

***Minutes***

***Council Meeting***

***25 September 2018***

**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

**Table of Contents**

[Declaration of Opening 4](#_Toc525910481)

[Present and Apologies and Leave Of Absence (Previously Approved) 4](#_Toc525910482)

[1. Public Question Time 5](#_Toc525910483)

[2. Addresses by Members of the Public 5](#_Toc525910484)

[3. Requests for Leave of Absence 6](#_Toc525910485)

[4. Petitions 6](#_Toc525910486)

[4.1 Ms Lee James, 21/8 Bay Road, Claremont – Archie & Max Café Parking Bays 6](#_Toc525910487)

[5. Disclosures of Financial Interest 7](#_Toc525910488)

[6. Disclosures of Interests Affecting Impartiality 7](#_Toc525910489)

[6.1 Councillor Hassell – Item 13.6 - Metro West JDAP Application – (Lot 564) No. 101 Monash Avenue, Nedlands – 5 Storey Medical Consulting Centre 7](#_Toc525910490)

[6.2 Councillor Wetherall – 13.6 - Metro West JDAP Application – (Lot 564) No. 101 Monash Avenue, Nedlands – 5 Storey Medical Consulting Centre 7](#_Toc525910491)

[7. Declarations by Members That They Have Not Given Due Consideration to Papers 7](#_Toc525910492)

[8. Confirmation of Minutes 8](#_Toc525910493)

[8.1 Ordinary Council Meeting 28 August 2018 8](#_Toc525910494)

[9. Announcements of the Presiding Member without discussion 8](#_Toc525910495)

[10. Members announcements without discussion 8](#_Toc525910496)

[10.1 Councillor Hassell 8](#_Toc525910497)

[10.2 Councillor Smyth 9](#_Toc525910498)

[10.3 Councillor Wetherall 10](#_Toc525910499)

[11. Matters for Which the Meeting May Be Closed 10](#_Toc525910500)

[12. Divisional reports and minutes of Council committees and administrative liaison working groups 11](#_Toc525910501)

[12.1 Minutes of Council Committees 11](#_Toc525910502)

[12.2 Planning & Development Report No’s PD43.18 to PD47.18 (copy attached) 12](#_Toc525910503)

[PD43.18](#_Toc525910504) [(Lot 388) No. 103 Hardy Road, Nedlands – Short Term Accommodation 12](#_Toc525910505)

[PD44.18](#_Toc525910506) [(Lot 49) No. 115 Victoria Avenue, Dalkeith – Two-Storey Single House with Roof Terrace and Under-croft Basement 14](#_Toc525910507)

[PD45.18](#_Toc525910508) [(Lot 88) No. 4 Colin Street, Dalkeith – Two-Storey Single House 21](#_Toc525910509)

[PD46.18](#_Toc525910510) [(Lot 3) No.117 North Street, Swanbourne- Screen Fence (Retrospective) 24](#_Toc525910511)

[PD47.18](#_Toc525910512) [Scheme Amendment No. 208 – Bedbrook Place, Shenton Park 27](#_Toc525910513)

[12.3 Community & Organisational Development Report No’s CM03.18 (copy attached) 29](#_Toc525910514)

[CM03.18 Community Sport and Recreation Facilities Fund Applications 29](#_Toc525910515)

[12.4 Corporate & Strategy Report No’s CPS18.18 (copy attached) 31](#_Toc525910516)

[CPS18.18 List of Accounts Paid – July 2018 31](#_Toc525910517)

[13. Reports by the Chief Executive Officer 32](#_Toc525910518)

[13.1 List of Delegated Authorities – August 2018 32](#_Toc525910519)

[13.2 Monthly Financial Report – August 2018 36](#_Toc525910520)

[13.3 Monthly Investment Report – August 2018 40](#_Toc525910521)

[13.4 Long-term Street Trading License Application for temporary food stall in front of Kirkwood Deli 43](#_Toc525910522)

[13.5 All Abilities Play Space Food Trucks 46](#_Toc525910523)

[13.6 Metro West JDAP Application – (Lot 564) No. 101 Monash Avenue, Nedlands – 5 Storey Medical Consulting Centre 48](#_Toc525910524)

[14. Elected Members Notices of Motions of Which Previous Notice Has Been Given 51](#_Toc525910525)

[15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 23 October 2018 51](#_Toc525910526)

[16. Urgent Business Approved By the Presiding Member or By Decision 51](#_Toc525910527)

[17. Confidential Items 51](#_Toc525910528)

[Declaration of Closure 51](#_Toc525910529)

**City of Nedlands**

**Minutes of an Ordinary Meeting of Council held in the Council Chambers, Nedlands on Tuesday 25 September 2018 at 7 pm.**

# Declaration of Opening

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

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

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

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

Councillor I S Argyle Dalkeith Ward

Councillor W R B Hassell Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor C M de Lacy Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor G A R Hay Melvista Ward

Councillor T P James Melvista Ward

Councillor N W Shaw Melvista Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

**Staff** Mr M A Glover Acting Chief Executive Officer

Mrs L M Driscoll Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr A C Dickson Acting Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Public** There were 19 members of the public present.

**Press** A newspaper representative.

**Leave of Absence** Councillor B G Hodsdon Hollywood Ward

**(Previously Approved)**

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

Mr G K Trevaskis Chief Executive Officer

**Absent** 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

Nil.

# Addresses by Members of the Public

Mr Stephen Allerding, Allerding & Associates PD43.18

125 Hamersley Rd, Subiaco

(spoke in support of the application)

Mr Vernon Butterly, PD44.18

Elton Consulting, 3 Hasler Road, Osborne Park

(spoke in support of the recommendation)

Mr Alex Hemsley

Hemsley Planning, 168 Stirling Highway, Nedlands PD44.18

(spoke in support of the application)

Mr Abel Ling,

C/- Hemsley Planning, 168 Stirling Highway, Nedlands PD44.18

(spoke in support of the application)

Mr Derrick O'Keeffe, 10 Cygnet Crescent, Dalkeith PD45.18

(spoke in opposition to the recommendation)

Ms Georgina Walsh, 119A North Street, Swanbourne PD46.18

(spoke in support of the recommendation)

Ms Pamela Rutledge, 117 North Street, Swanbourne PD46.18

(spoke in opposition to the recommendation)

Ms Michelle Huggins,

Element, Level 18, 191 St George’s Terrace, Perth PD47.18

(spoke in support of the recommendation)

Ms Emily Dickson, 25 Strickland Street Mt Claremont

(spoke in relation to Asquith Street Parking Proposal)

Dr Richard Charlesworth, 24 Carrington Street, Nedlands

(spoke in relation to Mt Claremont Oval Hockey Pitch Proposal)

Captain Richard C Hodge, 36 Quintilian Road, Mt Claremont

(spoke in relation to traffic issues on Quintilian Road)

# Requests for Leave of Absence

Moved – Councillor Hassell

Seconded – Councillor McManus

**Councillor Smyth be granted leave of absence for Council Meeting of 23 October 2018.**

**CARRIED UNANIMOUSLY 11/-**

Moved – Councillor Hassell

Seconded – Councillor Hay

**Councillor James be granted leave of absence for week of the 22 October 2018.**

**CARRIED UNANIMOUSLY 11/-**

# Petitions

## Ms Lee James, 21/8 Bay Road, Claremont – Archie & Max Café Parking Bays

The Acting Chief Executive Officer tabled a petition on behalf of Ms Lee James, 21/8 Bay Road, Claremont and 395 petitioners requesting Council to keep the existing parking on Waratah Avenue and Alexander Road to stop congestion in residential streets and not damage the Café Archie & Max business.

Moved – Councillor Mangano

Seconded – Councillor McManus

**That the petition be received and referred to Administration to be considered in the report on Waratah Avenue to be presented to Council.**

**CARRIED UNANIMOUSLY 11/-**

# Disclosures of Financial Interest

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

There were no disclosures of financial interest.

# Disclosures of Interests Affecting Impartiality

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

## Councillor Hassell – Item 13.6 - Metro West JDAP Application – (Lot 564) No. 101 Monash Avenue, Nedlands – 5 Storey Medical Consulting Centre

Councillor Hassell disclosed an impartiality interest in Item 13.6 - Metro West JDAP Application – (Lot 564) No. 101 Monash Avenue, Nedlands – 5 Storey Medical Consulting Centre. Councillor Hassell disclosed that his super fund holds shares in Ramsay Health Care, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hassell declared that he would consider this matter on its merits and vote accordingly.

## Councillor Wetherall – 13.6 - Metro West JDAP Application – (Lot 564) No. 101 Monash Avenue, Nedlands – 5 Storey Medical Consulting Centre

Councillor Wetherall disclosed an impartiality interest in Item 13.6 - Metro West JDAP Application – (Lot 564) No. 101 Monash Avenue, Nedlands – 5 Storey Medical Consulting Centre. Councillor Wetherall disclosed that his super fund may contain shares in Ramsay Health Care, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Wetherall declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

# Confirmation of Minutes

## Ordinary Council Meeting 28 August 2018

Moved – Councillor Argyle

Seconded – Councillor Hay

**The Minutes of the Ordinary Council Meeting held 28 August 2018 be confirmed.**

**CARRIED UNANIMOUSLY 11/-**

# Announcements of the Presiding Member without discussion

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

|  |  |  |
| --- | --- | --- |
| 29 August 2018 | City of Nedlands | PRCC Father’s Day Morning Tea |
| 29 August 2018 | City of Nedlands | Captain Stirling Hub Committee Meeting |
| 31 August 2018 | Planning Institute of Australia | State Conference |
| 25 September 2018 | Australian Institute of architects | Urban Design Committee Meeting |

# Members announcements without discussion

## Councillor Hassell

Councillor Hassell advised that in the Mayor’s absence he conducted the Citizenship Ceremony last week. It was well organised by our City staff and very well received by the new citizens. There was a relatively small number of new citizens on this occasion.

Received a note of appreciation for the new path facilities in Point Resolution Reserve. Changes made following the Community Consultation. It may be noted that our community consultation process was effective.

Councillor Hassell reported that last week at the invitation of the school he attended an exhibition at John XIII College of the work of students learning about entrepreneurship, innovation and business. Mel Dias, Community Development Officer (Youth) from the City also attended and a senior representative of the WA Chamber of Commerce and Industry.

He expressed the view that it was good to see such skills being taught in school.

The students had done an outstanding and imaginative job in proposing various business solutions, mostly using modern technologies.

They all had created “business cards” and descriptors of the products. He showed a collection of the cards.

One of the ideas related to a tool to help find aged care places for those needing them, an idea which it was suggested, could be of interest to the City.

## Councillor Smyth

**6th September 2018**

Councillor Smyth advised she had attended an Investiture at Government House Canberra.  She was privileged to be invited as the guest of her sister-in-law Dr Erica Smyth AC, who had been appointed a Companion of the Order of Australia in the recent Queen’s Birthday Honours.  The medal was bestowed by General the Honourable Sir Peter Cosgrove AK MC (Retd) Governor-General of the Commonwealth of Australia.

**10th September 2018**

Councillor Smyth advised she had attended a Civic Event at City of Subiaco Council Chambers.  She was invited by the Mayor Penny Taylor to *Celebrate and Honour* the achievements of recipients of the Queen’s Birthday Honours list who are residents of Subiaco.  The Post Newspaper published names from the Honours list within our area, referred to below.

**COMPANION (AC) IN THE GENERAL DIVISION OF THE ORDER OF AUSTRALIA**

Dr Erica Lee SMYTH, Jolimont WA 6014

**OFFICER (AO) IN THE GENERAL DIVISION OF THE ORDER OF AUSTRALIA**

Sister Joan Kyrle EVANS, Mosman Park WA 6012

Mr Peter John FITZPATRICK AM, North Perth WA 6006

Ms Paula Ruth NATHAN, Claremont WA 6010

Professor Michael Francis QUINLAN, Nedlands WA 6009

Professor Christobel Mary SAUNDERS, Fremantle WA 6160

**MEMBER (AM) IN THE GENERAL DIVISION OF THE ORDER OF AUSTRALIA**

Mrs Anne Patricia BANKS-McALLISTER, Daglish WA 6008

Mrs Danielle Eva BLAIN, Peppermint Grove WA 6011

Professor Jonathan Rhys CARAPETIS, Nedlands WA 6009

Professor Arlene CHAN, Nedlands WA 6009

Ms Carolyn Frances CHARD, Perth WA 6000

Dr Charles Roger GOUCKE, WA

Mr David Edwin HATT, Mount Claremont WA 6010

Dr David Russell HILLMAN, Nedlands WA 6009

Mr Robert John INVERARITY MBE, Claremont WA 6010

Mr Kenneth Curt JENNER, Fremantle WA 6160

Mrs Micheline-Nicole JENNER, Fremantle WA 6160

Emeritus Professor Margaret Jennifer NOWAK, Subiaco WA 6008

Dr John Douglas TAYLOR, City Beach WA 6015

Mrs Rebecca Giggi TOLSTOY, WA

**MEDAL (OAM) OF THE ORDER OF AUSTRALIA IN THE GENERAL DIVISION**

Mr Peter John BROWNE, Claremont WA 6010

Brigadier William Drayton JAMIESON (Retd), Dalkeith WA 6009

Mr Torsten Henry KETELSEN, Dalkeith WA 6009

Mrs Lynette Valma McKENZIE, Swanbourne WA 6010

Mrs Georgina Gay PEARCE, Mosman Park WA 6012

Mrs Audrey Jean PEARSON, WA

Mr Hugh Wynter WARDEN, Fremantle WA 6160

Mr Norman Tattershall WELLS, North Perth WA 6006

## Councillor Wetherall

Councillor Wetherall advised that recent discussions with ratepayers within St Peter’s Square and on Quintilian Road have confirmed for Councillor Wetherall that traffic flow along Quintilian Road has become a major problem. A ratepayer spoke on this topic tonight at Council. There is now much more traffic using this road, including trucks and bicycles. This is because of increased uses along Brockway Road and Mt Claremont. The recent closure of the Ashton St bridge has exacerbated the problem, but re-opening of the bridge probably will not reduce the problem because of new learned responses. Efficient traffic calming in Quintilian Road is relatively easy now, but if allowed to grow into a major problem will be much more difficult to reverse or counteract. Administration should in my view be proactive to prevent this becoming an intractable problem for residents.

# Matters for Which the Meeting May Be Closed

Nil.

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

## Minutes of Council Committees

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

Moved – Councillor Hay

Seconded – Councillor Smyth

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

**Audit & Risk Committee 16 August 2018**

Circulated to Councillors on 22 August 2018

**Arts Committee 20 August 2018**

Circulated to Councillors on 30 August 2018

**Council Committee 11 September 2018**

Circulated to Councillors on 14 September 2018

**CARRIED UNANIMOUSLY 11/-**

**Note: As far as possible all the following reports under items 12.2, 12.3, 12.4 and 12.5 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.**

En Bloc

Moved - Councillor Hassell

Seconded – Councillor James

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos. PD43.18, PD44.18, PD45.18, PD46.18 & PD47.18 are adopted en bloc.**

**CARRIED 10/1**

**(Against: Cr. Mangano)**

## Planning & Development Report No’s PD43.18 to PD47.18 (copy attached)

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

|  |  |
| --- | --- |
| **PD43.18** | **(Lot 388) No. 103 Hardy Road, Nedlands – Short Term Accommodation** |
|  | |
| **Committee** | 11 September 2018 |
| **Council** | 25 September 2018 |
| **Applicant** | S de Tissera |
| **Landowner** | S de Tissera |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | DA18/29354 |
| **Previous Item** | Item PD51.17 – November 2017 |
| **Delegation** | In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Photographs of the building being used as short-term accommodation 2. Proposed Management Plan from the Applicant |

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

Moved – Councillor Wetherall

Seconded – Councillor Argyle

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

(Printed below for ease of reference)

**CARRIED 9/2**

**(Against: Crs. Mangano & James)**

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

**Council approves the development application for the existing two-storey building at the rear of (Lot 388) No. 103 Hardy Road, Nedlands, to continue to be used as short-term accommodation, received on 5 June 2018,** **subject to the following conditions and advice:**

**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. There shall be one vehicle permitted only to be parked on the property for those occupants and visitors associated with the short-term accommodation, and this vehicle shall be parked wholly on the site at all times when the short-term accommodation occupants are at the site.**

**3. The approved Management Plan being complied with at all times to the City’s satisfaction, and shall include a requirement for the landowner to notify all occupants of the short-term accommodation that:**

1. **They are only permitted to bring one vehicle to the property;**
2. **They are required to park their vehicle wholly on site at all times when they are at the site; and**
3. **No vehicles shall be parked at any time in the rear laneway.**

**Advice Notes specific to this approval:**

1. **Noise levels are to comply with the *Environmental Protection (Noise) Regulations* *1997*.**

|  |  |
| --- | --- |
| **PD44.18** | **(Lot 49) No. 115 Victoria Avenue, Dalkeith – Two-Storey Single House with Roof Terrace and Under-croft Basement** |
|  | |
| **Committee** | 11 September 2018 |
| **Council** | 25 September 2018 |
| **Applicant** | Abel Ling Architect |
| **Landowner** | F Wijaya & J Ng |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | DA18/29311 |
| **Previous Item** | N/A |
| **Delegation** | In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Applicant Justification 2. Site Photographs |

Moved – Councillor James

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

**LOST 4/7**

**(Against: Crs. Argyle Hassell Wetherall Hay James McManus & Smyth)**

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

Moved – Councillor Hassell

Seconded – Councillor Wetherall

**Council Resolution**

**Council approves the development application dated 31 May 2018 with amended plans dated 03 August 2018 to construct a two-storey single house with roof terrace and under-croft basement at (Lot 49) No. 115 Victoria Avenue, Dalkeith, subject to the following conditions and advice:**

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 proposed single dwelling, under-croft basement, roof terrace, associated site works and fencing.**
3. **The roof terraces shall remain uncovered from water impermeable cover at all times.**
4. **The use of the basement and rooms on the roof terrace level shall be restricted to the uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling, the owner shall execute and provide to the City a notification pursuant to s. 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers that the use of the basement and upper levels are subject to the restriction set-out above.**
5. **All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the subject site lot boundaries as specified on the property’s Certificate of Title.**
6. **All visual privacy screens and obscure glass panels to Major Openings and Unenclosed Active Habitable Spaces as shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2018*. The visual privacy screens and obscure glass panels shall be installed prior to the development’s practicable completion and remain in place permanently, unless otherwise approved by the City.**
7. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
8. **The dwelling shall not be used as a display home without further approval from the City being obtained.**
9. **The proposed driveway to be relocated 1.5m from the shared boundary between 115 and 117 Victoria Avenue to achieve the required visual sightlines.**

**Advice Notes specific to this proposal:**

1. **The proposed dwelling shall not be used as ancillary accommodation or short-term accommodation.**
2. **All crossovers to the street(s) shall be constructed to the Council’s Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the City’s Infrastructure Services under supervision onsite, prior to commencement of works.**
3. **The redundant crossover(s) shall be removed and the nature-strip (verge) reinstated to the City’s satisfaction.**
4. **Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.**
5. **All street tree assets in the nature-strip (verge) not approved for removal shall be retained and protected during the construction period. 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 under the Nature Strip Development approval.**
6. **All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.**
7. **All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.**
8. **All downpipes from guttering shall be connected 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.**
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. **Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.**

**Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a* Workplace, and any Department of Commerce Worksafe requirements.**

**Where there is over 10m2 of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.**

1. **The applicant is advised to consult the City’s Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.**

**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 a 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. Further information can be obtained from the City’s Environmental Health department.**

1. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

**CARRIED 7/4**

**(Against: Mayor Hipkins Crs. Mangano de Lacy Shaw)**

Committee Recommendation

Council refuses the development application.

Recommendation to Committee

Council approves the development application dated 31 May 2018 with amended plans dated 03 August 2018 to construct a two-storey single house with roof terrace and under-croft basement at (Lot 49) No. 115 Victoria Avenue, Dalkeith, subject to the following conditions and advice:

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 proposed single dwelling, under-croft basement, roof terrace, associated site works and fencing.
3. The roof terraces shall remain uncovered from water impermeable cover at all times.
4. The use of the basement and rooms on the roof terrace level shall be restricted to the uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling, the owner shall execute and provide to the City a notification pursuant to s. 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers that the use of the basement and upper levels are subject to the restriction set-out above.
5. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the subject site lot boundaries as specified on the property’s Certificate of Title.
6. All visual privacy screens and obscure glass panels to Major Openings and Unenclosed Active Habitable Spaces as shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2018*. The visual privacy screens and obscure glass panels shall be installed prior to the development’s practicable completion and remain in place permanently, unless otherwise approved by the City.
7. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
8. The dwelling shall not be used as a display home without further approval from the City being obtained.

Advice Notes specific to this proposal:

1. The proposed dwelling shall not be used as ancillary accommodation or short-term accommodation.
2. All crossovers to the street(s) shall be constructed to the Council’s Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the City’s Infrastructure Services under supervision onsite, prior to commencement of works.
3. The redundant crossover(s) shall be removed and the nature-strip (verge) reinstated to the City’s satisfaction.
4. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.
5. All street tree assets in the nature-strip (verge) not approved for removal shall be retained and protected during the construction period. 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 under the Nature Strip Development approval.
6. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
7. All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
8. All downpipes from guttering shall be connected 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.
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. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a* Workplace, and any Department of Commerce Worksafe requirements.

Where there is over 10m2 of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

1. The applicant is advised to consult the City’s Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

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 a 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. Further information can be obtained from the City’s Environmental Health department.

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

|  |  |
| --- | --- |
| **PD45.18** | **(Lot 88) No. 4 Colin Street, Dalkeith – Two-Storey Single House** |
|  | |
| **Committee** | 11 September 2018 |
| **Council** | 25 September 2018 |
| **Applicant** | Oswald Homes |
| **Landowner** | K M & M A Branchi |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | DA18/28919 |
| **Previous Item** | Nil. |
| **Delegation** | In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received. |
| **Attachments** | 1. Applicant’s justification 2. Site Photographs |

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

Moved – Councillor Shaw

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED 8/3**

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

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

**Council approves the development application dated 15 May 2018with amended plans received 09 August 2018to construct a two-storey single house at (Lot 88) No. 4 Colin Street, Dalkeith subject to the following conditions and advice:**

1. **The development shall always 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 proposed single dwelling.**
3. **Amended plans are to be submitted as part of the building permit application showing either the removal of the front verandah or the finished floor level of the front verandah being reduced to no more than 0.5m above natural ground level at any given point.**
4. **All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
5. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
6. **The parapet wall being finished to a professional standard within 14 days of the proposed development’s practicable completion and be maintained thereafter by the landowner to the City’s satisfaction.**
7. **The pool pump area not being roofed with water impermeable material.**

**Advice Notes specific to this proposal:**

1. **A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.**
2. **All crossovers to the street(s) shall be constructed to the Council’s Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council’s Infrastructure Services under supervision onsite, prior to commencement of works.**
3. **Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.**
4. **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.**
5. **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.**
6. **The applicant is advised to consult the City’s Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.**

**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 a 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.**

1. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

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| **PD46.18** | **(Lot 3) No.117 North Street, Swanbourne- Screen Fence (Retrospective)** |
|  | |
| **Committee** | 11 September 2018 |
| **Council** | 25 September 2018 |
| **Applicant** | P. J. Rutledge and C. C. Codner |
| **Landowner** | P. J. Rutledge and C. C. Codner |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | DA18-29706 |
| **Previous Item** | Nil. |
| **Delegation** | In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Site Photographs |

Moved – Councillor James

Seconded – Councillor Hassell

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Councillor Hay left the room at 8.46 pm and returned at 8.49 pm.

**LOST 1/10**

**(Against: Crs. Argyle Hassell Mangano de Lacy**

**Wetherall Hay James Shaw McManus & Smyth)**

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

Moved – Councillor McManus

Seconded – Councillor Smyth

**That the Recommendation to Council be adopted subject to the removal of words “which demonstrate that the screen is being setback at least 1m from the western lot boundary.” from clause 3 and the removal of clause 4.**

Councillor Mangano left the room at 8.50 pm.

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution**

**Council approves the development application dated 28 June 2018 for a screen fence at (Lot 3) No.117 North Street, Swanbourne, subject to the following conditions and advice notes:**

1. **The development shall always 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 screen fence.**
3. **Amended plans to be provided as part of the building certificate application.**

**Advice Notes specific to this proposal:**

1. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**
2. **A separate development application is required to be submitted to and approved by the City prior to erecting any further fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.**

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 28 June 2018 for a screen fence at (Lot 3) No.117 North Street, Swanbourne, subject to the following conditions and advice notes:

1. The development shall always 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 screen fence.
3. Amended plans to be provided as part of the building certificate application which demonstrate that the screen is being setback at least 1m from the western lot boundary.
4. The screen being moved at least 1m from the western lot boundary within 28 days of the building certificate being issued to the City’s satisfaction.

Advice Notes specific to this proposal:

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.
2. A separate development application is required to be submitted to and approved by the City prior to erecting any further fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.

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| **PD47.18** | **Scheme Amendment No. 208 – Bedbrook Place, Shenton Park** |
|  | |
| **Committee** | 11 September 2018 |
| **Council** | 25 September 2018 |
| **Applicant** | Element Advisory |
| **Landowner** | Various |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Previous Item** | PD24.16 – May 2016  PD49.16 – October 2016  PD42.17 – September 2017 |
| **Attachments** | 1. Schedule of Submissions 2. Schedule V Map and Text with recommended modifications 3. Schedule of Modifications |

Councillor Mangano returned the room at 8.57 pm.

**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)

Councillor Argyle left the room at 8.58 pm and returned at 9.02 pm.

Councillor Hassell left the room at 9.05 pm and returned at 9.09 pm.

**CARRIED 7/4**

**(Against: Mayor Crs. Mangano James & Shaw)**

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

**Council resolves:**

1. **Pursuant to Regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 to support Amendment No. 208 to Town Planning Scheme No 2 with modifications to address issues raised in the submissions as referred to in Attachment 3 – Schedule of Modifications.**
2. **Pursuant to Regulation 44(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer forward to the Western Australian Planning Commission a copy of the schedule of submissions, and any other such information required by the Regulations.**
3. **Chief Executive Officer to ensure that all submitters are advised in writing of Council’s resolution.**
4. **Attachment 2 – Schedule V Map and Text under column (B) PERMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES i), vii) & viii) be deleted for sites No. 5 (Lot 12830), No. 7 (Lot 12829) and No. 9 (Lot 11329) Bedbrook Place, Shenton Park.**

## Community & Organisational Development Report No’s CM03.18 (copy attached)

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

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| **CM03.18 Community Sport and Recreation Facilities Fund Applications** |

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| **Committee** | 11 September 2018 |
| **Council** | 25 September 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Amanda Cronin – Coordinator Community Development  Marion Granich - Manager Community Development |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | N/A |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/1**

**(Against: Cr. Mangano)**

**Council Resolution / Committee Recommendation / 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:**
2. **City of Nedlands – Swanbourne Reserve Rehabilitation: Well planned and needed by the municipality (A Rating);**
3. **City of Nedlands – Floodlight Upgrade, Allen Park Lower Oval: Well planned and needed by the municipality (A Rating);**
4. **City of Nedlands – Irrigation Upgrade, College Park: Well planned and needed by the municipality (A Rating);**
5. **UWA – Floodlight upgrade, UWA Sports Park: Well planned and needed by the municipality (A Rating); and**
6. **Endorses the above applications to DLGSCI on the condition that all necessary statutory approvals are obtained by the applicant.**

## Corporate & Strategy Report No’s CPS18.18 (copy attached)

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

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| **CPS18.18 List of Accounts Paid – July 2018** |

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| **Committee** | 11 September 2018 |
| **Council** | 25 September 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Vanaja Jayaraman – Manager Finance |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing July 2018 2. Purchasing Card Payments June 2018 (29th June – 28th July) |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/1**

**(Against: Cr. Mangano)**

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

**Council receives the List of Accounts Paid for the month of July 2018** **(refer to attachments).**

# Reports by the Chief Executive Officer

## List of Delegated Authorities – August 2018

Moved – Councillor Shaw

Seconded – Councillor Hay

**The attached List of Delegated Authorities for the month of August 2018 be received.**

**CARRIED UNANIMOUSLY 11/-**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **August 2018** | | | | | |
| **01/08/2018** | Approval to write off minor rates debt July 2018 - $1.68 | A/Chief Executive Officer – Lorraine Driscoll | Local Government Act | Section 6.12 | City of Nedlands |
| **06/08/2018** | (APP) – DA18/30 – 19 Leopold St, Nedlands – Addition (Carport) to Single Dwelling and Alteration to Street Boundary Fencing | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | P Parsons |
| **08/08/2018** | 3032106 – Parking Infringement Withdrawal – other compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Tracey Hondros |
| **09/08/2018** | 3032092 – Parking Infringement Withdrawal – vehicle broken down | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Amy Leathersich |
| **09/08/2018** | 3032065 – Parking Infringement Withdrawal – other compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Gayle Stevens |
| **09/08/2018** | 3018062 – Parking Infringement Withdrawal – vehicle broken down | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Audrey Anderson |
| **09/08/2018** | (APP) – DA18/30296 – 5/25 Asquith St, Mt Claremont – One non-illuminated Wall Sign | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | Lotterywest |
| **13/08/2018** | (APP) – DA18/2958 – 21 Lovegrove Close, Mt Claremont – Additions (Patio) to Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Abel Patios and Roofing |
| **14/08/2018** | (APP) – DA18/29593 – 19 Mimosa Ave, Mt Claremont – Additions (Outbuilding) to Dwelling and Overheight Fencing | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | A K Willaims |
| **14/08/2018** | (APP) – DA18/30236 – 1 Broome St, Nedlands – Additions (Office and toilets) to Existing Office Building | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | City of Nedlands |
| **14/08/2018** | (APP) – DA18/30000 – 139 Victoria Ave, Dalkeith – Two Storey Single House with Basement | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | D and M Pateman |
| **14/08/2018** | (CANCELLED) – DA18/30275 – 15 Landon Way, Mt Claremont – Home Business | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Ceratonia Pty Ltd |
| **16/08/2018** | (CANCELLED) – DA18/28729 – 21A Boronia Ave, Nedlands – Carport | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | The Carport Company |
| **16/08/2018** | (APP) – DA18/29769 – 14B Knutsford St, Swanbourne – Additions (Garage and Studio) to Existing Grouped Dwelling | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | A and K Green |
| **16/08/2018** | (APP) – DA18/29866 – 66 Philip Road, Dalkeith – Amendment to DA16/205 | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Palazzo Exclusive Homes Pty Ltd |
| **20/08/2018** | (APP) – DA18/29309 – 47B Alfred Rd. Mt Claremont – Additions (Patio) to Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Abels Patios and Roofing |
| **22/08/2018** | (APP) – DA18/30279 – 12 Jameson St, Swanbourne – Amendment to DA16/128 (Retaining Walls and Fill) | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Ariane Prevost Architect |
| **22/08/2018** | 3031815 – Parking Infringement Withdrawal – other compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Nicole Sharrin |
| **23/08/2018** | (APP) – DA18/30647 – 25 Carrington St, Nedlands – Two Non-Illuminated Wall Signs | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | J McGuire |
| **24/08/2018** | 3032502 – Parking Infringement Withdrawal – other compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Hannah Mathews |
| **24/08/2018** | 3032460 – Parking Infringement Withdrawal – other compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Susanne Burtenshaw |
| **27/08/2018** | (APP) – DA18/29859 – 96 Brookdale St, Floreat – Additions (Patio) to Single House | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | One Stop Patio Shop |

## Monthly Financial Report – August 2018

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| --- | --- |
| **Council** | 25 September 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Vanaja Jayaraman – Manager Financial Services |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 31 August 2018 2. Capital Works & Acquisitions – 31 August 2018 3. Net Current Assets – 31 August 2018 4. Statement of Activity – 31 August 2018 |

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

Moved – Councillor Hassell

Seconded – Councillor McManus

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

(Printed below for ease of reference)

Councillor Shaw retired from the meeting at 9.28 pm.

Councillor McManus left the room at 9.33 pm and returned at 9.34 pm.

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council receives the Monthly Financial Report for the period ended 31 August 2018.**

**Executive Summary**

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

**Discussion/Overview**

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

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

This report gives an overview of the revenue and expenses of the City for the month of August 2018 together with a Net Assets Statement as at 31 August 2018.

The operating revenue at the end of August 2018 was $30.63M which represents a $1.87M favourable variance compared to the year-to-date budget.

The operating expense at the end of August 2018 was $5.97M, which represents a $1.85M favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 174,227

Revenue: Unfavourable variance of $ (21,203)

The favourable expenditure variance is mainly due to savings on special projects, professional fees, ICT expenses, staff recruitment and office communication of $117k not incurred yet. Salaries and other employee expenses are lower by $46k due to timing differences and will even out during the year.

The unfavourable revenue variance is due to less revenue from Hollywood private hospital parking and WESROC.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 221,004

Revenue: Favourable variance of $ 154,822

The favourable expenditure variance is mainly due to timing differences in the commencement of special projects and the use of professional services and ICT expenses of $140k. Salaries and office of shared services expenses are lower by $59k due to timing differences and will even out during the year.

Favourable revenue variance is due to higher rates and instalment interest revenue of $153k.

**Community Development**

Expenditure: Favourable variance of $263,085

Revenue: Favourable variance of $ 57,297

The favourable expenditure variance is mainly due to expenses not expended yet for community donations of $41k, operational activities $26k and NCC of $28k, Tresillian courses fees and other library expenses of $56k. Salaries expenses is lower by $108k mainly due to positions not filled yet, and timing differences.

The Favourable revenue variance is due to HACC grants of $70k received earlier than budgeted and a compensating lower fees and charges received for PRCC and Tresillian.

**Planning and Development**

Expenditure: Favourable variance of $ 276,674

Revenue: Favourable variance of $ 22,050

The favourable expenditure variance is mainly due to expenses not expended yet for operational activities and professional fees of $194k. Salaries is lower by $82k mainly due to positions not filled yet, and timing differences.

Small favourable revenue variance is due to higher income on infringement fines of $22k.

**Technical Services**

Expenditure: Favourable variance of $ 913,240

Revenue: Favourable variance of $ 1,656,743

The favourable expenditure variance is mainly due to expenses not expended yet for underground power project of $605k and park services of $536k.

The favourable revenue variance is due to higher revenue from upfront payment of underground power service charge of $1.6 M. The underground power revenue budget will be updated at budget review, when all the affected owners confirm whether they elect upfront payment or instalment payments.

**Net Current Assets Statement**

At 31 August 2018, net current assets were $29.4M compared to $2.1 M as at 30 June 2018. This is mainly due to rates notices amounting to $23.1 M has been issued in July for the financial year 2018/19.

**Capital Works Programme**

At the end of August, the expenditure on capital works were $512k with further commitments of $1.80 M which is 16.6% of a total budget of $13.88 M.

**Conclusion**

The statement of financial activity for the period ended 31 August 2018 indicates that operating expenses are under the year-to-date budget by 23.6% or $1.85M, while revenue is above the Budget by 6.5% or $1.87M.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – August 2018

|  |  |
| --- | --- |
| **Council** | 25 September 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Vanaja Jayaraman – Manager Financial Services |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Investment Report for the period ended 31 August 2018 |

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

Moved – Councillor James

Seconded – Councillor Hassell

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council receives the Investment Report for the period ended 31 August 2018.**

**Executive Summary**

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

**Discussion/Overview**

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

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

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

The Investment Summary shows that as at 31 August 2018 the City held the following funds in investments:

Municipal Funds $ 12,524,643.98

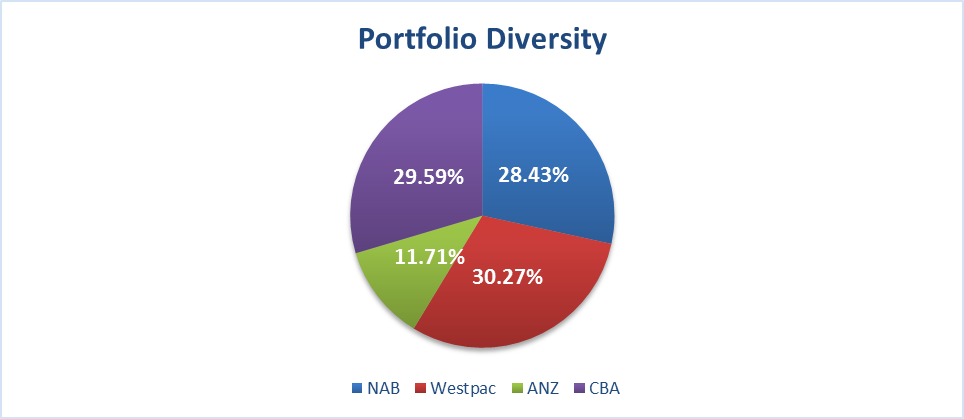
Reserve Funds $ 6,063,063.73

Total $ 18,587,707.71

The total interest earned from investments as at 31 August 2018 was $40,681.31.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $5,284,319.19 | 2.46% - 2.74% | 28.43% |
| Westpac | $5,625,860.37 | 2.50% - 2.81% | 30.27% |
| ANZ | $2,176,994.44 | 2.30% - 2.50% | 11.71% |
| CBA | $5,500,533.71 | 1.30% - 2.46% | 29.59% |
| **Total** | **$18,587,707.71** |  | **100.00%** |



**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes  No

Required by City of Redlands policy: Yes  No

**Budget/Financial Implications**

Investment income is steady as per budget.

## Long-term Street Trading License Application for temporary food stall in front of Kirkwood Deli

|  |  |
| --- | --- |
| **Council** | 25 September 2018 |
| **Applicant** | Gualterio Fernandez |
| **Officer** | Neil McGuinness |
| **Director** | Peter Mickleson |
| **Attachments** | 1. Council Report PD52.17 – 28 November 2017 2. Council Resolution – Report E253.00 3. Council Policy - Trading in Public Places 4. City of South Perth – Certificate of Registration of a Food Business ‘Paella Fiesta’ |

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

Moved – Councillor McManus

Seconded – Councillor James

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

(Printed below for ease of reference)

Councillor de Lacy left the room at 9.36 pm and returned at 9.39 pm.

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council approves a Street Trading License for a period ending 31 October 2019 following receipt of the scheduled fee and in accordance with the following conditions:**

1. **A minimum 1.8 metres width of footpath is to be maintained clear between the existing footpath handrail and the trade display, as described within the Council Policy Manual;**
2. **The temporary food stall is to be completely removed and the footpath cleaned at the end of every trade;**
3. **Trading is to be in accordance with relevant legislation including:**
4. ***Food Act 2008 (WA); and***
5. ***Environmental Protection (Noise) Regulations 1997* (WA);**
6. **There shall be a maximum of 3 tables located outside the shop on the Kirkwood Street side and a maximum of 2 tables located outside the shop on the North Street side; and**
7. **There shall be a maximum of 20 seats associated with the 5 outside tables.**

**Executive Summary**

Paella Fiesta is seeking long-term approval for a temporary food stall to trade one evening a week, on the on the nature strip footpath adjacent to Kirkwood Deli facing North Street, Swanbourne. The proposal is essentially the same as the previous proposal (put forward by ‘La Pizzeria’) that was approved by Council at its meeting of 28 November 2017 (PD52.17).

**Discussion/Overview**

**Background**

Paella Fiesta was recently issued an approval to operate at the Kirkwood Deli via a three (3) day Street Trading License that was issued by the City’s Health Service (on 24 August 2018) under Council’s delegated authority. This delegated authority was set by previous Council Resolution (report E253.00). The Street Trading License authorized trade between the hrs. of 6.00pm -9.00pm on the following dates:

* Saturday 1st September;
* Friday 7th September; and
* Saturday 8th September.

Due to the relative business success of this three (3) day trial, the proprietor and their consultant have contacted the City’s Health Service and requested approval to trade for a 12-month period, ending on 31 October 2019. The proposed trading days and hours are as follows:

* Fridays 3.00pm-10.00pm;
* Saturdays 3.00pm-10.00pm; and
* Sundays 3.00pm-10.00pm.

The proposed food service will be paella and tapas as per the previous three (3) day Street Trading License.

Paella Fiesta and Kirkwood Deli have both confirmed that the community is supportive of the proposed paella food stall, as was evidenced by their strong trade during their recent three (3) day trial. As the proposed regular trading is not short-term, nor for 3 consecutive days, Administration considers it appropriate for Council to decide whether a long-term arrangement is suitable.

The City’s Street Trading License application requires traders to have their own public liability insurance protection to indemnify the City for the duration of the Street Trading License approval. This information has been provided to the City as a part of their previous applications for their temporary food stall to trade.

‘Paella Fiesta’ are currently registered with the City of South Perth as a medium risk food business under *the Food Act 2008* (WA).

**Key Relevant Previous Council Decisions**

Council unanimously adopted the recommendations from the Report (PD52.17), that related to the previous Street Trading License Application from ‘La Pizzeria’ to trade for an extended period.

**Consultation**

No complaints were received by the City during the three (3) day Street Trading Trial that ‘Paella Fiesta’ undertook with the Kirkwood Deli in early September 2018.

The only known other specialist paella business (that the City is aware of) that is located within the City of Nedlands, is a catering business on Stirling Highway.

**Budget/Financial Implications**

There are no direct budgetary implications that relate to this application. There is a significant administrative burden that relates to the weekly and daily approvals that are currently being sought by the applicant. These individual approvals are expected to cease once Council has made a determination on this issue.

The food business, ‘Paella Fiesta’ is registered with the City of South Perth who are responsible for inspecting the food business; however, due to the frequent trading, it is appropriate for the City to also conduct food safety assessments of the business, which would be undertaken in a manner similar to the traders at the Mount Claremont Framers Market.

The City’s Environmental Health Officers would be expected to undertake administrative and monitoring tasks associated with this application within existing budgetary considerations.

## All Abilities Play Space Food Trucks

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| --- | --- |
| **Council** | 25 September 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Samantha Edwards – Community Development Officer (Events and Access) |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | Nil |

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

Moved – Councillor Hassell

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council approves:**

1. **delegated authority to the CEO to split the Street Trading annual fee of $1,500 between the selected food vendors;**
2. **delegated authority to the CEO to apply this fee pro-rata across the year; and**
3. **applying these fees on a three-month trial basis.**

**Executive Summary**

This item is being presented to Council as it recommends making an amendment to a fee stated in the approved Fees and Charges schedule; and only Council can amend these Fees and Charges.

**Discussion/Overview**

There are currently no opportunities to buy food or drinks at the Jo Wheatley All Abilities Play Space, therefore the City has called for Expressions of Interest from food vendors to trade at the play space. Twenty-two food vendors expressed their interest. Three vendors were shortlisted and interviewed, and those three food vendors were found suitable to trade as food vendors at the play space. All three vendors are able to provide a range of healthy food, coffee and other drinks. It is expected that this range of providers will best meet the needs of users for a range of food options as well as a range of drinks.

The current fee requires each food vendor to pay a street trading fee of $61 for up to three days of trading, or $1,500 for a years’ worth of training. As the food vendors will not be at the play space at the same time, but will all be there consistently, the proposal is to divide the current annual $1,500 fee between the three vendors on a pro rata basis. The vendors would be placed on a three-month trial.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Consultation was completed with parents, schools and other users of the play space while the play space was being developed. These users stated that coffee and healthy food options were needed. Additionally, this proposal for allowing three different providers to rotate at the play space, will also provide food and drinks at a range of prices.

**Budget/Financial Implications**

Nil.

## Metro West JDAP Application – (Lot 564) No. 101 Monash Avenue, Nedlands – 5 Storey Medical Consulting Centre

|  |  |
| --- | --- |
| **Council** | 25 September 2018 |
| **Applicant** | Element |
| **Landowner** | Ramsay Hospital Holdings Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | DA18/29816  DAP/18/01457 |
| **Previous Item** | Nil. |
| **Attachments** | 1. Responsible Authority Report and attachments |

**Councillor Hassell – Impartiality Interest**

Councillor Hassell disclosed that his super fund holds shares in Ramsay Health Care, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hassell declared that he would consider this matter on its merits and vote accordingly.

**Councillor Wetherall – Impartiality Interest**

Councillor Wetherall disclosed that his super fund may contain shares in Ramsay Health Care, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Wetherall declared that he would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Council did not support the RAR due to traffic and parking issues.**

Moved – Councillor Hassell

Seconded – Councillor Wetherall

**Council Resolution**

**Council recommends to the Metropolitan West Joint Development Assessment Panel that the application (reference DAP/18/01457) for a 5 Storey Medical Consulting Centre at (Lot 564) No. 101 Monash Avenue, Nedlands, be considered for approval but that:**

1. **The Council vehemently disagrees with the parking cap applied by the WAPC because of the adverse impact on the local residential areas;**
2. **The traffic studies that pre-dated the Perth Children’s Hospital coming onstream is clearly inadequate;**
3. **Council does not endorse the terms of the Responsible Authority Report as presented; and**
4. **Council also makes the following comments:**
5. **Monash Avenue should be reviewed in regard to roads, footpaths, bike paths, car parking, speed limits;**
6. **Council is concerned about the over concentration of Health Facilities in the area; and**
7. **Hollywood Hospital Master Plan to give priority to including greater emphasis on the provision of quality food for site visitors (kiosks and vending machines are completely inadequate.)**

Councillor James left the room at 10.17 pm and returned at 10.20 pm.

**CARRIED UNANIMOUSLY 10/-**

Recommendation to Council

Council recommends to the Metropolitan West Joint Development Assessment Panel that the application (reference DAP/18/01457) for a 5 Storey Medical Consulting Centre at (Lot 564) No. 101 Monash Avenue, Nedlands, be approved subject to the conditions and advice notes contained in the Responsible Authority Report (dated 21 September 2018).

1. **Executive Summary**

In accordance with the Planning and Development (Development Assessment Panels) Regulations 2011, Administration is required to provide a Responsible Authority Report (RAR) to the Joint Development Assessment Panel (JDAP). Council views can also be submitted as a separate submission. The purpose of this report is to obtain Council’s submission.

The development consists of a five-storey consulting/medical centre which includes the following:

* Demolition of two existing ward buildings and a day rehabilitation facility building.
* Ground floor Radiology and Radiology Oncology Centres;
* Uncovered car parking Covered car parking at the Ground floor and two levels above;
* 33 consulting suites;
* Relocation of some Hospital Services and space for yet to be determined Hospital Services; and
* Relocation of a boiler room which is adjacent to the western side boundary within the existing building footprint of the administration and training building.

The development is located centrally to the site closer towards the eastern side of the property. There are no new access points proposed to Verdun Street. The RAR outlines the proposal in detail (see attachment 1)

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

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

Nil.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 23 October 2018

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 23 October 2018 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

Nil.

# Urgent Business Approved By the Presiding Member or By Decision

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.27 pm.