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***Minutes***

***Council Meeting***

***26 March 2019***

**Attention**

**These Minutes are subject to confirmation.**

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

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**City of Nedlands**

**Minutes of an Ordinary Meeting of Council held in the Council Chambers, Nedlands on Tuesday 26 March 2019 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** Deputy Mayor W R B Hassell (Presiding Member)

Councillor A W Mangano Dalkeith Ward

Councillor C M de Lacy Hollywood Ward

Councillor B G Hodsdon Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor G A R Hay Melvista Ward

Councillor T P James Melvista Ward

Councillor N W Shaw 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 M A Glover Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

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

**Press** The Post Newspaper & Western Suburbs Weekly representative.

**Leave of Absence** His Worship the Mayor, R M C Hipkins

**(Previously Approved)** Councillor I S Argyle Dalkeith Ward

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

**Disclaimer**

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council’s position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

# Public Question Time

## Dr Ric Charlesworth, 24 Carrington Street, Nedlands

Question 1

Is the council aware that local sporting clubs like UWANFC prefer to use community facilities because these facilities are cheaper than those made available to them where they are based at the University? Could the council investigate the use of community facilities by University based clubs who have access to multiple university funded facilities but choose to use community facilities because they are cheaper and provide this information to the meeting? UWA has local clubs in football, hockey, rugby and cricket at McGillivray oval. Do any of these clubs use community facilities in Nedlands?

Answer 1

University clubs do not currently use City facilities, excluding the UWANFC situation, which is a merger of two clubs – UWA Soccer Club & Nedlands Football Club.

Question 2

Can the council indicate how many games were played on the soccer pitches at Mt Claremont oval last season (2018)? If the council does not have access to such information how can it determine utilisation of the facility? Was such information made available for the report from the hockey clubs in Nedlands?

Answer 2

This level of analysis was not required as current tenants did not support the Westside Wolves proposal. The Council decision required administration to take a strategic review of the feedback from the community

Question 3

Can the council indicate how the staff determined that “the oval services approximately 2750 sports club members” as reported on p.14 of the report on Mt Claremont oval? Given that at most a few hundred cricket and soccer players and a gridiron club with only two teams use the oval this figure seems extraordinary.

Answer 3

The report referenced the potential use by simply totalling the membership. Similarly, all Westside Wolves commentary only referenced their total membership of 1700.

Question 4

Can the council indicate what is the cost of providing facilities that are available to local sports clubs across all its sports facilities in the Council region? These costs include watering, fertilising and mowing grounds and maintaining (repair and painting) buildings and practice facilities (cricket wickets and lights). Also, this should include paying for electricity water and gas and any other expenses. Does the council have some way of measuring such expenditure against utilisation so that all interested sporting groups in the city get a fair allocation of resources that is commensurate with their numbers of participants and gender balance of their clubs?

Answer 4

Yes, the City can but not in the timeframe provided. The City does not presently qualify this expenditure on any quota system, only by level of service.

Question 5

Is it not preferable for the council to provide resources for clubs that are self-sufficient, cater for large numbers of local residents and are efficient utilisers of local space? Does the council see such facilities as preferable to those which soak up hundreds of thousands of dollars in recurrent funding?

Answer 5

The City has no preferential system with respect to performance or funding of individual clubs/sports.

Question 6

Does the council keep track of local sporting clubs and their access to facilities to ensure that clubs remain relevant and are given access to resources that are commensurate with their number of participants and contribution to the local community by fostering local development programs and volunteers who drive cooperation within the community and schools? If so, what metric does it use?

Answer 6

Yes, the City keeps track of clubs and their access to facilities. However, the City has no preferential system with respect to performance of individual clubs/sports.

Question 7

In the allocation of resources for community groups what criteria does the city use for such allocation. Does the city take into account the history, number of participants and ongoing requirements for recurrent funding? Does the council consider the efficient usage of scarce resources in planning its sporting facility access and availability?

Answer 7

The City establishes service levels for community groups and resources these levels. The City has no preferential system with respect to performance of individual clubs/sports

Question 8

What mechanism does the city use to assess the size and merit of local sporting clubs? Is gender a consideration? Why are the majority of facilities allocated to sports in which female participation is low? Does the council believe that this is acceptable, and does it believe that this situation should be addressed?

Answer 8

The City has no gender bias with respect to use of its facilities.

Question 9

Given the above considerations why does the largest sport in the city in terms of participants (Hockey) not have any dedicated synthetic turf facility on council land on which hockey can be played? The default surface for the game is now Synthetic. Three very successful clubs with many senior national team players and 1000s of junior players of both genders have been squeezed onto one pitch and play as many as 50% of their home games outside the city. Does this situation not exist for any other sporting club in the city?

Answer 9

No, it would appear that hockey stands alone in this situation.

Question 10

Why should the Swanbourne Cricket Club which is based at Allen Park where they have a clubhouse and soon to be able to access three fields also have access to a fourth pitch at Mt Claremont oval? The club claims 130 members (none of them female) has five teams ( maybe 60-70 players) and some juniors.

Answer 10

In each of these cases, the facilities are shared between multiple sports so to treat one in isolation and specifically with respect to gender, participation is not a level playing field.

Question 11

Can the city indicate how it believes resources for sport should be allocated? Is it according to historical precedent, number of participants, cost of maintenance, community support or some other criteria?

Answer 11

This will be reviewed in the City's Recreation Plan.

Question 12

Given that synthetic surfaces are used for tennis, bowls, skate-boarding, cricket, play grounds, netball, basketball, Futsal etc is there any reason that such a surface cannot be built for hockey? Given that many of these surfaces in the city are fenced for safety and security along with Yacht clubs, swimming pools and golf clubs does the city see any reason why such facilities should not be fenced?

Answer 12

No to both questions.

Question 13

Does the city believe that it is fair to allocate 90 hectares of land to private golf clubs which provide for exclusive access to high fee-paying members while not making any space available to clubs that are community based and replete with volunteers?

Answer 13

The City provides space for both golf courses and community sports. The key difference is the level of subsidy provided by the Local Government.

Question 14

Will the Council commit to providing a location for a synthetic turf facility for hockey by the end of 2019?

Answer 14

Council would have to resolve a position on this.

## Mr Carl Brauhart, 48 Lisle Street, Mt Claremont

Question 1

At Nedlands Council Committee Meeting, 12 March 2019, reference was made to Noisy Scrub Birds in Mount Claremont. Are Council aware that the Noisy Scrub Bird (Atrichornis clamosus) is an endangered species thought to be extinct until rediscovery in 1961? It remains one of Australia’s rarest birds and the greatest threat to its continued survival is habitat destruction?

Answer 1

Some Councillors may not have been aware of this however, they are now. Thank you.

Question 2

The Noisy Scrub Bird once ranged as far north as Perth, but confirmed sightings are now restricted to a small area around Two Peoples Bay east of Albany. If the Noisy Scrub Bird is in fact resident in Mount Claremont, what steps will Council be taking to ensure that its habitat can be protected?

Answer 2

The Department of Biodiversity, Conservation and Attractions, along with this Council would welcome any evidence relating to the presence of the Atrichornis clamosus in Mount Claremont, and any appropriate protection measures required by the Environmental Protection Act 1986 would be enacted for this threatened species.

# Addresses by Members of the Public

Ms Dominque Travers, on behalf of Dr Ramin Gharbi,

Addstyle Builders, 71 Louise Street< Nedlands PD09.18

(spoke in opposition to the recommendation)

Dr Robyn Lawrence, 8 Daglish Street, Wembley 13.3

(spoke in opposition to the recommendation)

Dr Ric Charlesworth, 24 Carrington Street, Nedlands 13.3

(spoke in opposition to the recommendation)

Mr James Anderson, 3 Beecham Road, Mt Claremont 13.3

(spoke in support of the recommendation)

Mrs Susie Moir, 18 Chessington Gardens, Mt Claremont 13.3

(spoke in support of the recommendation)

# Requests for Leave of Absence

Moved – Councillor James

Seconded – Councillor McManus

**Councillor Smyth be granted leave of absence for the 9th April 2019 Council Committee Meeting.**

**CARRIED UNANIMOUSLY 10/-**

# Petitions

Nil.

# Disclosures of Financial Interest

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

There were no disclosures of financial interest.

# Disclosures of Interests Affecting Impartiality

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

There were no disclosures affecting impartiality.

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

Nil.

# Confirmation of Minutes

## Ordinary Council meeting 26 February 2019

Moved – Councillor Hodsdon

Seconded – Councillor Hay

**The Minutes of the Ordinary Council Meeting held 26 February 2019 are to be confirmed.**

**CARRIED UNANIMOUSLY 10/-**

## Special Council meeting 12 March 2019

Moved – Councillor Hay

Seconded – Councillor McManus

**The Minutes of the Special Council Meeting held 12 March 2019 are to be confirmed.**

**CARRIED UNANIMOUSLY 10/-**

# Announcements of the Presiding Member without discussion

Nil.

# Members announcements without discussion

## Councillor Smyth

Councillor Smyth advised she had attended Bike to School Day and Harmony Day Assembly at Mt Claremont Primary School on Friday 22 March 2019.

Councillor Smyth also advised she would be attending an industry run conference in Melbourne from the 8-10 April 2019 which she is funding herself.

## Councillor de Lacy

Councillor de Lacy advised the Council of the highlights and lowlights of the Cities & Regions Summit she had attended from 12–14 March 2019 as approved by Council.

## Councillor Hay

Councillor Hay advised that the ANZ Bank has signalled its desire to close the ANZ branch at Broadway Nedlands. This move is disappointing, and Councillor Hay urges the bank to reconsider its closure and continue to service the 22,000 residents of the Nedlands community and the thousands of students and staff from the University of Western Australia.

## Councillor Shaw

Councillor Shaw advised he had attended a luncheon at Weld Club on 25 March 2019 to hear Dr Taylor talk on the ‘Architect – Soldier’ Sir J.J.Talbot Hobbs, and his enormous influence on the history of both our State and our Nation.

Councillor Shaw stated that it is poignant – and also ironic - to note that many gracious buildings designed by Hobbs during the late 19th and early 20th Century goldrush boom both within the Central City of Perth and the Western Suburbs, were demolished during the 1980’s mining boom, and of course the famous ‘Bungalow’, Hobbs’ own residence in Peppermint Grove being demolished more recently to make may for the ill – fated ‘Taj on Swan’.

Councillor Shaw advised the Hobbs’ statue, once prominent [but perhaps unappreciated] on the Perth Esplanade, has now been moved to a somewhat modest location within Supreme Court Gardens, to enable the development of Elizabeth Quay, again somewhat ironic, given the Royal Knighthood bestowed on him for his War Service.

Councillor Shaw also advised Dr Taylor’s book “Between Duty and Design” is available in the City of Nedlands Library, for anyone interested in the story of a very important person and his formidable body of work and service to the Nation.

# Matters for Which the Meeting May Be Closed

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

Nil.

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

## Minutes of Council Committees

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

Moved – Councillor Hodsdon

Seconded – Councillor Hay

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

**Audit & Risk Committee 18 February 2019**

Circulated to Councillors on 22 February 2019

**Arts Committee 25 February 2019**

Circulated to Councillors on 27 February 2019

**Council Committee 12 March 2019**

Circulated to Councillors on 15 March 2019

**CARRIED UNANIMOUSLY 10/-**

**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 Hodsdon

Seconded – Councillor Hay

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4, 12.5 and 13.3 with the exception of Report Nos. PD09.19, CPS06.19 & 13.3 are adopted en bloc.**

**CARRIED UNANIMOUSLY 10/-**

## Planning & Development Report No’s PD09.19 (copy attached)

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

|  |  |
| --- | --- |
| **PD09.19** | **No. 71 Louise Street, Nedlands – Proposed Ancillary Accommodation** |
|  | |
| **Committee** | 12 March 2018 |
| **Council** | 26 March 2018 |
| **Applicant** | Addstyle Constructions Pty Ltd |
| **Landowner** | R Gharbi |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | DA18/32991 |
| **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 and photographs of the subject property |

Moved – Councillor Mangano

Seconded – Councillor Shaw

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Lost on the Casting Vote 5/6

(Against: Deputy Mayor Hassell Crs. Hodsdon

Wetherall McManus & Smyth)

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

Moved – Councillor Hodsdon

Seconded – Councillor Wetherall

**Council Resolution**

**Council approves the development application dated 23 November 2018 to construct ancillary accommodation at Lot 117 (No. 71) Louise Street, Nedlands, 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. **The proposed carport being constructed within 28 days of the ancillary accommodation’s practicable completion to the City’s satisfaction.**
3. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
4. **The ancillary accommodation building shall be occupied only by persons related to the occupiers of the main dwelling.**
5. **The landowner shall execute and provide to the City a notification pursuant to section 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 building is subject to the restriction set out in this approval. The full costs of the notification shall be borne by the landowner; and this condition shall be fulfilled prior to the lodgement of a Building Permit application.**

**Advice Notes specific to this proposal:**

1. **With regard to condition 4, the landowners are advised that should they want this condition removed once the City’s draft Local Planning Scheme No. 3 is gazetted an amended development application will need to be submitted to and approved by the City.**
2. **With regard to condition 5, the applicant and the landowner are advised that should they want this Notification removed from the property’s Title once the City’s draft Local Planning Scheme No. 3 is gazetted the necessary forms from Landgate will need to be completed and sent to the City for signing.**

**A development application will not be required for the removal of the Notification.**

**If you have any queries regarding the Notification removal process, please contact Landgate on (08) 9273 7373.**

1. **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.**
2. **The applicant is advised that 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.**
3. **The applicant is advised that 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 under the Nature Strip Works approval.**
4. **The applicant is advised that 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 Acoustic 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. **The applicant is advised that 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 ON THE CASTING VOTE 6/5**

**(Against: Crs. Mangano de Lacy Hay James & Shaw)**

Committee Recommendation

That Council refuse the development application dated 23 November 2018.

Recommendation to Committee

Council approves the development application dated 23 November 2018 to construct ancillary accommodation at Lot 117 (No. 71) Louise Street, Nedlands, 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. The proposed carport being constructed within 28 days of the ancillary accommodation’s practicable completion to the City’s satisfaction.
3. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
4. The ancillary accommodation building shall be occupied only by persons related to the occupiers of the main dwelling.
5. The landowner shall execute and provide to the City a notification pursuant to section 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 building is subject to the restriction set out in this approval. The full costs of the notification shall be borne by the landowner; and this condition shall be fulfilled prior to the lodgement of a Building Permit application.

Advice Notes specific to this proposal:

1. With regard to condition 4, the landowners are advised that should they want this condition removed once the City’s draft Local Planning Scheme No. 3 is gazetted an amended development application will need to be submitted to and approved by the City.
2. With regard to condition 5, the applicant and the landowner are advised that should they want this Notification removed from the property’s Title once the City’s draft Local Planning Scheme No. 3 is gazetted the necessary forms from Landgate will need to be completed and sent to the City for signing.

A development application will not be required for the removal of the Notification.

If you have any queries regarding the Notification removal process, please contact Landgate on (08) 9273 7373.

1. 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.
2. The applicant is advised that 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.
3. The applicant is advised that 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 under the Nature Strip Works approval.
4. The applicant is advised that 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 Acoustic 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. The applicant is advised that 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.

## Technical Services Report No’s TS03.19 to TS04.19 (copy attached)

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

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| TS03.19 City of Nedlands 2019 Annual Waste Report |

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| --- | --- |
| **Committee** | 12 March 2019 |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Chaminda Mendis – Waste Minimisation Coordinator |
| **Director** | James Cresswell – Acting Director Technical Services |
| **Attachments** | Nil. |

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

Moved – Councillor Hodsdon

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

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

**Council:**

1. **notes the City of Nedlands 2019 Annual Waste Report; and**
2. **notes that the City will commence the community consultation for the introduction of a FOGO service in mid-2019.**

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| TS04.19 RFT 2018-19.08 Provision and Maintenance of Bus Shelters in Return for Advertising Rights |

|  |  |
| --- | --- |
| **Committee** | 12 March 2019 |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Nathan Brewer – Purchasing and Tenders Coordinator |
| **Director** | Martyn Glover – Director Technical Services |
| **Attachments** | 1. Final Evaluation Scoresheet (Confidential) 2. Bus Shelter Design Options |

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

Moved – Councillor Hodsdon

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

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

**Council:**

1. **agrees to award tender no. RFT 2018-19.08 to oOh!media Street Furniture Pty Ltd for the Provision and Maintenance of Bus Shelters in Return for Advertising Rights excluding alcoholic drink products;**
2. **authorises the Chief Executive Officer to sign an acceptance of offer for this tender; and**
3. **approves the installation of the Liberty Shelter to all sites including two new bus shelters at Brookdale Street, Floreat after Alderbury Street and Aberdare Road, Karakatta after Hopetoun Terrace.**

## Community & Organisational Development Report No’s CM01.19 (copy attached)

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

|  |
| --- |
| **CM01.19 Community Sport and Recreation Facilities Fund Application – Suburban Lions Hockey Club** |

|  |  |
| --- | --- |
| **Committee** | 15 March 2019 |
| **Council** | 26 March 2019 |
| **Applicant** | Suburban Lions Hockey Club |
| **Officer** | Amanda Cronin – Coordinator Community Development  Marion Granich - Manager Community Development |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | Nil. |

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

Moved – Councillor Hodsdon

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

**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 Small Grant round as follows:**
2. **Suburban Lions Hockey Club – Storage Shed: Well planned and needed by the municipality (A Rating);**
3. **endorses the application to DLGSCI on the condition that all necessary statutory approvals are obtained by the applicant; and**

1. **approves an amount of $3,950 for the Suburban Lions Hockey Club shed project for consideration in the 2019/20 draft budget, conditional on the project receiving DLGSCI funding.**

## Corporate & Strategy Report No’s CPS04.19 to CPS06.19 (copy attached)

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

|  |
| --- |
| CPS04.19 List of Accounts Paid – January 2019 |

|  |  |
| --- | --- |
| **Committee** | 12 March 2019 |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Vanaja Jayaraman – Manager Finance |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing January 2019 2. Purchasing Card Payments January 2019 (29th December 2018 – 28th January 2019) |

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

Moved – Councillor Hodsdon

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

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

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

|  |
| --- |
| CPS05.19 2018 Compliance Audit Return |

|  |  |
| --- | --- |
| **Committee** | 12 March 2019 |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Stacey Gibson – PA to Director Corporate & Strategy |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Compliance Audit Return 2018 |

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

Moved – Councillor Hodsdon

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

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

**Council adopts the 2018 Compliance Audit Return as per recommendation by the Audit and Risk Committee.**

|  |
| --- |
| CPS06.19 Mid-Year Budget Review – 2018/19 |

|  |  |
| --- | --- |
| **Committee** | 12 March 2019 |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Director** | Vanaja Jayaraman - Acting Director Corporate & Strategy |
| **Attachments** | 1. Revised Rate Setting Statement for the year ending 30 June 2019; 2. List of Changes Required to the Revised Operating Budget 2018/19; and 3. List of Changes Required to the Revised Capital Works & Acquisition Program Budget 2018/19 |

**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 Wetherall left the room at 8.05 pm and returned at 8.06 pm.

**CARRIED 9/1**

**(Against: Cr. Mangano)**

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

**Council:**

1. **receives and adopts, in accordance with *Regulation 33A of the Local Government (Financial Management) Regulations 1996*, the mid-year budget review and the revised Rate Setting Statement for the year ending 30 June 2019;**
2. **notes the brought forward surplus from 2017/2018 Financial Year of $2,201,756;**
3. **notes the requested changes to the current 2018/19 Annual Budget listed in Attachments 2 and 3, and summarised in this report;**
4. **approves the reduced borrowings by a total of $2,011,275 comprising $1,661,275 for the underground power project and $350,000 for capital works programs. The revised total borrowings are $2,407,286 compared to $4,418,561 as per the adopted budget;**
5. **approves the decrease in transfers to reserves of $2,758,000 and transfers from reserves of $587,500. The revised total transfer to reserves is $1,708,816 compared to $4,466,816 as per the adopted budget. The revised total transfer from reserves is $2,658,005 compared to $3,245,505 as per the adopted budget; and**
6. **approves the Revised Budget incorporating all the changes listed in Attachments 2 and 3 of this report, providing an estimated net deficit of $255,322 (Attachment 1).**

ABSOLUTE MAJORITY REQUIRED

# Reports by the Chief Executive Officer

## Common Seal Register Report – February 2019

Moved – Councillor McManus

Seconded – Councillor Hodsdon

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

**CARRIED UNANIMOUSLY 10/-**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 917 | 6 February 2019 | Technical Services | Delegated Authority | Seal Certification - Seal No. 917 - Easement over Lot 100 Carrington Street Nedlands (3 copies) |
| 918 | 12 February 2019 | Planning & Development | Delegated Authority | Seal Certification - Seal No. 518 - Notification Under Section 70A be placed on the property's title restricting ancillary Dwelling is only to be occupied by persons related to the residents of the main dwelling and is not to be rented out for separate accommodation to non-family members. |

## List of Delegated Authorities – February 2019

Moved – Councillor Shaw

Seconded – Councillor McManus

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

**CARRIED UNANIMOUSLY 10/-**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **February 2019** | | | | | |
| **01/02/2019** | (APP) – DA19/34222 – 37 Weld St, Nedlands – Home Business Renewal | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | P Farrer-Smith and J Colegate |
| **01/02/2019** | Approval to write off minor rates debt December 2018 - $1.22 | A/Chief Executive Officer – Lorraine Driscoll | Local Government Act | Section 6.12 | City of Nedlands |
| **05/02/2019** | (APP) – DA18/33506 – 12 Boronia Ave, Nedlands – Ancillary Accommodation | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Davley Building Pty Ltd |
| **06/02/2019** | 3032673 - Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Nicole Fasana |
| **06/02/2019** | (APP) – DA18/33586 – 126 Princess Road, Nedlands – Addition (Street Boundary Fencing) | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | D S van der Walt |
| **06/02/2019** | (APP) – DA19/34144 – 8 Mayfair St, Mt Claremont – Addition (Alfresco and Cabana) to Single House | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | J Pope |
| **07/02/2019** | (APP) – DA19/34238 – 65 Melvista Ave, Nedlands – Additions (Privacy Screen) to Single House | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | M J Cahill & S J Stevens |
| **07/02/2019** | (APP) – DA18/33003 – 81 Melvista Ave, Nedlands – Additions (Upper floor extension) to Aged and Dependant Persons’ Dwelling | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | Arcologic |
| **08/02/2019** | 3032473 - Parking Infringement Withdrawal – officer error | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Louise Sparrow |
| **11/02/2019** | (APP) – DA19/34160 – 6 Baird Ave , Nedlands – Amendment to DA18/23 | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Westyle |
| **12/02/2019** | Seal Certification - Seal No. 518 - Notification Under Section 70A be placed on the property's title restricting ancillary Dwelling is only to be occupied by persons related to the residents of the main dwelling and is not to be rented out for separate accommodation to non-family members. | Acting CEO – Martyn Glover | Local Government Act 1995 |  |  |
| **13/02/2019** | (APP) – DA19/33988 – 1 Milyarm Rise, Swanbourne – Additions (Patio) to Single House | Senior Statutory Planning Officer – Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | Complete Approvals |
| **14/02/2019** | (APP) – DA19/34285 – 40 Waratah Ave, Dalkeith – Two Storey Single House | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Beaumonde Homes |
| **15/02/2019** | (APP) – DA18/32827 – 27 Hobbs Ave, Dalkeith – Two Storey Single House | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Averna Homes |
| **19/02/2019** | 3032810 - Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Sylvia Kidziak |
| **19/02/2019** | (APP) – DA19/34163 – 60 Jutland Pde, Dalkeith – Addition (Reorientation of garage entry) to Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | ACN18555221 Pty Ltd |
| **19/02/2019** | (APP) – DA18/33593 – 12 Circe Circle North, Dalkeith – Store Room and Ancillary Accommodation | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Domestic Drafting Service |
| **25/02/2019** | (APP) – DA19/33724 – 18 Viewway, Nedlands – Additions (Patio/Cabana) to Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Chindarsi Architects |
| **25/02/2019** | (APP) – DA19/33726 – 53 Ord St, Nedlands – Home Business | Manager Planning - Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Mr E J Rohr |
| **27/02/2019** | (APP) – DA19/34541 – 65 Hardy Road, Nedlands – Addition to Ancillary Accommodation (Storeroom) | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | R Allan |
| **27/02/2019** | 3038086 - Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Amy Grech |
| **27/02/2019** | 3032705- Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Liza Rickarby |
| **27/02/2019** | 3032703- Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Justyna Makarewicz |
| **27/02/2019** | 3032847- Parking Infringement Withdrawal – compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Frances Kawasaki |

## Hockey Proposal at Mt Claremont Reserve – Community Engagement Feedback – Strategic Analysis

|  |  |
| --- | --- |
| **Committee** | 12 March 2019 |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Caroline Walker, Community Engagement Coordinator |
| **Director** | Martyn Glover, Director Technical Services |
| **Attachments** | 1. Hockey WA – Letter of support for the proposal to Westside Wolves Hockey Club 2. Department of Education – Letter regarding Mt Claremont Primary School oval use 3. Hockey WA – Strategic Plan 2015-2020 4. Hockey WA – State Strategic Facilities Plan 2009-2025 (Executive Summary) 5. Hockey WA – Additional Synthetic Turf Policy and Procedure |

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

Moved – Councillor Shaw

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council:**

**1. does not support the proposal to construct a synthetic hockey pitch at the Mt Claremont Oval Reserve due to lack of support from existing tenants and the local community; and**

**2. invites the Westside Wolves Hockey Club and Mt Claremont community to provide input into the review of the Strategic Recreation Plan and development of the Public Open Space Strategy.**

Recommendation to Committee

Council:

1. does not support the proposal to construct a synthetic hockey pitch at the Mt Claremont Oval Reserve due to lack of support from existing tenants and the local community;

2. invites the Westside Wolves Hockey Club to provide input into the review of the Strategic Recreation Plan and development of the Public Open Space Strategy;

3. invites the Mt Claremont community to work collaboratively with the City in the developing the Public Open Space Strategy as it relates to Mt Claremont Oval Reserve; and

4. includes the community engagement results and submissions as an input into the development of the Strategic Recreation Plan.

## Monthly Financial Report – February 2019

|  |  |
| --- | --- |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Vanaja Jayaraman – Manager Financial Services |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 28 February 2019 2. Capital Works & Acquisitions – 28 February 2019 3. Statement of Net Current Assets – 28 February 2019 4. Statement of Financial Activity – 28 February 2019 5. Borrowings – 28 February 2019 6. Statement of Financial Position – 28 February 2019 7. Operating Income & Expenditure by Reporting Activity – 28 February 2019 8. Operating Income by Reporting Nature & Type – 28 February 2019 |

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

Moved – Councillor Shaw

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council receives the Monthly Financial Report for 28 February 2019.**

**Executive Summary**

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

**Discussion/Overview**

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

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

This report gives an overview of the revenue and expenses of the City for the year to date 28 February 2019 together with a Statement of Net Current Assets as at 28 February 2019.

The operating revenue at the end of February 2019 was $34 M which represents $624k favourable variance compared to the year-to-date budget.

The operating expense at the end of February 2019 was $21 M, which represents $3.36 M favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 299,798

Revenue: Unfavourable variance of $(127,762)

The favourable expenditure variance is mainly due to lower expenditure for the WESROC project by $161k, and professional fees, special projects and office communications of $135k not expensed yet.

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

**Corporate and Strategy**

Expenditure: Favourable variance of $ 309,954

Revenue: Favourable variance of $ 510,631

The favourable expenditure variance is mainly due to timing differences in the use of ICT professional services and expenses of $206k. Some savings on customer service and IT salary of $120k due to delay in filling vacancies.

Favourable revenue variance is due to timing difference of interest income $63k and higher rates revenue of $420k. The higher rates income is mainly from higher interim rates and profiling issue. The rates income for February YTD Actual is $23.77 M compared to the February YTD Budget of $23.35 M and the Annual Budget of $23.45 M. The higher rates revenue of $163k from back rates from 2012/13 to 2016/17 included in the income of previous months based on erroneous information from Landgate have been reversed in February.

**Community Development and Services**

Expenditure: Favourable variance of $491,134

Revenue: Favourable variance of $154,395

The favourable expenditure variance is mainly due to expenses not expended yet for community donations of $49k, special projects of $17k and operational activities of $46k. Also, Tresillian courses fees, NCC expenses and other Nedlands Library expenses of $209k hasn’t been expensed. Salaries and other employee expenses is lower by $144k mainly due to delay in filling vacant positions, and timing differences.

The Favourable revenue variance is due to increase fees & charges income from PRCC, Tresillian courses of $91k. Timing difference on Grant receipt for NCC of $38k also contributed to favourable variance.

**Planning and Development**

Expenditure: Favourable variance of $ 498,048

Revenue: Favourable variance of $ 98,364

The favourable expenditure variance is mainly due to expenses not expended yet for operational activities of $282k, Strategic Planning expenses and other ranger services of $94k. Salaries is lower by $119k mainly due to delay in filling vacant positions, and timing differences.

Small favourable revenue variance is due to higher income for planning fees & charges of $98k.

**Technical Services**

Expenditure: Favourable variance of $ 1,764,764

Revenue: Unfavourable variance of $ (11,549)

The favourable expenditure variance is mainly due to expenses not expended yet for Parks maintenance of $413k. Depreciation on Infrastructure is lower by $1.29 M due to lower revaluation values compared to the previous years.

Small unfavourable variance is not material.

**UGP**

As at 28 February 2019, the City’s service charge, spend and borrowings since the commencement of the project is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Project** | **Service Charge** | **Spend** | **Borrowings** |
| Alderbury Street | $184,509 | $368,798 | $66,956 |
| West Hollywood | $2,280,596 | $5,484,011 | $3,574,691 |
| Alfred Road & Mt Claremont | $396,290 | $674,661 | $94,279 |
| **Total** | **$2,861,395** | **$6,527,470** | **$3,735,926** |

**Borrowings**

At 28 February 2019, we have a balance of borrowings of $8.1 M. 2018/19 budget included borrowings of $4.4 M including $2.47 M for the UGP based on the assumption that 75% of the owners will opt for a 10-year loan. However, only 23% of owners have opted for the 10-year loan, thus reducing the loan requirement for the owners’ portion of the UGP to $806k. This will reduce the borrowings for the year by $1.66 M with an estimated total outstanding borrowings of $8.5 M at year end compared to the budget of $10 M.

**Net Current Assets Statement**

At 28 February 2019, net current assets were $13.35 M compared to $10.56 M as at 28 February 2018. This is mainly due to service charge income of $2.86 M arising from the Underground Power projects.

Rates debtors outstanding remains consistent at 16% as at 28 February 2019 and 28 February 2018.

Sundry debtors as at 28 February 2019 is $553k compared to $1.05m as at February 2018. Both year balances are higher than normal due to outstanding amounts receivable for grants for the All Abilities Play Space project.

**Capital Works Programme**

At the end of February, the expenditure on capital works were $4.56 M with further commitments of $2.05 M which is 46% of a total budget of $14.37 M.

**Conclusion**

The statement of financial activity for the period ended 28 February 2019 indicates that operating expenses are under the year-to-date budget by 13.8% or $3.36 M, while revenue is above the Budget by 1.9% or $624k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A.

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – February 2019

|  |  |
| --- | --- |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Vanaja Jayaraman – Manager Financial Services |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | * + - 1. Investment Report for the period ended 28 February 2019 |

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

Moved – Councillor Shaw

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council receives the Investment Report for the period ended 28 February 2019.**

**Executive Summary**

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

**Discussion/Overview**

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

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

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

The Investment Summary shows that as at 28 February 2019 the City held the following funds in investments:

Municipal Funds $ 8,641,244.21

Reserve Funds $ 6,598,960.62

Total $ 15,240,204.83

The total interest earned from investments as at 28 February 2019 was $266,078.46.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $5,710,095.26 | 2.56% - 2.71% | 37.47% |
| Westpac | $4,685,082.60 | 2.00% - 2.69% | 30.74% |
| ANZ | $178,164.96 | 2.20% | 1.17% |
| CBA | $4,666,862.01 | 1.30% - 2.49% | 30.62% |
| **Total** | **$15,240,204.83** |  | **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.

## Public Art Commission Mt Claremont

|  |  |
| --- | --- |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Marion Granich |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | * + - 1. Design Concept (Confidential) |

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

Moved – Councillor James

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council:**

1. **receives this progress report on the Mt Claremont Public Artwork project; and**
2. **congratulations Tony Pankiw on being commissioned to undertake the proposed artwork.**

**Executive Summary**

This report is provided to Council for information only, as Council has already approved both the site and the expenditure on the Mt Claremont Public Artwork. While no further approvals are required from Council, the project is likely to be of interest to all Councillors. Therefore, information on the artist and project selected by the Arts Committee is now provided for Council interest and consideration.

**Discussion/Overview**

On 26 June 2018, Council approved the site and expenditure for the next public artwork to be commissioned by the Arts Committee. Council approved the small park on the corner of St John’s Wood Boulevard and Abbey Gardens, adjacent to Montgomery Hall, Mt Claremont as the site; and approved expenditure of up to $84,600 from Public Art Reserve Account for the project. Having received Council approval to proceed with the project, the Arts Committee has progressed the project considerably since the Council decision in June 2018.

On 1 October 2018, the Arts Committee called for Expressions of Interest from artists wishing to create an artwork for the Mt Claremont site, with submissions closing on 20 November 2018. Fifteen submissions were received, from experienced and generally highly accredited public artists.

On 19 November 2018, the Arts Committee appointed a Selection Panel, consisting of Arts Committee members, to shortlist the 15 submissions. The Selection Panel met twice, initially longlisting the 15 submissions down to 9; then at their second meeting, shortlisting down to 3. In December 2018, these 3 shortlisted artists were asked to further develop their submissions into Concept Proposals and to present on these to the Arts Committee in February 2019.

On 25 February 2019, the three shortlisted artists presented their proposals to a meeting of the Arts Committee. The Committee was impressed with all three artists’ work and after considering the three presentations, selected Tony Pankiw as the artist whose artwork will be commissioned for the site. Tony will develop, fabricate and install his proposed artwork on the Mt Claremont site.

Tony is an experienced public artist. Councillors will already be familiar with a local example of his work as he created the Trolley Poles artworks located along Stirling Highway and owned by the City.

Tony has proposed several large, oval sculptures of different heights and shapes, with seating at the bottom. Each sculpture gives the impression of being a pavilion with a roof. Cut-out shapes relating to history, native birds and park activities form part of the roof of each sculpture. The scale of each sculpture is approximately 2.7 m high and 80 cm wide at the bottom, curving to 30 cm wide at the top. The sculptures will be fabricated in aluminium and painted in two-pack epoxy paint, the colour yet to be determined. The panels of cut-out images will be attached with nuts and bolts in a natural, aluminium-coloured finish.

A key feature of the sculptures is the LED lighting in various soft colours, coming from inside the roof of each structure. It will create pictures and patterns on the surrounding grass and pathways, by spilling through the cut-out shapes. This lighting can be turned off or on as required and would be expected to be set for automatic turn-off at a pre-determined time each evening.

Tony states that “The artwork will be site-specific and link all the surrounding areas and activities undertaken at the park in Mt Claremont and will lend itself to a great amount of creativity in a sculptural way.”

As the artwork has not yet been created, it is important to protect the artist’s ideas. Therefore, the graphics are attached to this report as a confidential attachment. However, a visual representation of the work proposed by Tony Pankiw is available from the CEO’s office, to be viewed by Councillors on request.

**Key Relevant Previous Council Decisions**

26 June 2018 – 13.6 Arts Committee Projects.

Approval by Council to site the Mt Claremont public artwork in the park on the corner of St John’s Wood Boulevard and Abbey Gardens; and approval by Council of expenditure of up to $84,600 on the artwork commissioned for the site.

**Consultation**

The Arts Committee is made up of 5 Councillors (Chairperson Toni James, Mayor Max Hipkins, Councillors Ben Hodsdon, Bill Hassell and Kerry Smyth) as well as two local community members (Luke Hollyock and Alexandrea Thompson). All members, including community members, are voting members of the Arts Committee.

**Budget/Financial Implications**

The artist will be paid a maximum of $78,000 to develop, fabricate and install the artwork at the site. This is within the amount approved by Council as expenditure on the project, at its meeting on 26 June 2018. It is also within the funds currently available in Council’s Public Art Reserve Account, intended for this purpose.

**Summary**

This report on the progress of the Arts Committee’s commissioning of a public art project in Mt Claremont is provided for Councillor interest and information only. Although Council has already approved the site and expenditure in relation to the work, many Councillors who are not necessarily members of the Arts Committee will be interested in which work has been selected by the Arts Committee from the EOI process, as will many members of the community.

## Local Government Act Review Elected Members Submission

|  |  |
| --- | --- |
| **Council** | 26 March 2019 |
| **Applicant** | City of Nedlands |
| **Officer** | Amit Khetani – Senior Finance Officer (Governance) |
| **CEO** | Mark Goodlet |
| **Attachments** | * + - 1. Elected Members collated submission to the Phase 2 of the Local Government Act Review. |

**Regulation 11(da) – Council was concerned about the lack of consensus in the views expressed by elected members.**

Moved – Councillor James

Seconded – Councillor Mangano

**That Council does not endorse the attached Local Government Act Review – Phase 2 submission prepared on behalf of the Elected Members.**

Amendment

Moved – Deputy Mayor Hassell

Seconded - Councillor de Lacy

**That after the words “Elected Members” the following words be added “and encourages Councillors to submit to the review their own submissions by the 31 March 2019.”**

**The AMENDMENT was PUT and was**

**CARRIED UNANIMOUSLY 10/-**

**The Substantive Motion was PUT and was**

**CARRIED 8/2**

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

**Council Resolution**

**That Council does not endorse the attached Local Government Act Review – Phase 2 submission prepared on behalf of the Elected Members and encourages Councillors to submit to the review their own submissions by the 31 March 2019.**

Recommendation to Council

Council endorse the attached Local Government Act Review – Phase 2 submission prepared on behalf of the Elected Members.

**Executive Summary**

The Department of Local Government, Sport and Cultural Industries initiated a project to review the Local Government Act 1995 (the Act). This is the first significant reform undertaken by the Department regarding the Act since its enforcement over two decades ago.

As part of the reform, the Department has invited Western Australian Local Governments and Community to have their input in some or all of the reform areas. Accordingly, the Director Corporate and Strategy has prepared a submission for Phase 2 of the project, in consultation with the City’s Elected Members, to be made to the Department of Local Government, Sport and Cultural Industries for consideration.

**Discussion/Overview**

In June 2017, the State Government announced a review of the Local Government Act 1995. This is the first major review since the Act was introduced more than 20 years ago in 1995.

The objective of this project is to have a new, modern Act that empowers Western Australian local governments to better deliver for the community. The principle behind the reform is to meet the expectations of the people, stakeholders and the other organisations who deal with Local Governments in various ways.

Based on the scope of the review, the State Government decided to undertake the work in two phases.

**Phase 1**

The primary objective of Phase 1 was to focus on modernising Local Government, with the policy work and consultation process to be completed earlier in 2018 and then drafting an Amendment Bill later. The following key areas were covered under the Phase 1.

* Making information available online;
* Meeting public expectations for accountability;
* Meeting public expectations of ethics, standards and performance; and
* Building capacity through reducing red tape

The outcome of the Phase 1 resulted in the drafting of a bill addressing the following matters.

* Universal training for Candidates and Council Members;
* Council Member Code of Conduct;
* Improvements to CEO recruitment and performance review; and
* A simplified Gift Framework.

Elected Members were briefed about the Local Government Act review project at a Councillor Briefing on 19 September 2017. Further, the feedback and opinion of the Elected Members were taken into consideration by the City’s management.

Subsequently, in March 2018, the Administration prepared a draft submission to be provided to the Department on behalf of Council to Phase 1 of the review.  However, at Council Committee Meeting on 13 March 2018, the Council Committee decided not to submit a submission to Phase 1 of the review. Accordingly, the following Committee resolution was made in the meeting:

“Council does not submit a Local Government Act Review Submission for this round and will reconsider its position at the second round of submissions.”

**Phase 2**

After successfully executing the Phase 1 review, the State Government is now progressing towards the execution of Phase 2. The intention of Phase 2 is to ensure that Local Governments in Western Australia are positioned to better deliver for the community by:

* Introducing an adaptive regulatory framework;
* Increasing community participation;
* Increasing participation in local government elections;
* Introducing an adaptive regulatory framework;
* Improving financial management; and
* Building capacity through reducing red tape

Accordingly, the core objective of the Phase 2 is the creation of New Local Government Act with the focus on delivering better outcomes for the Western Australian Community based on the following Themes.

* AGILE
* SMART
* INCLUSIVE

The Nine Key Topics covered under these themes are outlined in the below table:

|  |  |  |
| --- | --- | --- |
| **AGILE** | **SMART** | **INCLUSIVE** |
| Beneficial Enterprises | Administrative Efficiencies – Local Law | Community Engagement – IPR |
| Financial Management | Council Meetings | Complaints Management |
| Rates, Fees and Charges | Interventions | Elections |

At present, the Department has invited the Local Governments and Community Members to have a say on some or all of the reform areas by completing online surveys on the Department’s website. The surveys are open until **31 March 2019.**

Accordingly, to make submission process efficient and to ensure the set deadline is met, the Director Corporate and Strategy organised two Councillor Briefing sessions to compile a collated submission of Elected Members on behalf of the City. The purpose of these sessions was to involve Elected Members in the submission process and have their say in the Phase 2 of the Local Government Act 1995 review project.

The Councillor Briefing Sessions were held on 11 February 2019 and 27 February 2019. The survey questionnaire for all nine topics were completed based on the responses provided by the Elected Members.

Before finalising the submission, the collated responses to the survey questionnaires were circulated to the Elected Members on 1 March 2019 for the final comments.

The final collated submission is attached with report for the endorsement by Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

The submission for Phase 2 was discussed and evaluated at a Councillor Briefing Sessions on 11 February 2019 and 27 February 2019. Further, regular updates were provided to the Elected Members by the Director Corporate and Strategy.

**Budget/Financial Implications**

Nil.

# 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 April 2019

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

Notices of motion for consideration at the Council Meeting to be held on 23 April 2019 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

Nil.

# Urgent Business Approved By the Presiding Member or By Decision

Moved – Councillor Wetherall

Seconded – Councillor Mangano

**That the following item be accepted as urgent business.**

**CARRIED 9/1**

**(Against: Cr. Smyth)**

## Deputy Mayor Hassell – Notice of Motion – Seeking referral to Parliamentary Committee

Moved – Deputy Mayor Hassell

Seconded – Councillor de Lacy

**That Council when the current review process is finalised and legislation drafted requests the Minister refer the legislation to a Parliamentary Committee to allow public hearings and input into the proposed Act.**

**CARRIED UNANIMOUSLY 10/-**

Justification

* A few weeks ago, at the behest of His Worship the Mayor I attended a meeting of elected members of councils/shires convened by the Mayor of Cambridge, Kerri Shannon.
* The meeting was attended by ‘representatives’ of councils/shires from far and wide in Western Australia. Following attendance, I reported as follows to Council:

In accordance with your request I attended the Elected Members’ Forum on Local Government Reform at the City of Cambridge this evening hosted by Mayor Kerri Shannon.

It was a surprise package:

1. About 50 LG people there from all over the State – Pilbara and York to name but two.
2. Minister’s Private Secretary in attendance for Minister.
3. Shadow Minister for LG, Tony Krstevic.
4. An excellent address by Larry Graham, former Labor MP, Member for Pilbara as that and as an Independent. He emphasised that the opportunity for reform of this kind comes but three times per century and we really must pay it attention. I will circulate his speech as soon as I get it.
5. Key points:

* The review process is fatally flawed as really is an in-house process – Minister’s people, WALGA, LG professionals – all with an interest to keep position and power.
* Massive criticisms of WALGA – I was really surprised.
* A motion was adopted urging that the review be opened up by being transferred to a Joint Parliamentary Committee – get the establishment out of it, open it up to the people and the councillors. I will send around the motion as adopted as soon as I get it – they want all Councils to adopt it.
* Significant criticism of the Department.
* A real beef about the misuse of power by administrations as against elected councillors. Need for the Act to change – vested interest of administrators to keep it as it is and increase their powers as contemplated by the current review.

1. In non-meeting discussions, strong opposition to Council administrations being permitted to put in their own submissions on the basis that as employees of the Council they should be impartial public servants serving the policy interests of elected members.
2. Larry Graham made a powerful point about planning and erosion of LG powers over planning. Confronted head on the idea that density should be imposed against the wishes of local people. Sadly, that aspect was not discussed in post-speech exchanges.

The meeting in fact requested that Councils/shires adopt the above motion and send it to the Minister. As we have not considered it, we should decide if we will do so.

If adopted the motion should be sent by the CEO to the Hon. Minister.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 9.10 pm.