020 | [(APP) - DA20-46258 - 8 Bedford Street, Nedlands - Grouped Dwelling](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29%20%2D%20DA20%2D46258%20%2D%208%20Bedford%20Street%2C%20Nedlands%20%2D%20Grouped%20Dwelling&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Webb & Brown Neaves | |
| 20/07/2020 | [BA121347 Certified building permit - Patio](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121347%20Certified%20building%20permit%20%2D%20Patio&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | SOFTWOODS TIMBERYARDS PTY LTD | |
| 20/07/2020 | [BA120634 Uncertified building permit - Wall, pergola](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120634%20Uncertified%20building%20permit%20%2D%20Wall%2C%20pergola&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | S TAI | |
| 20/07/2020 | [BA107072 Building Approval Certificate - Retaining wall](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA107072%20Building%20Approval%20Certificate%20%2D%20Retaining%20wall&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s58.1 | Fast Track Approvals Pty Ltd | |
| 21/07/2020 | [(APP) - DA20-48993 - 13 Doonan Road, Nedlands - Single House](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29%20%2D%20DA20%2D48993%20%2D%2013%20Doonan%20Road%2C%20Nedlands%20%2D%20Single%20House&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Essential First Choice Homes | |
| 21/07/2020 | [(APP) - DA20-51035 - 29 Asquith Street, Mt Claremont - Temporary Change of Use](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29%20%2D%20DA20%2D51035%20%2D%2029%20Asquith%20Street%2C%20Mt%20Claremont%20%2D%20Temporary%20Change%20of%20Use&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Urban Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Glenn Chapman | |
| 21/07/2020 | [BA121400 Uncertified building permit - Pool Barrier](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121400%20Uncertified%20building%20permit%20%2D%20Pool%20Barrier&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | M T Evershed | |
| 21/07/2020 | [BA119654 Uncertified building permit - Outbuilding](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA119654%20Uncertified%20building%20permit%20%2D%20Outbuilding&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Mr G Dobbin | |
| 21/07/2020 | [BA121247 Building approval certificate - Boundary wall](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121247%20Building%20approval%20certificate%20%2D%20Boundary%20wall&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s58.1 | Mr A J Griffiths | |
| 23/07/2020 | [BA121574 Certified building permit - Dwelling](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121574%20Certified%20building%20permit%20%2D%20Dwelling&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Webb & Brown Neaves | |
| 23/07/2020 | [BA121473 Demolition permit - Full site](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121473%20Demolition%20permit%20%2D%20Full%20site&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s21.1 | Sycamore Civil Group | |
| 23/07/2020 | [BA121220 Certified building permit - Dwelling](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121220%20Certified%20building%20permit%20%2D%20Dwelling&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Katrine Investments | |
| 23/07/2020 | [BA121207 Demolition permit - Full site](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121207%20Demolition%20permit%20%2D%20Full%20site&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s21.1 | Brajkovich Demolition & Salvage Pty Ltd | |
| 23/07/2020 | [BA121805 Demolition permit - Carpark and Outbuilding](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121805%20Demolition%20permit%20%2D%20Carpark%20and%20Outbuilding&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s21.1 | Brajkovich Demolition & Salvage Pty Ltd | |
| 27/07/2020 | [(APP) - DA20-46847 - 22 Alfred Road, Claremont - Single House](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29%20%2D%20DA20%2D46847%20%2D%2022%20Alfred%20Road%2C%20Claremont%20%2D%20Single%20House&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | KTR Creations PTY LTD | |
| 27/07/2020 | [(APP) - DA20-48159 - 34 Stanley Street, Nedlands - Amendment to DA19-34980](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29%20%2D%20DA20%2D48159%20%2D%2034%20Stanley%20Street%2C%20Nedlands%20%2D%20Amendment%20to%20DA19%2D34980&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Atrium Homes (WA) Pty Ltd | |
| 27/07/2020 | [(APP) - DA20-45256 - 77 Mountjoy Road, Nedlands - Carport, Patio and Poolhouse](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29%20%2D%20DA20%2D45256%20%2D%2077%20Mountjoy%20Road%2C%20Nedlands%20%2D%20Carport%2C%20Patio%20and%20Poolhouse&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Outside In Pty Ltd | |
| 27/07/2020 | [BA121362 Certified building permit - Lift](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121362%20Certified%20building%20permit%20%2D%20Lift&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Mr M Slocum | |
| 27/07/2020 | [(APP)DA20-45406 - 98 Melvisa Avenue Dalkeith - Two Storey Residential Dwelling with Undercroft](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29DA20%2D45406%20%2D%2098%20Melvisa%20Avenue%20Dalkeith%20%2D%20Two%20Storey%20Residential%20Dwelling%20with%20Undercroft&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Principle Planner | Planning and Developmen (Local Planning Schemes) Regulations 201 | Regulation 82 | Averna Pty Ltd | |
| 28/07/2020 | [BA120998 BA19 Change of Builder - 85 Florence Rd](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120998%20BA19%20Change%20of%20Builder%20%2D%2085%20Florence%20Rd&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 |  | Intune Building & Design Pty Ltd | |
| 28/07/2020 | [BA120769 Certified building permit - Office fitout](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA120769%20Certified%20building%20permit%20%2D%20Office%20fitout&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Brewer Building Pty Ltd | |
| 29/07/2020 | [BA121776 Demolition permit - full site](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121776%20Demolition%20permit%20%2D%20full%20site&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s21.1 | AAA Demolition & Tree Service | |
| 29/07/2020 | [3042993 – 3042992. - Withdrawn Parking Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F3042993%20%E2%80%93%203042992%2E%20%2D%20Withdrawn%20Parking%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) |  | Local Government Act 1995 | 9.20/6.12(1) | Mia Simpson | |
| 29/07/2020 | [BA121788 Certified building permit - Dwelling](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121788%20Certified%20building%20permit%20%2D%20Dwelling&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Fleet & Beck Builders Pty Ltd | |
| 30/07/2020 | [(APP) - DA19-41347 - 22 Wattle Avenue, Dalkeith - Retrospective Addition to Single House](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F%28APP%29%20%2D%20DA19%2D41347%20%2D%2022%20Wattle%20Avenue%2C%20Dalkeith%20%2D%20Retrospective%20Addition%20to%20Single%20House&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Darklight Design | |
| 30/07/2020 | [3043467 - Withdrawn Parking Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F3043467%20%2D%20Withdrawn%20Parking%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Health and Compliance |  | 9.20/6.12(1) | Ben Dicker | |
| 30/07/2020 | [BA121409 Certified building permit - Pool](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2FBA121409%20Certified%20building%20permit%20%2D%20Pool&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Building Services | Building Act 2011 | s20.1 | Aquatic Leisure Technologies Pty Ltd | |
| 30/07/2020 | [2001267 - Withdrawn Animal Infringement Notice - Compassionate Grounds](https://nedlands365.sharepoint.com/sites/compliance/governance/delegations_register/Forms/Active_Doc_Sets.aspx?RootFolder=/sites%2Fcompliance%2Fgovernance%2Fdelegations%5Fregister%2F2001267%20%2D%20Withdrawn%20Animal%20Infringement%20Notice%20%2D%20Compassionate%20Grounds&View=%7B0388EA9D%2DE183%2D4EAB%2D860E%2D1E5EF37282C8%7D) | Manager Health and Compliance |  | 9.20/6.12(1) | Caitlin McCormack | |

## Monthly Financial Report – July 2020

|  |  |
| --- | --- |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 31 July 2020 2. Capital Works & Acquisitions – 31 July 2020 3. Statement of Net Current Assets – 31 July 2020 4. Statement of Financial Activity – 31 July 2020 5. Borrowings – 31 July 2020 6. Statement of Financial Position – 31 July 2020 7. Operating Income & Expenditure by Reporting Activity – 31 July 2020 8. Operating Income by Reporting Nature & Type – 31 July 2020 |

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

Moved – Councillor Senathirajah

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 Monthly Financial Report for 31 July 2020.**

**Executive Summary**

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

**Discussion/Overview**

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

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

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

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

The operating revenue at the end of July 2020 was $28.34m which represents $159k favourable variance compared to the year-to-date budget.

The operating expense at the end of July 2020 was $1.62m, which represents $909k 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 top budget changes. Variations from the budget of revenue and expenses by Directorates are highlighted in the following paragraphs.

**Governance**

Expenditure: Favourable variance of $ 83,039

Revenue: Favourable variance of $ 0

The favourable expenditure variance is mainly due to:

* professional fees of $26k in Governance not spent yet,
* WESROC expenses of $22k not spent yet,
* office expenses of $20k in Communications not spent yet,
* other employee cost of $14k in HR not spent yet and profiling difference for insurance of $24k
* Office expenses in Governance of $20k not spent yet,
* The salary reduction of $442k as resolved by Council at the adoption of the budget has been shown as a reduction in salaries of approximately $36k per month in Governance as a 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 $126k is off set against the $36k salary savings not met yet.

**Corporate and Strategy**

Expenditure: Favourable variance of $219,285

Revenue: Unfavourable variance of $ (82,139)

The favourable expenditure variance is mainly due to:

* Timing difference of Landgate valuation charges of $62k
* ICT expenses of $69k.
* Profiling difference in UGP Rates instalment refund of $70k.

Unfavourable revenue variance is due to:

* Lower rates income of $69k mainly from instalment interest and admin charges due to profiling.

**Community Development and Services**

Expenditure: Favourable variance of $ 73,199

Revenue: Unfavourable variance of $(40,583)

The favourable expenditure variance is mainly due to:

* Community donation and special projects of $40k not expensed yet.
* Savings on salaries of $8k in library due to profiling,
* Expenses not expensed yet for library office, in other expenses and ICT expenses of $18k.

The unfavourable income variance is mainly due to:

* Lower income from Tresillian of $52k was partly due to fees paid in advance in previous financial year offset by increased income from PRCC of $17k.

**Planning and Development**

Expenditure: Favourable variance of $ 56,803

Revenue: Favourable variance of $ 191,785

The favourable expenditure variance is mainly due to:

* Expense not expensed yet for planning projects of $25k,
* Strategic projects of $31k not expensed yet

Favourable revenue variance is mainly due to:

* Increase fees & charges income from Urban Planning, Environmental health and Building services of $177k.

**Technical Services**

Expenditure: Favourable variance of $ 476,580

Revenue: Favourable variance of $ 90,396

The favourable variance is mainly due to:

* Maintenance expense not expensed yet for Street road and depots, Building maintenance and park services of $301k.
* Waste expense of $117k not expensed yet
* Insurance expense of $58k not expensed due to profiling issue.

The favourable revenue variance is mainly due to:

* UGP service charges of $106k due to profiling issue
* Partly offset by Council property income of $14k due to profiling issue

**Borrowings**

At 31 July 2020, we have a balance of borrowings of $5.81 M. Balance as per adopted budget as at 30 June 2021 is $4.1 M. There were no additional borrowings for the year in 2020/21 budget.

**Net Current Assets Statement**

At 31 July 2020, net current assets was $34.8 M compared to $32.4 M as at 31 July 2019. Current assets are higher by $3.6M offset by higher liabilities $2.3 M.

**Capital Works Programme**

As at 31 July, the expenditure on capital works were $198k with additional capital commitments of $2.14 M which is 28.7% of a total budget of $8.2 M.

**Employee Data**

|  |  |
| --- | --- |
| **Description** | **Number** |
| Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month | 181 |
| Number of contract staff (temporary/agency staff) as of the last day of the previous month | 0 |
| \*FTE (Full Time Equivalent) count as of the last day of the previous month | 159.87 |
| Number of unfilled staff positions at the end of each month | 14 |

Total active employee headcount has increased by 6, primarily with recruitment of roles in Urban Planning, Early Childhood (PRCC) and Traffic Engineering.

**Conclusion**

The statement of financial activity for the period ended 31 July 2020 indicates that operating expenses are under the year-to-date budget by 35% or $908k, while revenue is above the Budget by 0.57% or $159k.

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

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

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

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

## Monthly Investment Report – July 2020

|  |  |
| --- | --- |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | Investment Report for the period ended 31 July 2020 |

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

Moved – Councillor Senathirajah

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 2020.**

**Executive Summary**

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

**Discussion/Overview**

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

The Investment Policy of the City, which is reviewed each year by the Audit and Risk Committee of Council, is structured 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 2020 and 31 July 2019 the City held the following funds in investments:

|  |  |  |
| --- | --- | --- |
|  | **31-July-2020** | **31-July-2019** |
| Municipal Funds | $ 5,902,735 | $ 1,038,118 |
| Reserve Funds | $ 1,887,191 | $ 6,119,976 |
| Total investments | $ 7,789,927 | $ 7,158,094 |
|  |  |  |

The total interest earned from investments as at 31 July 2020 was $5,728.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $3,230,077 | 0.85% - 0.92% | 41.46% |
| Westpac | $2,496,916 | 0.85% - 1.05% | 32.05% |
| ANZ | $ 182,326 | 0.40% - 0.70% | 2.34% |
| CBA | $1,880,608 | 0.56% - 0.76% | 24.15% |
| **Total** | **$7,789,927** |  | **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 July YTD Actual interest income from all sources is $12,080 compared to the July YTD Budget of $33,501.

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

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

## Venue & Public Attendance at Council & Whole of Committee Meetings

|  |  |
| --- | --- |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

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

Moved – Councillor Wetherall

Seconded – Councillor Smyth

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

(Printed below for ease of reference)

Put Motion

Moved - Councillor McManus

Seconded - Councillor Mangano

**That the Motion be put.**

**CARRIED 9/3**

**(Against: Mayor de Lacy Crs. Horley & Smyth)**

**The Motion was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

**Council:**

1. **requests the Mayor and Chief Executive Officer (CEO);**
   1. **to monitor Ordinary, Special and Council Committee meeting attendance demand and where public attendance is likely to be significantly greater than the normal Council Chamber capacity at any given time, having due regard for COVID-19 restrictions and the ability to live stream; and**
   2. **to then determine arrangements to hold the meeting at a larger venue;**
2. **authorises additional expenditure for meetings held at locations other than the Council Chamber;**
3. **agrees to reconcile the additional costs for meetings held at locations other than the Council Chamber at the mid-year budget review;**
4. **continues to hold live streaming of its meetings during and post COVID-19 restrictions; and**
5. **requests the CEO to include discussion of recording of meetings when the Standing Orders Local Law is next reviewed.**

**Executive Summary**

The City has received a number of requests to provide for physical attendance of the public at Council and Whole of Council Committee meetings.

This report provides options for Council to accommodate these requests.

**Overview**

The City has received requests from the public to attend meetings as observers. This occurs from time to time, as matters of public interest are brought to Council and the Whole of Council Committee.

**Engagement and Democratic Principles**

Council operates under democratic principles, namely, elected officials debate and make decisions within the jurisdiction of local government. The Local Government Act 1995 (Act) provides for the public to attend Council and Committee meetings. This provides for transparency and accountability of the elected members to the public as they are able to witness the democratic process in action.

The public are also able to participate in Council and Committee meetings in the following ways:

* Asking questions (s5.24 of the Act)
* Addresses by members of the public (33.4 of the of the City of Nedlands Standing Orders Local Law (Standing Orders))
* Bringing petitions (s3.5 of the Standing Orders)
* Bringing deputations (s3.11 of the Standing Orders)

It is noted that under the Act there are two means for the public to participate in meetings, through attendance and public questions.

The City of Nedlands Standing Orders Local Law provides three more ways for the public to participate, through addresses, petitions and deputations. These additional mechanisms also provide for transparency and accountability and allow for engagement with Council.

Debate and decision-making at Council meetings is a duty performed solely by elected members under the Act and Standing Orders, without interference. The public, except as observer, does not have any role in debate or decision-making and the Standing Orders are designed to enable elected members to undertake this role without interruption.

**COVID-19 Impact on Meetings and the Local Government Act 1995**

COVID-19 has brought about restrictions on meetings. These have been mandated under changes to the Act and its subsidiary legislation, including:

* The ability of a local government to override its standing orders local law (s10.4 of the Act)
* A Ministerial order (8 May 2020) banning the holding of special elector meetings during the COVID-19 emergency period
* Attendance by electronic means (r14C of the Local Government (Administration) Regulations (Regulations))
* Authorising the holding of electronic meetings (r14D of the Regulations)
* Giving notice (r14E(2) of the Regulations)
* Persons attending by electronic meetings and meetings deemed open (r14E(3) of the Regulations)

Under this regulation the meeting is open to the members of the public if the unconfirmed minutes of the meeting are available for inspection, or the meeting is publicly broadcast on a website, or the meeting or a broadcast of the meeting is otherwise accessible to the public.

The City of Nedlands provides for all three.

* Providing a means to submit questions and responding to questions at meetings, unless it is not appropriate to do so due to the public health emergency (r14E(4) of the Regulations).

The City of Nedlands provides for public questions at its electronic meetings. Public questions are submitted ahead of the meeting and the questions and responses are read out by the Mayor. The questions and responses form part of the minutes. This process is independent of the COVID-19 restrictions and has been in place as normal practice at the City of Nedlands.

* Providing a means to table documents electronically and making documents available to the public, including by electronic means (r14e(5) of the Regulations).

The City of Nedlands meets this requirement.

Council has also made over-riding resolutions in relation to its Standing Orders, so as to facilitate electronic meetings during the COVID-19 emergency.

**COVID-19 Impact on Meetings and the Occupational Safety and Health Act 1984**

Compliance with the City’s obligations to the safety of the public, councillors and staff is paramount.  It is the first priority and is non-negotiable, as mandated by the Occupational Health and Safety Act 1984.

Engagement of the public through general attendance at Council and committee meetings can be accommodated, provided the safety of the public is maintained.

Under COVID-19 restrictions the administrative and operational processes needed to provide a safety workplace are somewhat onerous and inconvenient and to a degree as they impinge on the physical access that the public has customarily had in relation to access at Council and committee meetings.  It is preferable that operations return to normal.

**When the next phase of easing of restrictions is put in place by the State Government, social distancing will no longer be needed at meetings and at that point it is intended to return meetings to normal operations, subject to any remaining COVID-19 restrictions. It was announced on 18 August 2020 that this will not occur until 24 October 2020, however the State Government may again defer this date.**

The current provisions for visitor and employee safety at meetings are based on the recommendations of the WA Health Department for social distancing. In assessing the risk of the visitors to Council meetings, the predominant demographic of the visitors, including councillors, puts them in a high risk category, and mitigations in accordance with recommendations of the WA Health Department are deemed appropriate in relation to the current meeting arrangements, specifically the 2m2 social distancing rule. WA businesses are expected to ensure that COVID Safety Plans continue to be implemented.

It is a critical risk to the City, having all Councillors and Executive Management in the one place at the same time, as should there be a cluster of infections resulting from a meeting, it will certainly affect the City’s ability to effectively function for an extended period.  The Administration will be required to close (presuming that is where the meeting is held), and all attendees will be required to isolate.

The City cannot open buildings to meetings to their pre-COVID-19 public building patron limitations.  This is not permitted under the state’s mandated 2sqm rule and is a criminal offence.  Therefore, the public patron limit is 11 in the Council Chamber, due to the relatively small area where the public can safely congregate in the Chambers.

The City has calculated the patron numbers according to the 2sqm rule which was updated from the previous Stage 3’s 4sqm rule.  It is important to note that Western Australia is still within the Declared State of Emergency and the Roadmap prepared by the WA government provides us with the guidance as to how meetings can be managed.

Any comparisons that may be made to patron numbers at the Perth Stadium or other venues of that ilk, are not relevant to this discussion.  The State government has made specific allowances for those venues via legislation, and the City’s facility management is not applicable in these cases.

In order to provide for more people to be able to attend meetings physically, a larger facility is needed with appropriate physical distancing measures in place along with the separation of the public from Councillors and staff.

The head of power for dealing with COVID-19 in the workplace is the Occupational Safety and Health Act 1984 (OSH Act 1984). It requires the employer to maintain a safe working place for the employees (s19) and for visitors to the workplace (s57A).  The Chief Executive Officer (CEO), not the Council, is the employer of all of the staff and is responsible for the safety of visitors to the workplace.  The OSH Act 1984 does not provide for Council to instruct the CEO, or to carry out its own duties (except to the CEO), in relation to employee and visitor safety and health.

Were Council to assume responsibility for staff and visitor safety, this would not only be contrary to the OSH Act 1984, it also places the Council and individual councillors in a high-risk situation.  A current bill before parliament proposes to hold the employer both civilly and criminally responsible for significant breeches of the OSH Act 1984 and includes putting responsible persons beyond the protection of a firm’s insurance provisions.

**Key Relevant Previous Council Decisions:**

26 May 2020 – Standing Orders Modification for COVID-19

Council agrees that in order to deal with consequences of the COVID-19 pandemic, in accordance with the Local Government Act 1995 s10.4, for the City of Nedlands Standing Order Local Law, where telephone, video conferencing, or electronic meetings are held:

1. Clause 3.4(2), addresses by the public must be provided at least 24 hours before the start time of scheduled meetings.
2. Clause 3.4(3), is suspended, and it is resolved that an address may relate to subjects that are only on the meeting agenda. The Presiding Member may rule that the subject matter does not meet these criteria, and that the public address not be heard.
3. Clause 3.4(4), Council does not permit more than 2 speakers for and 2 against, on any particular item on the agenda or any other matter within Council’s jurisdiction.
4. Clause 3.4(5) is suspended, and it is resolved that the public address session will be restricted to 40 minutes, with no extension permitted.
5. Clause 3.4(6) is suspended, and it is resolved that each person is restricted to one address of up to 3 minutes, with no extension permitted.
6. Clause 3.7(2) is suspended, and it is resolved that the Presiding Member may determine any change in the order of business.
7. Clauses 3.12(2) & (3) dealing with confidential items, also means suspension of live streaming of the meeting for the confidential item. Live streaming will then recommence once the confidential item is dealt with and Council has resolved to re-open the meeting.
8. Clause 6.2(1) dealing with quorum, agrees that the Presiding Member;
   1. may take roll calls at her/his discretion to ensure members are present, to be noted in the minutes;
   2. may wait or may call a short meeting adjournment, until satisfied that any member is present;
   3. may determine that the member has left the meeting at that time, where no response is received;
   4. determines that the member will be deemed to have returned to the meeting when the CEO or minute taker notes reconnection and indication of the presence of the member.
9. Clause 8.2(1) & (2) is suspended, and for seating arrangements COVID-19 social distancing protocols determined by the CEO shall take precedence over assigned seating arrangements to the extent necessary to comply.
10. Clause 8.3, it is additionally agreed that where using Microsoft Teams software, members should use the ‘chat’ function in TEAMS to advise the Presiding Member, CEO and Minute taker that they have entered or left the meeting.
11. Clause 9.1 is suspended for those not in the room where the meeting is being held. Instead the following guidelines are to be used for video conferencing and electronic meetings:
    * Every member of the Council or committee wishing to speak is to indicate by turning on their camera and microphone and fully stating their name. At all other times during a debate cameras and microphones are to be off unless making a point of order or voting;
    * When invited by the Presiding Member to speak, members may remain seated and speak clearly and slowly;
    * Other members are to refrain as much as possible from calling points of order, instead politely and respectfully gain the presiding member’s attention and explain the reason for interrupting the debate in so far as a point of order is needed.
12. Clause 9.7 is suspended and it is agreed that all addresses by Council and committee members are to be limited to 5 minutes with no extension.
13. Clauses 12.7(1) and 12.8, additionally means suspension of live streaming of the meeting when going behind closed doors. Live streaming will then recommence once the confidential item is dealt and it is resolved that the meeting be reopened to the public.
14. Clause 13.2, it is additionally agreed that ensuring that the voter’s vote is not secret will be done by requiring the voter to verbally state their vote, when called to do so through the Presiding Member’s instruction.
15. Clause 15.3, it is additionally agreed that when a member raises a point of order where video conferencing or electronic means is used where available they must turn on their camera and microphone and then clearly raise their point of order, and the member currently speaking must stop speaking and turn off their camera and microphone. The Presiding Member will then uphold or reject the point of order.
16. Clause 15.8, it is additionally agreed that when the Presiding member rises, or indicates that they are doing so, members will immediately turn off their microphone and camera so that the Presiding Member may be heard without interruption.
17. Clause 15.10, is suspended to the extent needed for person/s to provide IT assistance where necessary to maintain or enhance members’ connection with the meeting and the live streaming.
18. Notes that a meeting held by telephone, video conference or other electronic means is taken to mean any meeting where any or all Council or committee members are attending by one of these means.
19. Should Microsoft Teams software improvements be made, the requirement to turn off cameras at points during the meeting, may be removed by the Presiding Member.

28 July 2020

CEO Key Result Areas include the requirement to curtail employee costs. Given that extra resourcing is needed to facilitate meetings at other venues, where possible resourcing will be outsourced.

**Consultation**

The City has received a number of requests to attend meetings in person lately, during the COVID-19 restriction period.

**Discussion**

**What Drives Attendance / Viewing of Meetings by the Public?**

An assessment of attendance by the public at Council Committee and at Council meetings over the past 2 years is provided in Figure 1 below.

Figure 1. Public Attendance at Council Committee and Council Meetings.

\* denotes meeting number, including those physically present and maximum numbers via live stream.

Table 1 and Figure 2 below shows the average attendance (combined, at Council and at Council Committee) in the past 2 years, pre-LPS3, from LPS3 to the COVID-19 Lockdown, and since the COVID-19 Lockdown with live streaming of meetings. The live stream numbers are included as attendance.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Average Attendance Pre-LPS3** | | | | |
| Council Committee | | 17 | | |
| Council | | 28 | | |
| Combined | | 22 | | |
|  |  |  |  |  |
| **Average Attendance LPS3 to COVID-19 Lockdown\*** | | | | |
| Council Committee | | 8 | | |
| Council | | 22 | | |
| Combined | | 15 | | |
|  |  |  |  |  |
| **Average Attendance During COVID-19 Lockdown\*** | | | | |
| Council Committee | | 27 | | |
| Council | | 47 | | |
| Combined | | 38 | | |
|  |  |  |  |  |
| **Overall Average Attendance July 2018 to July 2020\*** | | | | |
| **Council Committee** | | **15** | | |
| **Council** | | **29** | | |
| **Combined** | | **22** | | |

Table 1. Average Meeting Attendance

\* includes live streaming attendance

Figure 2. Average Meeting Attendance

When live streaming is offered the viewing of meetings increased the average attendance from 22 to 38, an increase of 73%. With a correlation coefficient of 0.56 **this shows a moderate improvement in public attendance (overall) due to the mechanism of live streaming of meetings**.

Also tested is whether the number of planning items in a meeting increases the number of public attending or viewing. The number of planning items and the number of persons attending either in person or virtually via live streaming is shown in the Figure 3 below.

Figure 3. Public Attendance and Planning Report Numbers

As anticipated the correlation between the number of planning reports and attendance shows a moderate correlation of 0.49, slightly less than that of live streaming.

**The current data shows that the most significant means to improve attendance is through the use of live streaming**. This is even more significant as a gauge to attendance than the number of planning reports being dealt with at a meeting. Given this finding it is recommended that live streaming be continued, including beyond the COVID-19 emergency.

**The Need for Another Venue**

Under no COIVD-19 restrictions the Council Chamber is limited to 50 persons, meaning 32 members of the public are able to attend. Over the past 2 years and 37 meetings (pre-COVID-19) there have been 4 occasions where the numbers have exceeded the Chamber capacity, or approximately 1 in 9 meetings. During the COVID-19 shutdown period 1 of 9 meetings also exceeded the normal Chamber capacity. Although some live stream viewing numbers are above 32, there are a number of staff who view the meetings who would not attend meetings.

On average the Council Chamber is not adequate for the public for about 11% of Council Committee and Council meetings. It is recommended that on those occasions where it is anticipated that a larger venue is needed, then meetings be relocated to a larger capacity venue. This will avoid the costs of relocation in 8 of 9 meetings, where capacity is not exceeded.

During the current phase 4 COVID-19 restrictions capacity is limited to 11 persons for the chamber. The last 8 of 9 meetings have had overall public attendance including live streaming, well in excess of 11 persons. The use of live streaming has allowed any number of persons to hear the meetings live, and the other provisions of Council mean that the requirements for live meetings are more than met.

When phase 5 easing of restrictions is in place meetings will return to normal attendance numbers in the Council Chamber.

It is recommended that where the Mayor and CEO anticipate large numbers wishing to attend in person, then they be authorised to move the venue. Conversely where they judge the meeting can be conducted adequately through limited onsite attendance and livestreaming, then the meeting be conducted at the Council Chamber.

**As a guide, where the meeting is likely to generate more than a maximum of 40 live stream viewers under the current COVID-19 phase 4 restrictions, then consideration of moving the meeting is to be undertaken. This equates to a situation where under normal conditions the Chamber would not cater for the anticipated number of public wanting to attend, less current staff attendance by live-stream.**

**Strategic Implications**

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

Attendance and the ability to view a Council Committee and Council meeting improve transparency.

**Who benefits?**

The Community benefits from increased transparency in meetings.

**Does it involve a tolerable risk?**

Occupational health and safety risk have been discussed elsewhere in this report.

What level of risk is associated with the option?

The ability to attend / view a meeting decreases the risk of poor understanding of Council processes.

How can it be managed?

Providing an adequate venue and live streaming are options for managing access.

Does the residual risk fit within our risk tolerance level?

Residual risk in the case of live streaming goes to recording of meetings. This is not permitted in the Standing Orders and would need a change in the Standing Orders Local Law to allow this. It is recommended that this be included in discussion when the Standing Orders Local Law is next reviewed.

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

Historical meeting attendance data for 2 years has been assessed.

**Budget/Financial Implications**

**Can we afford it?**

Holding a meeting at a larger venue costs approximately $4,000 over and above the cost of meetings in the Council Chamber. This consists of venue hire, IT and room setup, venue staff attendance and bump out.

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

Holding all Council Meetings and Council Committee meetings at a hire venue would cost in the order of $88,000 extra per annum. Moving to a hire venue would also leave the Council Chamber under-utilised.

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

The recommended way to manage the venue costs is to monitor demand and hire larger venues on an as-needs basis.

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

Moving all meeting at $88,000 per annum is a 0.37% rate rise. At a rate of one meeting moved in 9 this would cost approximately $9,800 per annum, a 0.04% rate rise.

## Residence Proposal for Allen Park

|  |  |
| --- | --- |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Letter from the Minister for Health |

**Regulation 11(da) – Council wanted to improve engagement through a site assessment working group, to inform the Minister for Health, and to seek land compensation in response to the excision.**

Moved – Councillor Senathirajah

Seconded – Councillor Horley

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

(Printed below for ease of reference)

Councillor Hay retired from the meeting at 9.25 pm.

Amendment

Moved - Councillor Horley

Seconded - Councillor Smyth

**In clause 1 change “March 2021” to “October 2020”**

**That a further clause 3 be added as follows:**

**3. simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group, to commence October 2020.**

**The AMENDMENT was PUT and was**

**CARRIED 10/1**

**(Against: Cr. Poliwka)**

Amendment

Moved – Mayor de Lacy

Seconded - Councillor Mangano

**Include new clauses 4 & 5 to read as follows:**

1. **Council requests the Mayor to advise the Minister for Health of its current position in respect of the Allen Park Masterplan and that any changes will be informed by transparent community and stakeholder engagement; and**
2. **If this proposed land resumption becomes inevitable the CEO is instructed to vigorously pursue a land swap for recreation purposes with the State Government to replace this recreational land.**

**The AMENDMENT was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**The Substantive was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution**

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

1. **undertake community engagement, in compliance with Council’s Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020;**
2. **advise the Perth Children’s Hospital Foundation that joining the project control group, will be subject to a future Council decision to vary the Allen Park Master Plan with the residence project incorporated;**
3. **simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group, to commence October 2020;**
4. **Council requests the Mayor to advise the Minister for Health of its current position in respect to the Allen Park Masterplan and that any changes will be informed by transparent community and stakeholder engagement; and**
5. **If this proposed land resumption becomes inevitable the CEO is instructed to vigorously pursue a land swap for recreation purposes with the State Government to replace this recreational land.**

Recommendation to Council

Council requests the Chief Executive Officer to:

1. undertake community engagement, in compliance with Council’s Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by March 2021; and
2. advise the Perth Children’s Hospital Foundation that joining the project control group, will be subject to a future Council decision to vary the Allen Park Master Plan with the residence project incorporated.

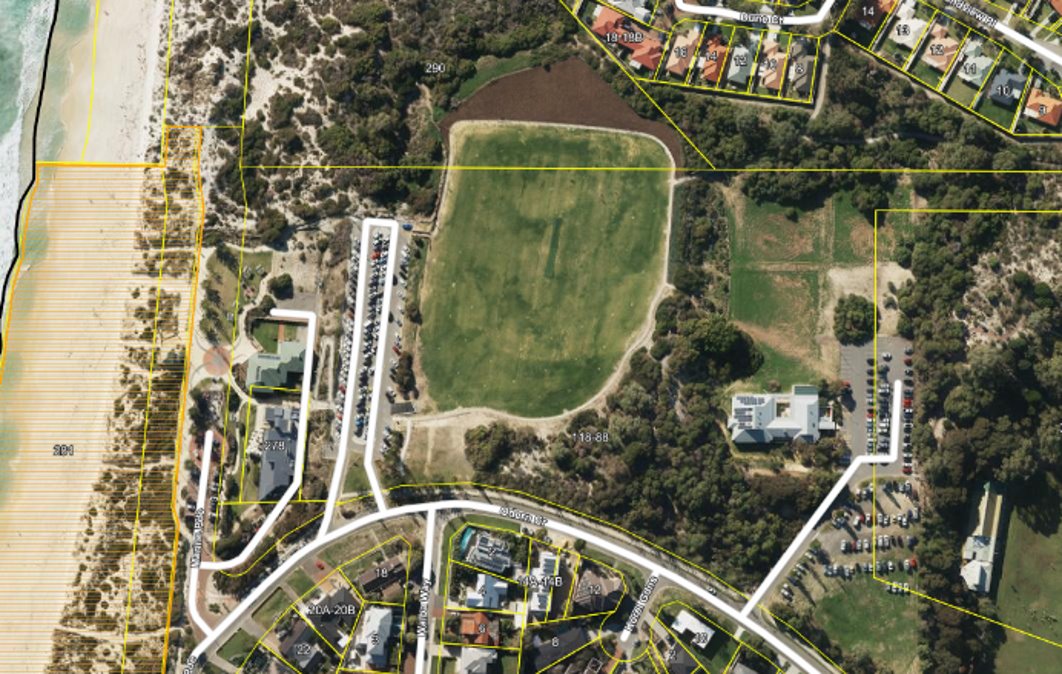
**Executive Summary**

The City has received notice from the Perth Children’s Hospital Foundation (Foundation) that it intends to build and operate a Residence as a children’s hospice in Allen Park Swanbourne, just north of the Bridge Club car park. This is supported by the Hon Roger Cook MLA, Deputy Premier, Minister for Health; Mental Health. The City has been invited to participate in this initiative by joining the project development group.

This report does not consider the merits of the proposal. Rather it responds to this news and to the request to join the project development group, by recommending a process for Council undertake in dealing with the proposal.

**Overview**

In February 2020 the City’s Chief Executive Officer (CEO) met with the Perth Children’s Hospital Foundation (Foundation) CEO and Chair of the Board, where it was advised that they were considering sites in the Western Suburbs for a residence for the purpose of a children’s hospice. One site under investigation was in Allen Park Swanbourne, just north of the Bridge Club car park. Figure 1 shows the proposed location.

Proposed Residence

Figure 1. Proposed Location for the Residence – Satellite Image

Figure 2. shows the proposed location of the residence superimposed on the approved Allen Park Master Plan.

A close up of a map

Description automatically generated

Proposed Residence

Figure 2. Proposed Location for the Residence – in the Allen Park Master Plan

The Foundation were provided with contact details to the Friends of Allen Park, for preliminary engagement.

In late May 2020 the Foundation made contact with the City to say that they had a preferred site, at Allen Park.

The next available Councillor briefing session (4 August) was scheduled to allow the Foundation to introduce the proposal to Councillors.

On 3 August 2020 the City received Attachment 1, a letter from the Hon Roger Cook MLA, Deputy Premier, Minister for Health; Mental Health, supporting the project and requesting that the City cooperate by joining the project group.

On 4 August 2020 a briefing session was held with the elected members, at which the Foundation provided its rationale for the need for the residence, a project concept and the reasons for the decision to locate at Allen Park, Swanbourne.

A media campaign by the Foundation for the residence was then carried out in the following 5 days.

Council has no position on the proposal.

**Key Relevant Previous Council Decisions:**

December 2017 – Endorsement of the Allen Park Precinct Master Plan Report.

**Consultation**

**Consultation by the Foundation**

The Foundation has undertaken the following engagement with the City and its community to date.

* Introduction of the broad proposal to the CEO
* Discussions with some members of the Friends of Allen Park and a small number of Swanbourne residents
* Introduction of Allen Park proposal to elected members

More broadly, the Foundation has:

* engaged and won the support of the State Government for the proposal; and
* undertaken a media campaign announcing the commencement of the project.

In terms of the engagement with the City and its community by the Foundation, under the International Association for Public Participation’s stakeholder engagement model, this reflects the “Inform” engagement process, or as colloquially put, the “decide and defend” model.

The engagement to date by the Foundation assumes the community’s and the Council’s permission is not required to undertake the project.

The offer for the City to participate in the project group, aligns more with the “consult” or “involve” engagement modes, however, this offer assumes that the project is proceeding.

**Consultation by the City**

Except for feedback from the Friends of Allen Park regarding misalignment of the proposal with the Allen Park Master Plan, the City has not received community feedback on the proposal.

Information on the proposal has been added (August 2020) to the City’s YourVoice website at <https://yourvoice.nedlands.wa.gov.au/childrens-hospice> in order to allow the community see what is proposed. No other engagement has been carried out by the City with the community.

**Discussion**

**Allen Park Master Plan and Participation in the Project Group**

The Allen Park Master Plan was adopted by Council in December 2017 (<https://www.nedlands.wa.gov.au/sites/default/files/Allen_Park_Master_Plan_2017_-_Final.pdf>). It essentially represents the community’s vision on the future of Allen Park as a recreational space, and endorsement of this master plan is Council’s “contract” with the community to support this vision.

This proposal represents a variation to that contract between the Council and its community. The difficulty with the proposal for Council, is that it has a decision, in terms of an approved Allen Park Master Plan, regarding the use of the proposed location, which has not yet contemplated an alternate use.

Because Council’s position with respect to Allen Park would need to be varied, it is recommended that the City only participates in the project group once it has engaged with the community and resolved to vary the Allen Park Master Plan.

**Integration of the Children’s Hospice within Allen Park**

The Foundation are aware of the Allen Park Maser Plan and have stated that they are considering how they can integrate the residence sympathetically with the desired space outcomes within the Master Plan, including appropriate landscaping and uses of the surrounding space. They have stated that they would work with the City in this regard.

**Strategic Implications**

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

The City’s Vision is for an inclusive community. Inclusion in today’s vernacular is a term used to describe acceptance and support for the marginalized and vulnerable. A residence for children respite would meet this definition and therefore fit with the City’s vision statement.

The project is not within the Allen Park Master Plan and the land tenure and proposed use in the plan is for recreational rather than residential purposes.

While the proposal aligns with the Strategic Vision for the City, this location is not consistent with the approved Master Plan which provides the strategic direction for use of this land.

**Who benefits?**

The children using the facility and their families.

**Does it involve a tolerable risk?**

The proposal is low risk to the City financially, given it is not the project proponent.

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

The project management and financial risks are low for the City, given these risks would not be managed by the City.

The risk of misalignment of community expectations for the site is high, given engagement has not been carried out and the approved Master Plan is at odds with the proposal.

**How can it be managed?**

Through community engagement.

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

An understanding of the community’s view on the residence will provide the Council with enough information to determine a view on the proposal.

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

No, the views of the community are not well known.

**Budget/Financial Implications**

**Can we afford it?**

The proposed residence is not the City’s project.

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

The residence is not in the Long-Term Financial Plan.

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

The residence would not be the property of the City. However, associated infrastructure such as road access is unresolved and as a consequence quantified costs and management requirements are undefined.

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

This is unknown due to unknown infrastructure costs and management requirements.

## Community Working Group (CWG)

|  |  |
| --- | --- |
| **Council** | Tuesday, 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Terms of Reference |
| **Confidential Attachments** | 1. Candidate list - CONFIDENTIAL |

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

Council:

1. Appoints Deputy Mayor McManus as Chairperson for the Community Working Group (CWG); and
2. endorses the 12 candidates, as per confidential Attachment 2, selected from the Ballot Selection Process held on the 12 August 2020 to formally establish the CWG.

Moved – Mayor de Lacy

Seconded – Councillor Smyth

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

**CARRIED UNANIMOUSLY 12/-**

Recommendation to Council

Council:

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

**Executive Summary**

The purpose of this report is for Council to appoint a Councillor as Chairperson on the newly formed Community Working Group (CWG) following the process outlined in the Terms of Reference. This is following the Council Resolution from the Council Meeting on 26 May 2020 which states:

1. Endorse the Terms of Reference for Community Working Groups as per Attachment 1. Within the Terms of Reference, it states – A Councillor appointed as Chairperson by Council.

**Discussion/Overview**

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

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

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

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

The Community Working Group will consist of:

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

**Key Relevant Previous Council Decisions:**

Ordinary Council Meeting 26 May 2020 – Item 13.11

Council Resolution / Recommendation to Committee:

Council:

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

**Consultation**

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

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

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

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

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

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

16-34 years old

35-44 years old

45-54 years old

55-64 years old

65-74 years old

75 years or older

All successful candidates have now been advised of their selection and accepted a place on the CWG.

All unsuccessful candidates will be advised by the 21 August 2020 and the Your Voice CWG page will be updated to finalise the outcome.

**Strategic Implications**

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

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

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

**Who benefits?**

The Ballot Selection process ensured that all age groups from 16-75 plus had the opportunity to be selected so was fair and equitable to all.

**Does it involve a tolerable risk?**

Yes.

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

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

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

**Budget/Financial Implications**

The 2020/21 budget approved a 0.4 FTE administration role to assist the Executive Assistant to the CEO. This role will also be a resource to support the CWG.

No other budget implications are expected as part of this CWG operating during 2020/21.

**Can we afford it?**

Yes. Only costs should be for the 0.4 FTE Administration role as outlined above under Budget/Financial Implications. Currently the CWG will be established for 12 months.

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

This decision impacts on rates to the extent of the 0.4 FTE appointment, approximately $31,000.

## Broadway, Waratah Village and Nedlands Town Centre – Local Distinctiveness Study and Context Analysis

|  |  |
| --- | --- |
| **Committee** | N/A – CEO Report |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Previous Item** | PD36.20 – Built Form Modelling, Broadway, Waratah Village and Nedlands Town Centre |
| **Attachments** | 1. Broadway Local Distinctiveness Study and Context Analysis 2. Nedlands Town Centre Local Distinctiveness Study and Context Analysis 3. Waratah Village Local Distinctiveness Study and Context Analysis |
| **Confidential Attachments** | 1. Broadway – Individual audit sheets 2. Nedlands Town Centre – Individual audit sheets   3. Waratah Village – Individual audit sheets |

**Councillor Hodsdon – Financial Interest**

Councillor Hodsdon disclosed a financial interest, his interest being that he has a property in the area. Councillor Hodsdon declared that he would leave the room during discussion on this item.

Councillor Hodsdon left the meeting at 10.08 pm.

**Regulation 11(da) - \*Council determined that that the amendment added more clarity to the resolution.**

Moved – Mayor de Lacy

Seconded – Councillor Senathirajah

**That the Recommendation to Council be adopted subject to:**

**Amend point 2 to read as follows:**

**Instructs the CEO to include reference to the local distinctiveness studies and context analysis in assessment of development applications, and where relevant current scheme amendments, within these precincts to inform assessment of existing local character.**

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution**

**Council:**

* + - 1. **receives the local distinctiveness studies and context analyses for the Broadway, Nedlands Town Centre and Waratah Village precincts;**
      2. **instructs the CEO to include reference to the local distinctiveness studies and context analysis in assessment of development applications, and where relevant current scheme amendments, within these precincts to inform assessment of existing local character; and**
      3. **notes that the local distinctiveness studies and context analyses will inform the development of the built form modelling and subsequent localised built form controls for these precincts.**

Recommendation to Council

Council:

1. receives the local distinctiveness studies and context analyses for the Broadway, Nedlands Town Centre and Waratah Village precincts.
2. instructs the CEO to include reference to the local distinctiveness studies and context analyses in assessment of development applications within these precincts to inform assessment of existing local character.
3. notes that the local distinctiveness studies and context analyses will inform the development of the built form modelling and subsequent localised built form controls for these precincts.

**1.0 Executive Summary**

This report is presented to Council to provide the local distinctiveness study and context analysis for the Nedlands Town Centre, Broadway and Waratah Village precincts.

**3.0 Background**

Local Planning Policy: Interim Built Form Design Guidelines – Broadway Mixed Use Zone (Interim Broadway LPP) was presented to the 26 May 2020 Ordinary Council Meeting for adoption following advertising. In addition to adopting the Interim Broadway LPP, Council also resolved as follows:

1. present to Council for adoption at the July Council Meeting, a report on Deliverables 1 and 2, as part of the work Hassell Consultants are undertaking for the Broadway Precinct, to assist decision-makers in assessing Development Applications in the Precinct.

In accordance with this resolution, Administration presented a report on Deliverables 1 and 2 to the 28 July 2020 Ordinary Council Meeting. At the time of writing the report, Deliverables 1 and 2 were not yet finalised, and so Administration recommended the following:

Council instructs the Chief Executive Officer to continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that such work is to inform the development of the Draft Precinct Local Plans and be presented back to Council as soon as possible.

In relation to this report, Council resolved as follows:

Council instructs the Chief Executive Officer to:

* + - 1. Continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that such work is to inform the development of the Draft Precinct Local Plans and a draft report be presented to Council at the August 2020 Council Meeting; and
      2. Formally receive the Palassis Architects authored City of Nedlands Municipal Inventory Review Report from 2011/2012 and make it publicly available as a digital reference document for built form/character/heritage, brief Council on the next scheduled Municipal Inventory review, and thank Palassis Architects for their work.

In accordance with this resolution, Administration is presenting this report to Council to provide the local distinctiveness study and context analysis for the Nedlands Town Centre, Broadway and Waratah Village precincts, which have now been finalised. This report will also respond to Resolution 2, relating to the Municipal Inventory review.

**4.0 Discussion**

The City has engaged Hassell to undertake built form modelling for the Broadway, Nedlands Town Centre and Waratah Village precincts. This work is comprised of the following deliverables:

1. Local distinctiveness study
   * Includes a block-by-block, on-the-ground survey of the existing built form within the precinct.
   * Reviews the characteristics of the existing built form that informs the character of the place.
2. Context analysis
   * Identifies the key physical, community and governance considerations relevant to the precinct.
   * Reviews the existing location and quality of the public realm within the precinct.
3. Built form modelling
   * Assess the most appropriate massing, typology and building height for each street block within the precinct.
   * Built form controls based on modelling.
   * A suite of diagrams and text to illustrate the most appropriate building envelope for each street block, which can be used to inform community engagement (community engagement itself is not included in this deliverable).

**Local distinctiveness study and context analysis**

The local distinctiveness studies and context analyses for each precinct are now finalised and are presented to Council as Attachment 1 (Broadway), Attachment 2 (Nedlands Town Centre) and Attachment 3 (Waratah Village).

The individual audit pages for each property within the three precincts, which were used to inform the local distinctiveness studies, will also be provided to Council as confidential attachments.

For each precinct, the local distinctiveness study sets out the following:

* Context plans
  + Precinct plan
  + Regional context
  + Sub-regional context
  + Local context
* Built environment
  + Activity and land use
  + Topography
  + Built form
  + Building heights
  + Building footprint
  + Building setbacks
  + Facades and materials
  + Heritage and character
* Public realm
  + Existing landscape character
  + Tree species
  + Public realm and open spaces
* Movement
  + Movement networks
* Urban design principles

For each precinct, the context analysis sets out the following:

* Community context
  + Culture, values and identity
  + People, employment and housing
* Governance context
  + Strategies and plans
  + Local planning schemes
  + Local planning policies
  + Previous studies

As this component of the work has now been finalised, Administration will be able to use them to inform assessment of development applications within the Broadway, Nedlands Town Centre and Waratah Village precincts. The local distinctiveness studies and context analyses will also form a key input into the built form modelling for each precinct.

**Built form modelling**

The built form modelling will test three different development intensity scenarios for each precinct: low, medium and high. The details of the three scenarios are unique to each precinct, based on the existing zoning under LPS 3, and existing policy work undertaken. By basing modelling around these scenarios, the consultants will be able to test different forms of development in each precinct and derive the most appropriate building envelope for each street block.

This work is intended to inform the development of local planning policies for each precinct as detailed below:

|  |  |
| --- | --- |
| **Precinct** | **Stage of policy development** |
| Broadway | * Interim Broadway LPP adopted by Council for advertising January 2020 (Mixed Use zone only) * Interim Draft LPP advertised February – March 2020 * Interim Broadway LPP adopted by Council May 2020 * Community engagement, to explore the outcomes of the built form modelling, scheduled for August 2020 * Draft local planning policy scheduled to be presented to Council for adoption to advertise October 2020 |
| Nedlands Town Centre | * Community engagement undertaken August 2019 * Draft local planning policy adopted by Council for advertising September 2019 * Draft local planning policy advertised March – April 2020 * Further community engagement, to explore the outcomes of the built form modelling, scheduled for September 2020 * Draft local planning policy scheduled to be presented to Council for adoption to advertise November 2020 |
| Waratah Village | * Community engagement undertaken November 2019 * Further community engagement, to explore the outcomes of the built form modelling, scheduled for October 2020 * Draft local planning policy scheduled to be presented to Council for adoption to advertise February 2021 |

As noted above, each precinct will follow its own schedule for community engagement and for the draft local planning policy being presented to Council for adoption to advertise.

**Municipal Inventory Review**

In response to Administration’s 28 July 2020 report on the Hassell work, Council also made a Resolution in relation to the City of Nedlands Municipal Inventory Review Report 2011/2012, completed by Palassis Architects (Palassis Report). This Resolution required Administration to publish the Palassis Report and advise Council on when the next Municipal Inventory review is scheduled to take place.

In accordance with Council’s 28 July 2020 Resolution, the Palassis report has been placed on the City’s website, along with the 2014 review of this document.

The Municipal Inventory is reviewed by the City every five years. The last review took place in October 2018, meaning that the next review is scheduled for late 2023.

**5.0 Consultation**

Each precinct has its own community engagement schedule, as noted in the Discussion section above and the community will continue to be consulted as the Precinct Plans are developed into local planning policies.

**6.0 Strategic Implications**

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

The built form modelling work, once complete, will inform the development of local planning policies for areas which have been rezoned and up coded under Local Planning Scheme No. 3.

**Who benefits?**

The community within and surrounding the precinct areas will benefit once the local planning policies are in place.

**Does it involve a tolerable risk?**

The built form modelling work is considered to reduce the risk of developing policies which are not based on sound town planning principles.

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

Deliverables 1 (Local Distinctiveness Study) and 2 (Context Analysis) have now been finalised for each precinct.

**7.0 Budget/Financial Implications**

**Can we afford it?**

Funding for the built form modelling work has already been approved.

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

There will be no impact on rates as the work is covered by the approved budget.

**8.0 Statutory Provisions**

***Planning and Development (Local Planning Schemes) Regulations 2015***

Following completion of the built form modelling body of work, the resultant local planning policies for each precinct will be prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The afford the built form controls appropriate additional statutory weight, they are intended to be incorporated into the City’s Local Planning Scheme No. 3 through scheme amendments.

**9.0 Conclusion**

The purpose of this report is to provide Council with the local distinctiveness studies and context analyses for the Broadway, Nedlands Town Centre and Waratah Village precincts. These pieces of work can now be used to inform assessments of development applications in the Broadway, Nedlands Town Centre and Waratah Village precincts and will form a key input into the built form modelling for each precinct.

## Amendment to Parking Local Planning Policy – Residential Aged Care Parking Requirements

|  |  |
| --- | --- |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson - Director Planning and Development |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Current Parking Local Planning Policy. 2. Car Parking Assessment |
| **Confidential Attachments** | Nil |

Councillor Hodsdon returned to the meeting at 10.14 pm.

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

Moved – Councillor Coghlan

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Recommendation to Council**

**Council:**

1. **amends Table 1 of the City of Nedlands Local Planning Policy – Parking by:**
2. **Removing the existing minimum number of car parking bays required for a residential aged care facility of 12 or 1 per every 4 beds (whichever is greater); and**
3. **Inserting a new minimum number of car parking bays required for a residential aged care facility of 12 or 1 per every 3 beds (whichever is greater).**
4. **advertises for a period of 21 days the proposed amendment to the City of Nedlands Local Planning Policy – Parking in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2, Part 2, clauses 4 and 5.**

**Executive Summary**

The purpose of this report is for Council to consider a modification to the Parking Local Planning Policy. The modification relates to the level of car parking required for the residential aged care facilities.

**Discussion/Overview**

Non-residential car parking requirements are outlined in the City’s Local Planning Policy – Parking (the Policy), a copy of which is included at Attachment 1. The current car parking requirement for residential aged care facilities is 12 spaces or 1 space for every 4 beds, whichever is greater. It is considered that this requirement may not reflect the car parking usage behaviors of this type of facility.

Administration engaged Cardno Traffic Consultants to undertake a survey of residential aged care facilities to identify an average car parking requirement that could be incorporated into the Policy. A copy of Cardno’s review is included at Attachment 2.

Cardno have contacted eight residential aged care facilities across Perth to determine peak staffing levels and indicative visitor demands. These facilities ranged in size from approximately 60 to 110 beds. It is noted that the information obtained through this method is anecdotal. However, it provides some indication of the appropriate scale of parking required. Various parking studies were also consulted, including staff and visitor parking surveys from a variety of contexts and locations.

The key findings of the study were:

* From interviews, it was determined that staffing levels vary according to the level of care provided. The facilities surveyed employed approximately 1 staff member per 4-5 beds (average 0.21 staff per bed).
* In addition, visitor demand was determined to be approximately 1 visitor per 4-7 residents per day. Realistically, this demand is not concurrent, though it will tend to coincide in the middle part of the day. As such, a representative concurrent parking demand of 1 space per 10 beds is considered reasonable.
* By combining the results of staff and visitor parking levels, using both interviews and parking studies, a single parking demand rate for residential aged care would appear to be in the range of 0.3 and 0.35 spaces per bed.

Cardno concludes that there are two methods to calculate car parking for residential aged care facilities. The first method is to apply a separate rate for staff and visitors. This provides for 1 space per staff member present at the facility at any one time. Visitor parking is provided at the rate of 1 space for every 10 beds. The second method combines the two parking requirements to provide a single rate of 1 space for every 3 beds.

The first method has the benefit of ensuring all staff car parking is provided on site. However, it will require developments to identify staffing requirements in sufficient detail to allow for calculation of car parking numbers. As staffing levels may change between the development application stage and occupation of the facility, this method may be more difficult to ensure compliance. Staffing levels may also change during operation of the facility. A change in staff numbers would not necessarily trigger a development application where car parking requirements can be considered.

The second method will be more easily applied to a development as it links to the number of beds. Any increase in the number of beds would trigger a development application. This will allow for additional car parking requirements to be considered and applied.

It is noted that the two methods generate similar levels of car parking, when calculated using the parameters provided by Cardno. As the second method will be more efficient to administer, it is recommended Council adopt a car parking ratio of 1 space for every 3 beds for residential aged care facilities. It is further recommended that the existing minimum number of spaces of 12 be retained. This will ensure there is adequate car parking for small facilities where staffing ratios may be higher (i.e. less than 36 beds).

**Key Relevant Previous Council Decisions:**

Council adopted the current Policy on 24 September 2019.

**Consultation**

It is recommended that the proposed amendment to the Policy is advertised for comment prior to final determination. Council is able under clause 5 of the Deemed Provisions to not advertise a minor amendment. However, this amendment is considered to not be minor in nature as it may affect current and planned residential aged care developments and be of interest to the general public. Advertising is recommended for 21 days in accordance with clauses 4 and 5 of the Deemed Provisions (Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015).

**Strategic Implications**

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

The amendment is consistent with Council’s endorsed Local Planning Strategy.

**Who benefits?**

Ensuring adequate car parking supply for developments will benefit users and surrounding properties.

**Does it involve a tolerable risk?**

There is no risk associated with a review of car parking requirements, where any changes are made in accordance with the relevant regulations.

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

The proposed changes to car parking provision for residential aged care facilities is based upon a sound methodology and carried out by consultants with traffic and parking expertise.

**Budget/Financial Implications**

**Can we afford it?**

There is no impact on the City’s Long-Term Financial Plan.

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

The proposed amendment will not impact upon rates.

## Local Planning Policy – Alexander and Philip Roads, Dalkeith, Building Height

|  |  |
| --- | --- |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Attachments** | * + 1. Draft Local Planning Policy – Alexander and Philip Roads, Dalkeith Building Height     2. Schedule of Submissions |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) - Council determined that the Local Planning Policy should be adopted in recognition of the urgency of the issue to some parts of the community.**

Moved – Councillor Mangano

Seconded – Councillor Bennett

**Council Resolution**

**Council proceeds to adopt the Local Planning Policy – Alexander and Philip Roads, Dalkeith Building Height, without modification, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii).**

**CARRIED UNANIMOUSLY 11/-**

Recommendation to Council

Council defers final consideration of draft Local Planning Policy – Alexander and Philip Roads, Dalkeith Building Height until Council can give consideration of the Waratah Village local character and distinctiveness study, character analysis, built form modelling, draft Waratah Village Local Precinct Plan and final adoption of Amendment No. 8 to Local Planning Scheme No.3.

**Executive Summary**

This report is presented to Council so that it can consider submissions received on the draft Local Planning Policy – Alexander and Philip Roads, Dalkeith Building Height and determine the Policy in accordance with clause 4(3) of Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions).

**Discussion/Overview**

**Key Relevant Previous Council Decisions:**

At its Ordinary Meeting held on 26 May 2020, Council resolved to advertise for public comment the draft Local Planning Policy – Alexander and Philip Roads, Dalkeith Building Height. A copy of the Policy as advertised included at Attachment 1.

**Effect of draft Policy**

Residential development in Western Australia is primarily governed by State Planning Policy 7.3 Residential Design Codes (the Codes). Volume 1 of the Codes is structured to provide a series of ‘Deemed-to-Comply’ provisions that where met, provide automatic compliance with the Design Principles. The Codes provide for a local planning policy which can modify Deemed-to-Comply provisions. However, local planning policies must remain consistent with the Design Principles. The same approach is relevant to Volume 2 of the Codes, where the Acceptable Outcomes can be modified. Element Objectives are unable to be modified.

The draft Policy intends to place a 10.0m building height limit on the properties within the Policy Area. This is made effective by replacement of the relevant Deemed-to-Comply and Acceptable Outcome provisions. It is important to note that the Policy will not set a ‘cap’ on building height. Rather, it will replace the default Deemed-to-Comply and Acceptable Outcomes provisions. Where a development does not comply with the Policy, the proposed building height will be considered against the building height Design Principle 5.1.6 P6 (Volume 1) or Element Objectives O 2.2.1-2.2.4 (Volume 2) and therefore does not mandate an intended height limit.

If a development is received that does not meet the 10.0m building height limit imposed by the Policy, it will be insufficient to refuse the application on the grounds of non-compliance with the Policy. It will also be insufficient to impose a condition that seeks compliance with the Policy, without assessment against the applicable Design Principle or Element Objectives. This is not to say that development above 10.0m will necessarily be appropriate, but it will allow a performance-based assessment to take place.

**Land use transition**

The draft Policy has been prepared in conjunction with proposed Scheme Amendment No.8. This amendment seeks to reduce the residential density within the Policy Area from R60 and R80 to R35. This will lead to potential land use conflict with adjoining R80 and R-AC3 areas, which will continue to allow 4-6 storeys. In comparison, the reduced density code and the draft Policy will limit development to 2 storeys on land abutting the higher coded areas with no provisions for appropriate transitioning of that density

**Compliance with deemed provisions**

The making of a local planning policy is governed by clause 3 of the Deemed provisions for local planning schemes contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. The deemed provisions are read into Local Planning Scheme No.3. Clause 3(3) of the deemed provisions states:

‘A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies’.

Critical to the draft Policy is that it must be based on sound town planning principles. In that regard, it is relevant that the draft Policy is being prepared prior to the conclusion of the built form modelling intended to inform policy settings, and it is also limited to a specific number of properties within the Waratah Village Activity Centre. This can be argued to be contrary to the sound town planning principle of orderly and proper planning. However, many of the same properties were previously the subject of special detailed development controls under TPS2, and it is clear that more detailed planning and local development controls are needed. The same land is also the subject of Amendment No. 8 which proposes a reduction in the density coding. Therefore, it may also be argued that it is consistent with sound town planning principles for the draft Policy to ‘hold the line’ as an interim measure until the more comprehensive planning is completed.

Clause 3(5) of the deemed provisions states:

‘In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme’.

The implication of a ‘hard’ building height limit in a small portion of the City will create an inconsistency in the application of building height throughout the Scheme Area. More locally, the differing building height limits will create inconsistencies in the assessment of development in and around the Waratah Village Activity Centre.

**Administration’s Recommended Approach**

Administration’s recommended approach is that Council does not adopt the draft Policy in its current form.

Administration’s recommended approach for developing localised planning controls for the Waratah Village area is to follow the existing schedule of work. This includes a detailed context analysis, built form modelling, traffic modelling, and pre-engagement with the local community, to produce a Draft Precinct based-LPP and associated built form controls forming a comprehensive scheme amendment for Waratah Village as a precinct, which will be based on sound town planning principles. This existing schedule of work is discussed in further detail below.

**Legal advice obtained by the City**

The City has obtained legal advice from McLeod’s on the matter of the appropriate weight which should be afforded to local planning policies. This legal advice has been previously provided to Councillors.

**Existing schedule of work**

The City’s LPS 3 was gazetted in April 2019 and as a result, properties along Stirling Highway, Hampden Road, Broadway and Waratah Avenue were rezoned to Mixed Use, and residential densities surrounding these corridors were increased. Noting the desire to provide localised planning controls for these areas, Administration has split this area into a number of activity and transition precincts, with the intent to create a local planning policy framework for each precinct.

The WAPC released Draft State Planning Policy 7.2 – Precinct Design (draft SPP 7.2) in August 2019 for public comment. Draft SPP 7.2 sets out that precincts are areas that require a high level of planning and design focus due to their complexity, whether this is due to mixed use components, higher levels of density, an activity centre designation or character, heritage and/or ecological value. Draft SPP 7.2 sets out a sound methodology to follow when planning for redevelopment in infill scenarios, which includes detailed context analysis and stakeholder and community participation. Administration considers the process advocated by SPP 7.2 is a best practice model and intends to adopt this process for the development of localised planning controls for the City’s identified activity and transition precincts. Noting that draft SPP 7.2 is not yet operational, Administration intends to follow the process set out in draft SPP 7.2 but adopt the localised planning controls through local planning policies and comprehensive statutory controls to be place in the Scheme. These will be afforded statutory weight under the Planning Regulations.

Administration has started the process of developing local precinct based planning policies, using the methodology set out in draft SPP 7.2, for a number of precincts within the City. In relation to the Waratah Village Area, the following is taking place:

* Community engagement undertaken November 2019;
* Detailed context analysis and built form modelling currently being undertaken to inform preparation of the draft local planning policy.

The precinct planning schedule of works to date has been designed to balance the need to ensure policy is based on sound town planning principles by following the best practice model for policy development (as identified through draft SPP 7.2), and the need to expedite policy development for all precinct areas. External consultants have also been engaged to assist Administration in undertaking community engagement, context analysis and built form modelling as part of this policy development.

The City has engaged an external consultant to undertake built form modelling for the Waratah Village Area. This work is comprised of the following deliverables:

1. Local character and distinctiveness study
   * Includes a block-by-block, on-the-ground survey of the existing built form within the precinct.
   * Reviews the characteristics of the existing built form that informs the character of place.
2. Context analysis
   * Identifies the key physical, community and governance considerations relevant to the precinct.
   * Reviews the existing location and quality of the public realm within the precinct.
3. Built form modelling
   * Assess the most appropriate massing, typology and building height for each street block within the precinct.
   * Built form controls based on modelling.
   * A suite of diagrams and text to illustrate the most appropriate building envelope for each street block, which can be used to inform community engagement (community engagement itself is not included in this deliverable).

This work is anticipated to be finalised third quarter of 2020. The context analysis, modelling work and community engagement will then inform a draft LPP, which is anticipated to be presented to Council for adoption to advertise in late 2020 or early 2021.

Noting that the above timeline would not produce draft localised planning controls ready for adoption until late 2020 or early 2021, Administration have planned for Deliverable 1 (Local character and distinctiveness study) and Deliverable 2 (Context analysis) to be finalised in a form ready for Council adoption, in advance of Deliverable 3 (Built form modelling) being finalised. This would mean that, prior to having finalised built form controls, the City could have a Council-endorsed, detailed context analysis for the Waratah Village precinct. The City would then have a defined existing local character which could inform the assessment of development applications in this area.

**Consultation**

The draft Policy was advertised for public comment in accordance with clauses 4(1) and 4(2) of the Deemed Provisions and Council’s Local Planning Policy - Consultation of Planning Proposals. The following advertising was conducted:

* Publication of a notice in the Post newspaper of 27 June 2020;
* Publication of information on the City’s Your Voice website from 26 June 2020;
* Postage of letters to all owners and occupiers of property within the policy area on 25 June 2020; and
* Placement of a notice on the City’s notice boards from 26 June 2020.

Submissions were invited up to and including 18 July 2020. At the time of closing, a total of 54 submissions had been received. A total of 53 submissions in support of the draft Policy were received. One submission objecting to the draft policy was received. All submissions are presented in the Schedule of Submissions included at Attachment 2.

There were a wide range of reasons provided in support of the draft Policy. However, the following key reasons were provided in a significant number of submissions:

* Respect the community vision for the development of Alexander Road and Phillip Roads;
* Protect and enhance the local character and amenity; and
* Maintain the streetscape in terms of bulk, scale, height, street alignment and setbacks of the Street which is mainly new buildings on R 20 blocks.

Some submissions included support of reducing the density of the area. The draft Policy does not amend the R-Code of R60 or R80 that currently applies with the policy area. However, Amendment No.8 to Local Planning Scheme No.3 is currently being advertised for public comment. This Amendment seeks to reduce the density of the Policy Area to R35.

No modifications to the draft Policy are considered necessary to address the submissions of support.

A detailed submission objecting to the draft Policy has been lodged. This submission raises four key issues with the draft Policy, namely:

* The Policy has not been prepared in accordance with Clause 3(3) of the Deemed Provisions;
* The Policy attempts to amend the Local Planning Scheme density coding assigned to the area which contravenes the Planning and Development (Local Planning Schemes) Regulations 2015;
* The building height controls have not been tested concurrently with plot ratio controls; and
* The proposed building height does not provide an adequate transition in height from adjacent LPS3 rezoned properties.

These issues generally reflect the advice Administration has provided in this report and the previous report concerning adoption of the Policy for advertising. However, the issue raised concerning the Policy amending the density of the area is not supported by Administration. Whilst the Policy seeks to replace the deemed-to-comply and acceptable outcome provisions relating to building height, it remains silent on the underlying density. However, it is considered prudent that the adoption of the Policy is timed with the finalisation of Amendment No.8 as discussed elsewhere in this report.

**Strategic Implications**

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

This amendment is consistent with the City’s endorsed Local Planning Strategy. The policy is premature in relation to the development of the Waratah Village Precinct Local Plan and precedes finalisation of the built form modelling currently being prepared for Waratah Village including the properties included in this policy.

**Who benefits?**

The landowners of Alexander Road, Philp Road and Alexander Place whom this policy encompasses are perceived to benefit from this local planning policy.

**Does it involve a tolerable risk?**

There is a risk that the Policy if adopted will be challenged at the State Administrative Tribunal. There is also a risk of creating land use conflict due to the building height differences inside and surrounding the Policy Area.

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

A draft of the local planning policy has been prepared and is included at Attachment 1. The absence of built form modelling places doubt in regard to whether this policy is based on sound town planning advice.

**Budget/Financial Implications**

**Can we afford it?**

Costs associated with this draft local planning policy include the cost of printing and sending out letters for advertising in accordance with clause 4 of the deemed provisions and City of Nedlands Local Planning Policy – Consultation of Planning Proposals. Other costs include staff time and resources that is redirected from other programmed priority tasks including the Waratah Village Precinct Local Plan Local Planning Policy.

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

The effect on rates in the event that the local planning policy is adopted is not known at this stage. Any positive or negative effect of the Policy on Gross Rental Value may have a consequent impact on rates income over time.

**Statutory Provisions**

Under Schedule 2, Part 2, clause 3(1) of the Deemed Provisions the City may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.

Once Council has advertised a draft local planning policy, it must review the policy in the light of the submissions received. It then is able to resolve to proceed with the policy with or without modification, or not to proceed with the policy (clause 4(3)(b)). In the event that the policy is proceeded with, Council is required to publish a notice of the policy in a newspaper circulating within the area. The policy will become effective on the date of publishing of the newspaper notice.

The Residential Design Codes allows for replacement of building height Deemed-to-Comply or Acceptable Outcome provisions without the approval of the Western Australian Planning Commission.

**Alternative Recommendation**

In weighing up the community interest and overall support for the policy, the need to expedite this policy may be seen to be pre-eminent over the planning process issues raised in this report. Should this be the case, Council may resolve as follows:

“Council proceeds to adopt the Local Planning Policy – Alexander and Philip Roads, Dalkeith Building Height, without modification, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii).”

**Conclusion**

The draft local planning policy to limit building height in an area centered on Alexander and Philip Roads, Dalkeith has been prepared in accordance with the Deemed Provisions. The Policy will replace the relevant Deemed-to-Comply and Acceptable Outcomes of the Residential Design Codes (State Planning Policy 7.3).

In the event the Policy is adopted, it will not create a ‘hard’ building height limit. This is due to the requirement for variations to the Policy to be considered in accordance with the provisions of the Residential Design Codes. Refusal of a development application on the grounds of non-compliance with the Policy will be an insufficient planning argument.

There is a considerable amount of planning work currently underway in the Waratah Village vicinity. This work includes preparation of the Waratah Village Local Precinct Plan, local character and distinctiveness study, character analysis, built form modelling and recoding of the Policy Area from R60 / R80 to R35. This concerted effort will culminate in Council considering these planning actions in late 2020 or early 2021.

Given the interrelationship between the planning actions in the Precinct, Administration recommends that this Policy is not progressed until the existing precinct planning actions are completed.

# 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 Mangano – Reopening Council & Council Committee Meeting to Public

**Please note: This item was brough forward see page 17 pm.**



## Councillor Coghlan – Betty Doonan Age Care Submissions

**Please note this item was brought forward see page 19 pm.**

# 15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 August 2020

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

Notices of motion for consideration at the Council Meeting to be held on 25 August 2020 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

## 15.1 Mayor de Lacy - Street Tree Preferred Species List

Mayor de Lacy gave notice of her intention to move the following at the Council Meeting on 22nd September 2020.

**To instruct the CEO to:**

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

Justification

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

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

# Urgent Business Approved by the Presiding Member or By Decision

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.30 pm.