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***Agenda***

***Council Meeting***

***27 April 2021***

Dear Council member

The next Ordinary Meeting of the City of Nedlands will be held on Tuesday 27 April 2021 in the Council Chamber, 71 Stirling Highway, Nedlands **(Council Members and Staff only)** commencing at 7 pm. This meeting will also be livestreamed.

Please be aware COVID-19 4m² restrictions with 1.5m social distancing rules apply. Prior to entry, attendees will be required to be wearing a face mask and to register using the SafeWA App or by completing the manual contact register prior to entry - as stipulated by Department of Health mandatory requirements.

The public can continue to participate by submitting questions and addresses via the required online submission forms at:

<http://www.nedlands.wa.gov.au/intention-address-council-or-council-committee-form>

<http://www.nedlands.wa.gov.au/public-question-time>



Ed Herne

Acting Chief Executive Officer

24 April 2021

**Table of Contents**

[Declaration of Opening 4](#_Toc70349175)

[Present and Apologies and Leave of Absence (Previously Approved) 4](#_Toc70349176)

[1. Public Question Time 4](#_Toc70349177)

[2. Addresses by Members of the Public 5](#_Toc70349178)

[3. Requests for Leave of Absence 5](#_Toc70349179)

[4. Petitions 5](#_Toc70349180)

[4.1 Mr Gordon Duzevich, Ord Street, Nedlands – Carrington Street Verge 5](#_Toc70349181)

[5. Disclosures of Financial / Proximity Interest 5](#_Toc70349182)

[6. Disclosures of Interests Affecting Impartiality 6](#_Toc70349183)

[7. Declarations by Members That They Have Not Given Due Consideration to Papers 6](#_Toc70349184)

[8. Confirmation of Minutes 6](#_Toc70349185)

[8.1 Ordinary Council Meeting 23 March 2021 6](#_Toc70349186)

[8.2 Confidential Special Council Meeting 9 February 2021 6](#_Toc70349187)

[8.3 Confidential Special Council Meeting 11 February 2021 6](#_Toc70349188)

[8.4 Confidential Special Council Meeting 8 April 2021 7](#_Toc70349189)

[9. Announcements of the Presiding Member without discussion 7](#_Toc70349190)

[10. Members announcements without discussion 7](#_Toc70349191)

[11. Matters for Which the Meeting May Be Closed 7](#_Toc70349192)

[12. Divisional reports and minutes of Council committees 8](#_Toc70349193)

[12.1 Minutes of Council Committees 8](#_Toc70349194)

[12.2 Planning & Development Report No’s PD11.21 to PD15.21 (copy attached) 9](#_Toc70349195)

PD11.21 [No. 23 Lynton Street, Swanbourne - Residential – Single House 9](#_Toc70349197)

[PD12.21](#_Toc70349198) [No. 78 Waratah Avenue, Dalkeith - Amendments to approved plans for 5 Grouped Dwellings 12](#_Toc70349199)

[PD13.21](#_Toc70349200) [No. 17 Doonan Road, Nedlands – Residential - 5 Single Houses 15](#_Toc70349201)

[PD14.21](#_Toc70349202) [Proposed Amendments to the Local Planning Policy – Exempt Development 17](#_Toc70349203)

[PD15.21](#_Toc70349204) [Consideration of Legal Advice – Possibility of Challenge to JDAP Decision on 97-105 Stirling Highway, Nedlands 18](#_Toc70349205)

[12.3 Technical Services Report No’s TS03.21 to TS08.21 (copy attached) 20](#_Toc70349206)

[TS03.21 Quintilian Road Traffic Calming, Parking and Shared Path – Community Consultation Results 20](#_Toc70349207)

[TS04.21 Local Roads and Community Infrastructure Grant Funding 21](#_Toc70349208)

[TS05.21 Whitfeld Street Footpath – Community Consultation Results 22](#_Toc70349209)

[TS06. Waratah Avenue Placemaking Strategy 23](#_Toc70349210)

[TS07.21 Waratah Avenue Precinct Parking Prohibitions 24](#_Toc70349211)

[TS08.21 RFT 2020-21.07 Provision of Tree Surgery Services 25](#_Toc70349212)

[12.4 Community Services & Development Report No’s CSD03.21 to CSD04.21 (copy attached) 26](#_Toc70349213)

[CSD03.21 Replacement Member Public Art Committee 26](#_Toc70349214)

[CSD04.21 Mt Claremont Playgroup Fee Reduction Request 27](#_Toc70349215)

[12.5 Corporate & Strategy Report No’s CPS09.21 to CPS10.21 (copy attached) 28](#_Toc70349216)

[CPS09.21 List of Accounts Paid – February 2021 28](#_Toc70349217)

[CPS10.21 New Lease to Fellowship of Australian Writers (WA) – Tom Collins House 29](#_Toc70349218)

[13. Reports by the Chief Executive Officer 30](#_Toc70349219)

[13.1 Common Seal Register – March 2021 30](#_Toc70349220)

[13.2 List of Delegated Authorities – March 2021 31](#_Toc70349221)

[13.3 Monthly Financial Report – March 2021 44](#_Toc70349222)

[13.4 Monthly Investment Report – March 2021 50](#_Toc70349223)

[13.5 CEO Standards 2021 53](#_Toc70349224)

[13.6 Code of Conduct for Council Members, Committee Members and Candidates - Revocation of Previous Decisions and Making of new Decisions 56](#_Toc70349225)

[13.7 No. 65 Dalkeith Road, Nedlands – 5 Grouped Dwellings 62](#_Toc70349226)

[13.8 Future Use of Haldane House, 109 Montgomery Avenue, Mt Claremont 91](#_Toc70349227)

[14. Council Members Notices of Motions of Which Previous Notice Has Been Given 100](#_Toc70349228)

[14.1 Councillor Mangano – Residential Building Heights Policy 100](#_Toc70349229)

[14.2 Councillor Bennett – Significant Tree Register 102](#_Toc70349230)

[14.3 Councillor Senathirajah – Developer Contribution Scheme 104](#_Toc70349231)

[14.4 Councillor Coghlan – Bruce Street Review 105](#_Toc70349232)

[15. Council Members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 May 2021 107](#_Toc70349233)

[16. Urgent Business Approved By the Presiding Member or By Decision 108](#_Toc70349234)

[17. Confidential Items 108](#_Toc70349235)

[17.1 Tawarri Site Redevelopment 108](#_Toc70349236)

[17.2 Request for Legal Representation & Legal Fees 108](#_Toc70349237)

[Declaration of Closure 109](#_Toc70349238)

**City of Nedlands**

**Notice of an Ordinary Meeting of Council to be held in the Council Chamber, 71 Stirling Highway, Nedlands (Council Members & Staff Only), and livestreamed for members of the public on Tuesday 27 April 2021 at 7 pm.**

###### Council Agenda

# Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm and will draw 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)

**Leave of Absence** None.

**(Previously Approved)**

**Apologies** None as at distribution of this agenda.

**Disclaimer**

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

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

# Public Question Time

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

# Addresses by Members of the Public

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

# Requests for Leave of Absence

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

# Petitions

Petitions to be tabled at this point.

## Mr Gordon Duzevich, Ord Street, Nedlands – Carrington Street Verge

The Acting CEO will table a petition received containing 25 signatures from residents of Nedlands, regarding the upkeep (mowing of the grass/ weeds etc) of the long verge of Carrington Street, between Carrington Park and Loch Street.

The petition requests Council:

1. Mow the verge at least 4 times per year; and
2. Clear the weeds and over burden and plant low native flora with bark chips so that the verge will not require as much maintenance.

# Disclosures of Financial / Proximity Interest

The Presiding Member to remind Council Members 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.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

# Disclosures of Interests Affecting Impartiality

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

Council Members and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

“With regard to …… the matter in item x….. I disclose that I have an association with the applicant (or person seeking a decision). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

The member or employee is encouraged to disclose the nature of the association.

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

Members who have not read the business papers to make declarations at this point.

# Confirmation of Minutes

## Ordinary Council Meeting 23 March 2021

The Minutes of the Ordinary Council Meeting held 23 March 2021 are to be confirmed.

## Confidential Special Council Meeting 9 February 2021

The Minutes of the Confidential Special Council Meeting held 9 February 2021 are to be confirmed.

## Confidential Special Council Meeting 11 February 2021

The Minutes of the Confidential Special Council Meeting held 11 February 2021 are to be confirmed.

## Confidential Special Council Meeting 8 April 2021

The Minutes of the Confidential Special Council Meeting held 8 April 2021 are to be confirmed.

# Announcements of the Presiding Member without discussion

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

# Members announcements without discussion

Written announcements by Council Members to be tabled at this point.

Council Members may wish to make verbal announcements at their discretion.

# 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.

11.1 Tawarri Site Redevelopment

11.2 Request for Legal Representation & Legal Fees

# Divisional reports and minutes of Council committees

## 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).

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

**Confidential CEO Performance Review Committee 8 February 2021**

Unconfirmed, Circulated to Council Members on 23 February 2021

**Confidential CEO Performance Review Committee 23 February 2021**

Unconfirmed, Circulated to Council Members on 11 March 2021

**Public Art Committee 15 March 2020**

Unconfirmed, Circulated to Council Members on 25 March 2021

**Confidential CEO Recruitment & Selection Committee 30 March 2021**

Unconfirmed, Circulated to Council Members on 6 April 2021

**Council Committee 13 April 2021**

Unconfirmed, Circulated to Council Members on 19 April 2021

**Confidential CEO Recruitment & Selection Committee 20 April 2021**

Unconfirmed, Circulated to Council Members on 23 April 2021

**Note: As far as possible all the following reports under items 12.2, 12.3 12.4, 12.5 and 17.1 will be moved en-bloc and only the exceptions (items which Council Members wish to amend) will be discussed.**

## Planning & Development Report No’s PD11.21 to PD15.21 (copy attached)

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

|  |  |
| --- | --- |
| **PD11.21** | **No. 23 Lynton Street, Swanbourne - Residential – Single House** |
|  | |
| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | CF Town Planning & Development |
| **Landowner** | Vanessa Reside |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA20/56128 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received. |
| **Attachments** | 1. Applicant’s Justification Report |
| **Confidential Attachments** | 1. Plans 2. Submissions 3. Assessment 4. Site photos |

**Committee Recommendation / Recommendation to Committee**

**In accordance with Clause 68(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 26 October 2020 in accordance with plans date stamped 12 February 2021 for a Single House at Lot 12 (No. 23) Lynton Street, Swanbourne, subject to the following conditions:**

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.**

1. **This development approval only pertains to a Residential – Single House as indicated on the determination plans.**

1. **All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
2. **Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line shall be setback, in direct line of sight within the cone of vision from the lot boundary, a minimum distance as prescribed in C1.1 of Clause 5.4.1 – Visual Privacy of the Residential Design Codes. Alternatively, the major openings and unenclosed outdoor active habitable spaces are screened in accordance with the Residential Design Codes by either;**

1. **fixed obscured glazing or translucent glass to a height of 1.60 metres above finished floor level, or**
2. **Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.**
3. **a minimum sill height of 1.60 metres as determined from the internal floor level, or**
4. **an alternative method of screening approved by the City of Nedlands.**

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

1. **Prior to occupation of the development the finish of the parapet wall is to be finished externally to the same standard as the rest of the development in:**

* **Face brick,**
* **Painted render,**
* **Painted brickwork; or**
* **Other clean material as specified on the approved plans, and maintained thereafter to the satisfaction of the City of Nedlands.**

1. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
2. **Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City of Nedlands.**
3. **Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.**
4. **Retaining walls, fences or other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the wall, fences, other structures adjoining vehicle access points where a driveway meets a public street to the satisfaction of the City of Nedlands.**

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| **PD12.21** | **No. 78 Waratah Avenue, Dalkeith - Amendments to approved plans for 5 Grouped Dwellings** |
|  | |
| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | Urbanista Town Planning |
| **Landowner** | Emerald Development Alliance Pty Ltd |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA21-60926 |
| **Previous Item** | DA19-42171 and SAT20-1285 |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the application proposing five dwellings. |
| **Attachments** | 1. Applicant’s Cover Letter 2. Landscape Plan |
| **Confidential Attachments** | 1. Plans 2. Assessment |

**Committee Recommendation**

**In accordance with Clause 77 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council grants approval to the amendment of the development approval dated 27 October 2020 (DA19/42471) for 5 grouped dwellings at 78 Waratah Avenue, Dalkeith in accordance with the amended plans dated 23 February 2021 and subject to the following conditions:**

1. **This application is limited to amendments to the finished floor levels, site works and retaining as indicated on the plan date stamped 23 February 2021.**
2. **This development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
3. **The previous development approval DA19/42171 dated 27 October 2020 and conditions (with the exception of Condition 4) there-in, remain in effect. This excludes the plans approved as part of the previous development application.**
4. **The plans dated 22 May 2020 and 29 September 2020 which form part of the approval for DA19/42171 are cancelled and replaced with plans dated stamped 23 February 2021.**
5. **Condition 4 of the previous development approval DA19/42171 dated 27 October 2020 is replaced with the following condition:**

* **The Landscape Plan (Attachment 2) forms part of this approval. Landscaping shall be installed and maintained in accordance with the approved landscaping plan prepared by Kelsie Davies Landscape Architecture dated 2 March 2021, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**

1. **That the building height of unit 1 will not be increased by more than the lesser amount of 500mm or the amount required to comply with the Australian Standard.**

Recommendation to Committee

In accordance with Clause 77 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council grants approval to the amendment of the development approval dated 27 October 2020 (DA19/42471) for 5 grouped dwellings at 78 Waratah Avenue, Dalkeith in accordance with the amended plans dated 23 February 2021 and subject to the following conditions:

1. This application is limited to amendments to the finished floor levels, site works and retaining as indicated on the plan date stamped 23 February 2021.
2. This development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
3. The previous development approval DA19/42171 dated 27 October 2020 and conditions (with the exception of Condition 4) there-in, remain in effect. This excludes the plans approved as part of the previous development application.
4. The plans dated 22 May 2020 and 29 September 2020 which form part of the approval for DA19/42171 are cancelled and replaced with plans dated stamped 23 February 2021.
5. Condition 4 of the previous development approval DA19/42171 dated 27 October 2020 is replaced with the following condition:

* The Landscape Plan (Attachment 2) forms part of this approval. Landscaping shall be installed and maintained in accordance with the approved landscaping plan prepared by Kelsie Davies Landscape Architecture dated 2 March 2021, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.

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| **PD13.21** | **No. 17 Doonan Road, Nedlands – Residential - 5 Single Houses** |
|  | |
| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | Summit Developments |
| **Landowner** | Elberton Property 9 Pty Ltd |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil - The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA/20-58509 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Site photographs 2. Applicant report |
| **Confidential Attachments** | 1. Development Plans 2. Landscape Plan 3. Planning Assessment 4. Overview of key lot boundary variations |

**Committee Recommendation**

**That Council request the CEO to provide an alternate recommendation for approval of this Development Application after discussions with the applicant with conditions to be provided for the Council Meeting.**

Recommendation to Committee

Council, in accordance with clause 68(2)(c) of the Deemed Provisions refuses to grant development approval for five (5) two-storey single houses at No. 17 (Lot 77) Doonan Road, Nedlands, for the following reasons:

1. Non-compliance with the deemed-to-comply requirements and inconsistency with the Design Principles of R-Codes Vol. 1 in relation to the following design elements:
2. Clause 5.1 Context objectives
3. Clause 5.1.2 Street setback deemed-to-comply requirements C2.1 and C2.4 buildings setback from the primary street and Design Principles P2.1 and P2.2 in respect of Lot 206, 207, 208, 209 and 210.
4. Clause 5.1.3 Lot boundary setback deemed-to-comply requirements C3.1(i) for buildings setback from lot boundaries and Design Principle P3.1 with respect to Lots
5. Clause 5.1.4 Open space deemed-to-comply requirement C4 and Design Principle P4 with respect to all lots.
6. Clause 5.4.2 Solar access for adjoining sites deemed-to-comply requirement C2.1 and Design Principle P2.1 and P2.2 with respect to development on Lot 206 and its on development on Lot 207
7. Inconsistency with aims (a), (c) and (l) of the Scheme and SPP7.0 Design of the Built Environment with respect to Design Principle 2 – Landscaping and Design Principle 3 – Built form and Scale and Design Principle 6 – Amenity.
8. Does not satisfy clause 67(2)(m) with respect to the compatibility of the development with the desired future character outlined in the draft Melvista West Transition Zone LPP, and the consequent bulk impact on the large upper floors on the streetscape and adjoining land.

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| **PD14.21** | **Proposed Amendments to the Local Planning Policy – Exempt Development** |
|  | |
| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil - The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **Previous Item** | Nil |
| **Attachments** | 1. Draft amended Local Planning Policy – Exempt Development 2. Planning Exemptions – Exempt Development LPP vs. 2015 Regulations 3. Local Planning Policy – Exempt Development with tracked changes |

**Committee Recommendation**

**Council:**

* + - 1. **proceeds to adopt the draft amended Local Planning Policy – Exempt Development, as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(i); and**
      2. **request the CEO to undertake a further review of the Exempt Development Policy injunction with the Planning Regulations and Local Planning Scheme No 3, in order to identify other opportunities to exempt further uses or development from the need to obtain planning approval, with the outcomes reported to Council.**

Recommendation to Committee

Council proceeds to adopt the draft amended Local Planning Policy – Exempt Development, as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(i).

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| **PD15.21** | **Consideration of Legal Advice – Possibility of Challenge to JDAP Decision on 97-105 Stirling Highway, Nedlands** |
|  | |
| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **Reference** | DA20/56259 |
| **Previous Item** | Nil |
| **Attachments** | Nil |
| **Confidential Attachments** | 1. Legal Opinion dated 17 March 2021 |

**Committee Recommendation**

**Council:**

1. **notes the legal opinion provided by Mr Ken Pettit SC in relation to the decision of the Metro Inner-North Joint Development Assessment Panel for the mixed use development at 97-105 Stirling Highway, Nedlands; and**
2. **requests the Metro Inner-North Joint Development Assessment Panel provides proper reasons for its decision of 8 February 2021 to grant approval to the mixed use development at 97-105 Stirling Highway, Nedlands by 26 April 2021.**

Recommendation to Committee

Council:

1. notes the legal opinion provided by Mr Ken Pettit SC in relation to the decision of the Metro Inner-North Joint Development Assessment Panel for the mixed use development at 97-105 Stirling Highway, Nedlands; and
2. requests the Metro Inner-North Joint Development Assessment Panel provides proper reasons for its decision of 8 February 2021 to grant approval to the mixed use development at 97-105 Stirling Highway, Nedlands.

## Technical Services Report No’s TS03.21 to TS08.21 (copy attached)

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

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| **TS03.21 Quintilian Road Traffic Calming, Parking and Shared Path – Community Consultation Results** |

|  |  |
| --- | --- |
| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Quintilian Shared Path Concept Plan (Option 1) 2. Engagement Report |
| **Confidential Attachments** | Nil. |

**Please note there was no recommendation from the Committee.**

Recommendation to Committee

Council endorses the concept design (refer Attachment 1) for inclusion in the 10 Year Capital Works Program.

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| 0B0BTS04.21 Local Roads and Community Infrastructure Grant Funding |

|  |  |
| --- | --- |
| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Committee Recommendation**

**Council:**

1. **approves the LRCI submission of the project list presented in this report as Table 1 to the Department of Infrastructure, Transport, Regional Development and Communications; and**
2. **approves the additional projects list presented in this report as Table 2, to be considered for inclusion in the 2021/22 Capital Works Program.**

Recommendation to Committee

Council:

1. approves the LRCI submission of the project list presented in this report as Table 1 to the Department of Infrastructure, Transport, Regional Development and Communications; and
2. approves the additional projects list presented in this report as Table 2, to be included in the 2021/22 Capital Works Program.

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| **TS05.21 Whitfeld Street Footpath – Community Consultation Results** |

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| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Whitfeld Street Footpath Concept Plan |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council approves the construction of the new footpath on Whitfeld Street, Floreat, between Birkdale Street and Selby Street, as per the Concept Plan presented in Attachment 1.**

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| 1B1BTS06.21 Waratah Avenue Placemaking Strategy |

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| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Concept Plan 2. Engagement Report |
| **Confidential Attachments** | Nil. |

**Committee Recommendation**

**That this item be deferred to the May 2021 Council Meeting.**

Recommendation to Committee

Council

1. endorses the Concept Plan for the Waratah Avenue Placemaking Strategy presented in Attachment 1; and
2. endorses the medium quality finish option for inclusion in the 2021/22 Capital Works Program.

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| **TS07.21 Waratah Avenue Precinct Parking Prohibitions** |

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| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995* and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Parking Survey Results 2. Existing Parking Prohibition Plan 3. Proposed Parking Prohibition Plan |
| **Confidential Attachments** | Nil. |

**Committee Recommendation**

**That this item be deferred to the May 2021 Council Meeting.**

Recommendation to Committee

Council:

* 1. approves the parking prohibitions shown on Attachment 3 – Proposed Parking Prohibition Plan be implemented in May 2021; and
  2. instructs the CEO to arrange for a parking survey to be undertaken two years following implementation of the parking prohibition to determine if any modifications to the parking prohibitions are required.

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| **TS08.21 RFT 2020-21.07 Provision of Tree Surgery Services** |

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| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | Nil. |
| **Confidential Attachments** | 1. Tender Evaluation and Recommendation Report |

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **accepts the Administration recommendation to award the contract for RFT 2020-21.07 – Provision of Tree Surgery Services for the initial term of 12 months with the option of four (4) further 12 month extensions to be awarded at the sole discretion of the City; and**
2. **authorises the Chief Executive Officer to enter into a contract with the accepted tenderer.**

## Community Services & Development Report No’s CSD03.21 to CSD04.21 (copy attached)

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

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| **CSD03.21 Replacement Member Public Art Committee** |

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| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Executive Manager** | Pat Panayotou – Executive Manager Community |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Committee Recommendation**

**Council appoints Councillor Tyson, as the Councillor for the Melvista Ward, to the Public Art Committee.**

Recommendation to Committee

Council appoints Councillor (insert name), as the Councillor for the Melvista Ward, to the Public Art Committee.

**ABSOLUTE MAJORITY REQUIRED**

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| **CSD04.21 Mt Claremont Playgroup Fee Reduction Request** |

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| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | Nil. |
| **Director** | Pat Panayotou – Executive Manager Community |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council reduces Mt Claremont Playgroup’s 2020/2021 annual building usage fee from $3,000 to $1,500.**

## Corporate & Strategy Report No’s CPS09.21 to CPS10.21 (copy attached)

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

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| **CPS09.21 List of Accounts Paid – February 2021** |

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| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing – February 2021; and 2. Credit Card and Purchasing Card Payments – February 2021 (28 January – ## February 2021). |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the months of February 2021 as per attachments.**

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| **CPS10.21 New Lease to Fellowship of Australian Writers (WA) – Tom Collins House** |

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| **Committee** | 13 April 2021 |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Ed Herne – Director Corporate & Strategy |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **approves an exclusive use lease between the City of Nedlands and The Fellowship of Australian Writers Western Australia Inc. for the Tom Collins House site consistent with the key terms as noted within this report. and;**
2. **subject to the Minister for Lands Consent, authorises the CEO and Mayor to execute the agreement and apply the City’s Common Seal.**

# Reports by the Chief Executive Officer

## Common Seal Register – March 2021

The following Common Seal Register Report for the month of March 2021 is to be received.

**March 2021**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 958  959 | 23 March 2021 | Planning & Development | Special Council Meeting  2 February 2021  Item 9 | Seal Certification - Seal No. 958 & 959 - Justification report for Scheme Amendment No. 10 - Additional Use 9 additional built form requirements. (2 copies) |
| 960 | 30 March 2021 | Planning & Development | Ordinary Council Meeting  23 February 2021  Item No 13.11 | Seal Certification - Seal No. 959 - Justification report for Scheme Amendment No. 11 - Residential Aged Care Facilities - Additional Requirement (2 copies) |

## List of Delegated Authorities – March 2021

**The attached List of Delegated Authorities for the month of March 2021 is to be received.**

**February 2021**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Property** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **March 2021** | | | | | | |
| 2/03/2021 | (APP) - DA20-57944 - 55 Kirwan Street, Floreat - Residential Additions to Single House | 55 Kirwan Street, FLOREAT, Lot 122, 5945, 105593 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Brett Chadband |
| 2/03/2021 | (APP) - DA20-55993 - 5 Thomas Street, Nedlands - Residential Addition - Outbuilding | 5 Thomas Street, NEDLANDS, Lot 77, 61745, 159459 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Richard Buchanan |
| 2/03/2021 | (APP) - DA20-55114 - 58 Riley Road, Dalkeith - Residential - SIngle House | 58 Riley Road, DALKEITH, Lot 227, 25852, 124990 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Palazzo Exclusive Homes Pty Ltd |
| 2/03/2021 | (APP) - Da21-60428 - 47 Stirling Highway, Nedlands - Change of use from Office to Medical Centre | 47 Stirling Highway, NEDLANDS, Lot 11, 43157, 141671 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Lester Property Investments Pty Ltd |
| 3/03/2021 | 3049617 - Withdrawn Parking Infringement Notice - Compassionate Grounds | 7/34 Martin Avenue, NEDLANDS, Lot 7, 68462, 165621 | A/Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Terence Peters |
| 3/03/2021 | BA139838 Certified building permit - Pool barrier | 57 Adderley Street, MT CLAREMONT, Lot 67, 741, 100990 | Manager Building Services | Building Act 2011 | Section 20.1 | Mr B B Thomas |
| 3/03/2021 | BA138365 Uncertified building permit - Deck | 129 Rochdale Road, MT CLAREMONT, Lot 1, 70425, 167445 | Manager Building Services | Building Act 2011 | Section 20.1 | Superior Landscaping & reticulation |
| 4/03/2021 | BA139781 Demolition permit - full site | 86 Circe Circle South, DALKEITH, Lot 598, 17885, 117184 | Manager Building Services | Building Act 2011 | Section 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 8/03/2021 | BA139559 Certified building permit - Pool | 40 Hillway ., NEDLANDS, Lot 712, 54106, 152181 | Manager Building Services | Building Act 2011 | Section 20.1 | Aquatic Leisure Technologies Pty Ltd |
| 8/03/2021 | BA138676 Certified building permit - Ancillary Dwelling | 37 Strickland Street, MT CLAREMONT, Lot 96, 12097, 111542 | Manager Building Services | Building Act 2011 | Section 20.1 | Mr D K Joseph |
| 8/03/2021 | BA139429 Demolition permit - Full site | 12 Taylor Road, NEDLANDS, Lot 56, 60723, 158444 | Manager Building Services | Building Act 2011 | Section 21.1 | Civil Con Holdings Pty Ltd |
| 8/03/2021 | BA138709 Uncertified building permit - Fencing | 15 Van Kleef Circuit, MT CLAREMONT, Lot 97, 80703, 187443 | Manager Building Services | Building Act 2011 | Section 20.1 | G J Delmotte |
| 8/03/2021 | BA139444 Certified building permit - Pergola | 69 Vincent Street, NEDLANDS, Lot 44, 65058, 162743 | Manager Building Services | Building Act 2011 | Section 20.1 | Escape Landscape Architecture |
| 8/03/2021 | BA136837 Certified building perit - Additions | 79 Victoria Avenue, DALKEITH, Lot 2, 26507, 125617 | Manager Building Services | Building Act 2011 | Section 20.1 | Mr G C Dunthorne |
| 8/03/2021 | (APP) - DA21-59603 - 4 Stirling Highway, Nedlands - Change of Use Office to Recreation-Private | 4 Stirling Highway, NEDLANDS, Lot 12, 59457, 157461 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | K Managh |
| 10/03/2021 | BA138997 Certified building permit - Additions | 39 Napier Street, NEDLANDS, Lot 88, 40549, 139105 | Manager Building Services | Building Act 2011 | Section 20.1 | Tangent Nominees Pty Ltd |
| 10/03/2021 | (APP) - DA21-61465 - 7 Hamilton Garden(s), Mt Claremont - Residential Single House Addition | 7 Hamilton Garden(s), MT CLAREMONT, Lot 411, 81587, 192815 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Bali by Design |
| 10/03/2021 | BA137560 Uncertified building permit - Pergola | 8 Greenberry Close, MT CLAREMONT, Lot 351, 78660, 177162 | Manager Building Services | Building Act 2011 | Section 20.1 | M K Rafferty |
| 11/03/2021 | BA134817 Demolition permit - Full site | 15 Karella Street, NEDLANDS, Lot 103, 82489, 144345 | Manager Building Services | Building Act 2011 | Section 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 11/03/2021 | BA138172 Certified building permit - Patio | 55 Viewway ., NEDLANDS, Lot 629, 64159, 161844 | Manager Building Services | Building Act 2011 | Section 20.1 | Mr T Mayze |
| 12/03/2021 | BA138635 Certified building permit - Window | 136 Dalkeith Road, NEDLANDS, Lot 742, 51213, 149328 | Manager Building Services | Building Act 2011 | Section 20.1 | B M Meyer |
| 12/03/2021 | BA134901 Uncertified building permit - Patio | 8/111 Stirling Highway, NEDLANDS, Lot 8, 43814, 142257 | Manager Building Services | Building Act 2011 | Section 20.1 | Patio Perfect |
| 12/03/2021 | (APP) - DA20-54986 - 26 Hillway, Nedlands - Residential - Single House | 26 Hillway ., NEDLANDS, Lot 719, 53964, 152058 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Averna Pty Ltd |
| 12/03/2021 | (APP) - DA21-61694 - 25 John XXIII Avenue, Mt Claremont - Temporary Buildings | 25 John XXIII Avenue, MT CLAREMONT, Lot 10629, 80052, 181453 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Eamon Broderick |
| 12/03/2021 | (APP) - DA20-54565 - 4 Finch Way, Mt Claremont - Residential - Single House | 4 Finch Way, MT CLAREMONT, Lot 412, 4119, 103820 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Makin Homes |
| 15/03/2021 | BA138212 Certified building permit - Addition | 141 Alfred Road, MT CLAREMONT, Lot 73, 2109, 101907 | Manager Building Services | Building Act 2011 | Section 20.1 | Mr R Wells |
| 15/03/2021 | BA138894 Demolition permit - Full site | 12 Leon Road, DALKEITH, Lot 199, 22749, 121962 | Manager Building Services | Building Act 2011 | Section 21.1 | Allday Construction WA Pty Ltd |
| 15/03/2021 | (APP) - DA21-59433 - 18 Loftus Street, Nedlands - Residential Single House Alterations | 18 Loftus Street, NEDLANDS, Lot 116, 38162, 136754 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Nuchange Building |
| 15/03/2021 | (APP) - DA21-61273 - Unit 8 111 Stirling Highway, Nedladns - Residential Patio Additions | 8/111 Stirling Highway, NEDLANDS, Lot 8, 43814, 142257 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Patio Perfect |
| 16/03/2021 | (APP) - DA21-59137 - 125 North Street, Swanbourne - Residential Acoustic Screen Wall | 125 North Street, SWANBOURNE, Lot 7, 9305, 108878 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | S Klopper |
| 16/03/2021 | (APP) - DA21-59424 - 1 Betty Street, Nedlands - Residential Single House - Front Fence | 1 Betty Street, NEDLANDS, Lot 1, 47119, 145458 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | David Dawson |
| 16/03/2021 | 3049688 - Nigel Dormer | 14 Kitchener Street, NEDLANDS, Lot 7, 36429, 135095 | A/Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Nigel Dormer |
| 16/03/2021 | (APP) - DA21-60315 - 15 Charles Lane, Mount Claremont - Residential Retaining and Site Works | 15 Charles Lane, MT CLAREMONT, Lot 155, 72126, 169086 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | J B Bourne & S D Tee |
| 17/03/2021 | BA138309 Certified building permit - front fence | 55 Clifton Street, NEDLANDS, Lot 420, 81499, 193045 | Manager Building Services | Building Act 2011 | Section 20.1 | D & J Paving and Landscaping |
| 17/03/2021 | BA138059 Certified building permit - Addition | 67 Thomas Street, NEDLANDS, Lot 459, 62351, 160069 | Manager Building Services | Building Act 2011 | Section 20.1 | H-Building Services WA Pty Ltd |
| 17/03/2021 | BA136672 Building permit amendment - Booster location | 95A Waratah Avenue, DALKEITH, Lot 388, 29042, 128033 | Manager Building Services | Building Act 2011 | Section 20.1 | Pyramid Constructions (WA) Pty Ltd |
| 18/03/2021 | BA138661 Demolition permit - Partial | 67 Thomas Street, NEDLANDS, Lot 459, 62351, 160069 | Manager Building Services | Building Act 2011 | Section 21.1 | H BUILDING SERVICES |
| 18/03/2021 | BA138763 Building approval certificate - Fence | 50 Marita Road, NEDLANDS, Lot 314, 56491, 154534 | Manager Building Services | Building Act 2011 | Section 58.1 | R Creighan |
| 18/03/2021 | BA137988 Certified building permit - Dwelling | 11 Muecke Way, SHENTON PARK, Lot 27, 82592, 199901 | Manager Building Services | Building Act 2011 | Section 20.1 | BGC Residential Pty Ltd |
| 18/03/2021 | BA129861 Certified building permit - Workshop | 19 Broome Street, NEDLANDS, Lot 333, 32386, 131136 | Manager Building Services | Building Act 2011 | Section 20.1 | Mr C Forte |
| 18/03/2021 | (APP) - DA21-59603 - 4 Stirling Highway, Nedlands - Change of Use from Office to Recreation-Private | 4 Stirling Highway, NEDLANDS, Lot 12, 59457, 157461 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Kashmir Managh |
| 18/03/2021 | (APP) - DA21-59935 - 134C Stirling Highway, Nedlands - Change of Use from Office to Recreation-Private and Associated Signage | 134C Stirling Highway, NEDLANDS, Lot 3, 81006, 189258 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Proekt |
| 18/03/2021 | 3049387 - Withdrawn Parking Infringement Notice - Compassionate Grounds | 25 Stirling Highway, NEDLANDS, Lot 620, 81431, 141556 | A/Manager Health and Compliance | Local Government Act 1995 | 9.20/6.129!) | Cresswell Doherty |
| 18/03/2021 | BA138787 Certified building permit - Retaining wall | 45 Browne Avenue, DALKEITH, Lot 126, 17039, 116343 | Manager Building Services | Building Act 2011 | Section 20.1 | Coastview Australia Pty Ltd |
| 18/03/2021 | 3049638 - Withdrawn Parking Infringement Notice - Compassionate Grounds | 7/2 Quintilian Road, MT CLAREMONT, Lot 9, 80603, 186809 | A/Manager Building Services | Local Government Act 1995 | 9.20/6.12/(1) | Matthew Pear |
| 19/03/2021 | BA138390 Extend Building Permit - BA41961 | 60 Goldsmith Road, DALKEITH, Lot 201, 20470, 119776 | Manager Building Services | Building Act 2011 | Section 32.1 | P Groom |
| 19/03/2021 | (APP) - 129 Rochdale Road, Mount Claremont - Residential Single House -Additions | 129 Rochdale Road, MT CLAREMONT, Lot 1, 70425, 167445 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | E C Mikus & J I Mikus |
| 19/03/2021 | (APP) - DA21-59662 - 138 Rochdale Road, Mt Claremont - Residential Single House Carport Addition | 138 Rochdale Road, MT CLAREMONT, Lot 128, 10304, 109801 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Russell Building Approvals |
| 22/03/2021 | (APP) - DA20-54021 - 22 Wattle Avenue, Dalkeith - Residential - Extension to existing house | 22 Wattle Avenue, DALKEITH, Lot 14, 30562, 129502 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Darklight Design |
| 22/03/2021 | (APP) - DA20-58059 - 1 Viking, Dalkeith - Modifications to approved plans DA19-42481 | 1 Viking Road, DALKEITH, Lot 729, 27391, 126409 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Katrine Investments |
| 22/03/2021 | (APP) - DA20-58735 - 39 Napier Street, Nedlands - Residential Alfresco Addition | 39 Napier Street, NEDLANDS, Lot 88, 40549, 139105 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Summit Renovations |
| 22/03/2021 | BA138596 Demolition permit - Full site | 7 Wavell Road, DALKEITH, Lot 698, 30601, 129544 | Manager Building Services | Building Act 2011 | Section 21.1 | Preferred Demolition |
| 22/03/2021 | (APP) - DA21-59712 - 45 Browne Avenue, Dalkeith - Residential - Front Retaining Wall | 45 Browne Avenue, DALKEITH, Lot 126, 17039, 116343 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Coastview Australia Pty Ltd |
| 22/03/2021 | BA136719 Certified building permit - Stage 4 Data Centre | 37 Lemnos Street, SHENTON PARK, Lot 15368, 80482, 185678 | Manager Building Services | Building Act 2011 | Section 20.1 | Icon SI (Aust) Pty Ltd |
| 22/03/2021 | (APP) - Da20-57595 - 88 Stanley Street, Nedlands - Residential Additions (Carport and Ancillary Dwelling) | 88 Stanley Street, NEDLANDS, Lot 686, 59318, 157321 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Mt Eyk Architects |
| 22/03/2021 | (APP) - DA21-60440 - 28 Besatrice Road, Dalkeith - Residential - Amendment to DA19-41051 | 28 Beatrice Road, DALKEITH, Lot 50, 15388, 114728 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Coastview Australia Pty Ltd |
| 22/03/2021 | (APP) - DA20-57198 - 86 Rodedale Street, Floreat - Residential Single House | 86 Rosedale Street, FLOREAT, Lot 71, 10663, 110171 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | L T Bauer & T A Bauer |
| 22/03/2021 | (APP) - DA20-57582 - 22a Alfred Road, Claremont - Residential Single House | 22A Alfred Road, CLAREMONT, Lot 1, 80838, 188086 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | iDevelop Real Estate WA Pty Ltd |
| 23/03/2021 | BA138146 Certified building permit - Patio | 2 Wattle Avenue, DALKEITH, Lot 1, 30473, 129411 | Manager Building Services | Building Act 2011 | Section 20.1 | Meraki Design Exteriors |
| 24/03/2021 | BA131390 Building approval certificate - Retaining wall | 12 Lisle Street, MT CLAREMONT, Lot 332, 6878, 106468 | Manager Building Services | Building Act 2011 | Section 58.1 | Mr C Harvey |
| 24/03/2021 | BA137845 Certified building permit - Dwelling | 57 Edward Street, NEDLANDS, Lot 17, 82666, 200337 | Manager Building Services | Building Act 2011 | Section 20.1 | Insideout Innovative Building |
| 24/03/2021 | BA138077 Demolition permit - Full site | 23 Lynton Street, SWANBOURNE, Lot 12, 7646, 107201 | Manager Building Services | Building Act 2011 | Section 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 25/03/2021 | BA137889 Demolition permit - Full site | 40 Hillway ., NEDLANDS, Lot 712, 54106, 152181 | Manager Building Services | City of Nedlands LPS3 | Section 21.1 | Maxbay Pty Ltd |
| 25/03/2021 | (APP) - DA21-59914 - 11 Beecham Road, Mt Claremont - Residential Single House | 11 Beecham Road, MT CLAREMONT, Lot 385, 14196, 113597 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Webb & Brown Neaves |
| 25/03/2021 | BA137934 Demolition permit - Full site | 25 Mountjoy Road, NEDLANDS, Lot 225, 57170, 155200 | Manager Building Services | Building Act 2011 | Section 21.1 | Vinsan Contracting Pty Ltd T/As Vinsan Home Demolitions |
| 25/03/2021 | BA137948 Uncertified building permit - Front fence | 32 Leon Road, DALKEITH, Lot 177, 22969, 122176 | Manager Building Services | Building Act 2011 | Section 20.1 | C K Chan |
| 25/03/2021 | BA136259 Certified building pemit - pool | 12 Napier Street, NEDLANDS, Lot 179, 40280, 138842 | Manager Building Services | Building Act 2011 | Section 20.1 | BRPWA Factory Pools Perth Pty Ltd |
| 25/03/2021 | BA137671 Demolition permit - Full site | 61 Aberdare Road, NEDLANDS, Lot 96, 30944, 129767 | Manager Building Services | Building Act 2011 | Section 21.1 | AAA Demolition & Tree Service |
| 26/03/2021 | BA137610 Demolition permit - Full site | 19 Edna Road, DALKEITH, Lot 661, 19455, 118752 | Manager Building Services | Building Act 2011 | Section 21.1 | AAA Demolition & Tree Service |
| 26/03/2021 | (APP) - DA21-60706 - 49 Birdwood Parade, Dalkeith - Residential Single House | 49 Birdwood Parade, DALKEITH, Lot 16, 16172, 115519 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulation 82 | Q Yun Say |
| 26/03/2021 | (APP) - DA20-57225 - 1 Viewway, Nedlands - Residential - SIngle House | 1 Viewway ., NEDLANDS, Lot 900, 82513, 161414 | Senior Urban Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Katrine Investments |
| 29/03/2021 | (APP) - DA20-58570 - 10 Walba Way, Swanbourne - Amendment to DA20-51642 | 10 Walba Way, SWANBOURNE, Lot 1, 12869, 112300 | Principal Planner | Planning and Development (Local Planning Schemes) | Regulations 2015 | Element Advisory Pty Ltd |
| 29/03/2021 | (APP) - DA20-58763 - 60 Mayfair Street, Mt Claremont - Residential Single House | 60 Mayfair Street, MT CLAREMONT, Lot 156, 8383, 108001 | Principal Planner | Planning and development (Local Planning Schemes) | Regulation 82 | Webb and Brown Neaves Pty Ltd |
| 29/03/2021 | (APP) - DA20-57887 - 19 Broome Street, Nedlands - Residential - Additions Carport & Outbuilding | 19 Broome Street, NEDLANDS, Lot 333, 32386, 131136 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Veejay Renovations |
| 29/03/2021 | BA138123 Occupancy permit - S306 Hollywood Hopsital Medical Centre | 306/91 Monash Avenue, NEDLANDS, Lot 6, 82677, 200410 | Manager Building Services | Building Act 2011 | Section 58.1 | Certis WA Pty Ltd |
| 29/03/2021 | BA137807 Uncertified building permit - Verandah | 5 Carrington Street, NEDLANDS, Lot 177, 33170, 131920 | Manager Building Services | Building Act 2011 | Section 20.1 | R I Price |
| 31/03/2021 | BA137683 Demolition permit - Remove pool | 7 Davies Road, DALKEITH, Lot 196, 19023, 118315 | Manager Building Services | Building Act 2011 | Section 21.1 | S K Golding |
| 31/03/2021 | BA137419 Certified building permit - Dwelling | 16 Viewway ., NEDLANDS, Lot 483, 63878, 161562 | Manager Building Services | Building Act 2011 | Section 20.1 | Atrium Homes (WA) Pty Ltd |
| 31/03/2021 | BA135756 Certified building permit - Pool | 1 Finchley Rise, MT CLAREMONT, Lot 118, 71748, 168716 | Manager Building Services | Building Act 2011 | Section 20.1 | E M Callow |
| 31/03/2021 | BA136624 Uncertified building permit - Sign | 5 Hillway ., NEDLANDS, Lot 689, 53752, 151845 | Manager Building Services | Building Act 2011 | Section 20.1 | Compac Marketing Australia |
| 31/03/2021 | BA137277 Certified building permit - HPH Internal fitout of level 3 - South Block & ED | 101 Monash Avenue, NEDLANDS, Lot 565, 82619, 181206 | Manager Building Services | Building Act 2011 | Section 20.1 | Georgiou Group Pty Ltd |
| 31/03/2021 | BA137579 Demolition permit - Full site | 16 Viewway ., NEDLANDS, Lot 483, 63878, 161562 | Manager Building Services | Building Act 2011 | Section 21.1 | Swift Demolition |
| 31/03/2021 | BA136103 Certified building permit - Chapel | 500 Railway Road, NEDLANDS, Lot 1, 9567, 109124 | Manager Building Services | Building Act 2011 | Section 20.1 | Byte Construct Pty Ltd |

## Monthly Financial Report – March 2021

|  |  |
| --- | --- |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the city of Nedlands Code of Conduct for Impartiality.** | Nil |
| **Director** | Andrew Melville – Acting Director Corporate & Strategy |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 31 March 2021 2. Capital Works & Acquisitions – 31 March 2021 3. Statement of Net Current Assets – 31 March 2021 4. Statement of Financial Activity –31 March 2021 5. Borrowings – 31 March 2021 6. Statement of Financial Position – 31 March 2021 7. Operating Income & Expenditure by Reporting Activity – 31 March 2021 8. Operating Income by Reporting Nature & Type – 31 March 2021 |

**Executive Summary**

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

**Recommendation to Council**

**Council receives the Monthly Financial Report for 31 March 2021.**

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

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

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

The operating revenue at the end of March 2021 was $33.01m which represents $853k favourable variance compared to the year-to-date budget.

The operating expense at the end of March 2021 was $23.62m, which represents $1.32m favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Unfavourable variance of $ (77,890)

Revenue: Unfavourable variance of $ (121,408)

The unfavourable revenue variance is due to contributions for WESROC services no longer being received as a result of these services now being managed by Town of Claremont. The budget for the revenue and expense has been adjusted at mid-year review and will be reflected in the April 2021 financials.

The favourable expenditure variance is mainly due to:

* WESROC expenses of $269k not spent,
* Communications office expenses and special projects of $58k not spent yet,
* HR other employee costs of $28k not spent yet,
* Professional fees overspend by $98k arising from additional legal advice,
* The salary reduction of $442k as resolved by Council at the adoption of the budget has been shown as a reduction in salaries of approximately $36k per month in Governance as a temporary budget item until the actual savings across the business units are identified and actioned. Thereafter the budget savings will be moved to the respective business units. The above list of savings of $257k is offset against the $324K salary savings yet to be realised, though underway.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 84,100

Revenue: Favourable variance of $ 388,144

The favourable expenditure variances are mainly due to:

* Corporate services and shared services Professional fees of $96k not spent yet,
* ICT expense of $39k not expensed yet,
* Offset by corporate services ICT expenses of $43k.

The favourable revenue variances are mainly due to:

* Increase in Rates income of $525k.
* Offset by lower term deposit interest income of $147k.

**Community Development and Services**

Expenditure: Favourable variance of $ 302,909

Revenue: Favourable variance of $ 294,726

The favourable expenditure variance is mainly due to:

* Community Special projects, donations of $122k not expensed yet,
* Savings on PRCC salary of $50k due to delay in filling up vacant position,
* Positive ageing other expenses of $17k not expensed yet,
* Tresillian office and courses of $51k not expensed yet.
* Nedlands library salary, office and other expenses of $57k not expensed yet.

The favourable income variance is mainly due to:

* Increase fees and charges from Tresillian and PRCC of $279k – at the time of setting the budget revenue estimates were based on the Covid 19 environment at that time (i.e. restrictions relating to public attendances at events), with restrictions easing these services have benefitted from higher attendances
* Increase on NCC grants income by $30k,
* Offset by lower Grants from Volunteer services and from council properties of $8k.

**Planning and Development**

Expenditure: Favourable variance of $ 358,802

Revenue: Favourable variance of $ 297,102

The Favourable expenditure variance is mainly due to:

* Urban Projects expenses of $623k not expensed yet. YTD budget increased by $280k.
* Operational activities of $114k not spent yet.
* Underspent environmental salaries of $54k due to delay in back-filling vacancies.
* Ranger service other expenses of $67k not expensed yet.
* Urban planning and Building services salaries over spent by $269k. Urban planning salaries are higher by $237k due to increased applications, SAT appeals and unplanned policy work and re-work. Building services salaries is higher by $31k due to additional works.
* Professional fees of $273k have over expensed as a result of a Council approved un-budgeted expenditure on professional services related to the Woolworths DA appeal including traffic advice, public realm modelling and professional advice.

The favourable revenue variance is mainly due to:

* Increase Building services fees & charges income of $224k.
* Increase fine & penalties from ranger services of 60k.

**Technical Services**

Expenditure: Favourable variance of $ 655,215

Revenue: Unfavourable variance of $ (5,484)

The favourable expenditure variance is mainly due to:

* Infrastructure services other employee costs, insurance, and other expenses of $115k not expensed yet,
* Building, road, and Park maintenance expense of $983k not expensed yet,
* Plant expenses and waste minimisation expenses of $728k not expensed yet,
* Utilities invoices of $70k not received yet,
* Off-set against lower charge out of on-cost to projects by $780k.

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

**Borrowings**

As at 31 March 2021, we have a balance of borrowings of $4.53m.

**Net Current Assets Statement**

At 31 March 2021, net current assets were $11.51m compared to $10.76m as at 31 March 2020. Current assets are higher by $3.98m offset by higher current liabilities of $3.5m.

Outstanding rates debtors are $1.5m as at 31 March 2021 compared to $2.1m as at 31 March 2020. Breakdown as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **31 March 2021**  **($000)** | **31 March 2020**  **($000)** | **Variance**  **($000)** |
| **Rates** | $193 | $1,363 | -$1170 |
| **Rubbish & Pool** | $38 | $88 | -$50 |
| **Pensioner Rebates** | $271 | $550 | -$279 |
| **ESL** | $34 | $198 | -$164 |

**Capital Works Programme**

As at 31 March, expenditure on capital works was $3.36m with additional capital commitments of $1.56k which is 56% of a total budget of $8.7m.

**Employee Data**

|  |  |
| --- | --- |
| **Description** | **Number** |
| Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month | 179 |
| Number of contract staff (temporary/agency staff) as of the last day of the previous month | 4 |
| \*FTE (Full Time Equivalent) count as of the last day of the previous month | 157.42 |
| Number of unfilled staff positions at the end of each month | 14 |

CEO, Director Corporate and Strategy, Director Planning & Development positions are substantively vacant – i.e. they are filled respectively with short-term acting cover (CEO) and two 12 month contracts (Director Corporate and Director Planning).

There has been internal temporary appointments upwards of people into roles which leaves shortfall behind them despite remedial efforts to backfill. Three (3) resignations of full-time staff were effective in March, including one in Planning and another in Community Engagement. There has been further resignation notices submitted in March that will be reflected in April terminations report. The Human Resources Department is currently involved in nineteen (19) recruitment exercises at various stages of recruitment and selection – as well as involvement in recruitment and selection of Interim CEO and Long-term CEO.

**Conclusion**

The statement of financial activity for the period ended 31 March 2021 indicates that operating expenses are under the year-to-date budget by 9.63% or $1.32m, while revenue is above the Budget by 2.65% or $853k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Strategic Implications**

The 2020/21 approved budget is in line with the City’s strategic direction. Our operations and capital spend, and income is undertaken in line with and measured against the budget.

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

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

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

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – March 2021

|  |  |
| --- | --- |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the city of Nedlands Code of Conduct for Impartiality** | Nil. |
| **Director** | Andrew Melville – Acting Director Corporate & Strategy |
| **Attachments** | 1. Investment Report for the period ended 31 March 2021 |

**Executive Summary**

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

**Recommendation to Council**

**Council receives the Investment Report for the period ended 31 March 2021.**

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

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

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

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

|  |  |  |
| --- | --- | --- |
|  | 31-Mar-2021 | 31-Mar-2020 |
| Municipal Funds | $ 7,560,781 | $ 6,596,388 |
| Reserve Funds | $ 6,111,878 | $ 7,058,323 |
| Total investments | $ 13,672,659 | $ 13,654,711 |

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

The total interest earned from investments as at 31 March 2021 was $61,508.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $4,397,129 | 0.18% - 0.45% | 32.16% |
| Westpac | $4,102,063 | 0.21% - 1.05% | 30.00% |
| ANZ | $2,187,229 | 0.10% - 0.20% | 16.00% |
| CBA | $2,986,238 | 0.12% - 0.31% | 21.84% |
| **Total** | **$13,672,659** |  | **100.00%** |

**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes  No

Required by City of Redlands policy: Yes  No

**Strategic Implications**

The investment of surplus funds in the 2020/21 approved budget is in line with the City’s strategic direction.

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

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

The interest income on investment in the 2020/21 approved budget was based on economic and financial data available at the time of preparation of the budget.

**Budget/Financial Implications**

The March YTD Actual interest income from investments is $61,508 compared to the March YTD Budget of $202,500.

## CEO Standards 2021

|  |  |
| --- | --- |
| **Council** | 23 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.** | The Acting CEO declares no interest in this matter due to the CEO Standards dealing with matters in relation to the engagement, performance management and dismissal/termination of the CEO and as such the Acting CEO is unaffected by same. |
| **Officer** | Nicole Ceric, Executive Officer |
| **CEO** | Ed Herne, Acting Chief Executive Officer |
| **Attachments** | 1. City of Nedlands CEO Standards |
| **Confidential Attachments** | Nil. |

**Executive Summary**

On 3 February 2021 changes to the Local Government Act 1995 and Local Government (Administration) Amendment Regulations 2021 commenced.

Local Governments must adopt CEO Standards that incorporate the Model Standards within three months (that is by 3 May 2021), under the new s.5.39B(2) of the Act. Until this time, the Model Standards are taken to be the adopted standards (new s.5.39B(5)).

The Council may add to the CEO Standards any other matters if they are not inconsistent with the provisions of the Model CEO Standards.

At this stage, no such matters have been identified for inclusion, but if subsequently determined then Council is able to amend the CEO Standards.

Once adopted, s.5.39B(6) requires the CEO to publish an up-to-date version of the Standards on the Local Government’s official website.

**Recommendation to Council**

**That Council, by absolute majority, adopt the City of Nedlands CEO Standards, as per attachment 1.**

**Voting Requirement**

Absolute majority.

**Discussion/Overview**

**Background**

In October 2020, the DLGSCI published draft regulations that would introduce mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The model Standards became operative 3 February 2021, and prescribe model standards for the recruitment, selection, performance review and termination of Local Government CEOs.

The model Standards are therefore now the Standards of the City of Nedlands but by 3 May 2021 the City must adopt its own CEO Standards (consistent with the Model CEO Standards, but may be varied as long as not inconsistent).

In addition to prescribing minimum requirements for these processes, the CEO Standards will also require Local Governments to advertise the position of CEO if a period of 10 or more years has elapsed since a recruitment process has been carried out.

The Council may, in due course vary them to reflect localised circumstances, by adding additional provisions.

The Standards deal with such matters as:

* Recruitment of CEOs - selection criteria, job description, advertising the vacancy, selection panel,
* Contract of employment, mandatory advertising after 10 years of incumbency,
* Performance review of CEO
* Termination of CEO

There are additional requirements in the Regulations dealing with the employment or termination of the CEO and which require the Council to “certify” certain matters (in such an event) by way of resolution and to provide same to the DLGSCI.

There are also matters in the new Regulations regarding the performance review of the CEO which need to accord with those in the current CEO contract.

WALGA has recommended that the Mayor and CEO should initiate discussions to determine whether any inconsistencies exist between the CEO Standards and the CEO’s employment contract and previously agreed Performance Review arrangements. In the case of the City of Nedlands (currently recruiting a CEO) the incoming CEO’s contract will be in accord with the CEO Standards, and therefore such matters will be consistent.

The City’s recruitment processes for a new CEO are being undertaken consistent with the Model Standards.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Advice provided by Department of Local Government, WALGA and LG Professionals.

**Strategic Implications**

The adoption of the CEO Standards is good governance and procedure.

**Budget/Financial Implications**

No specific financial implications arise from the adoption of the CEO Standards.

**Conclusion**

The Model CEO Standards applied, as the City’s Standards since 3 February 2021, and until 3 May 2021, by which time the Council must adopt its own CEO Standards.

It is proposed that the Model CEO Standards be adopted, unaltered as the City’s Standards.

## Code of Conduct for Council Members, Committee Members and Candidates - Revocation of Previous Decisions and Making of new Decisions

|  |  |
| --- | --- |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Officer** | Nicole Ceric, Executive Officer |
| **CEO** | Ed Herne, Acting Chief Executive Officer |
| **Attachments** | 1. City of Nedlands Code of Conduct for Council Members, Committee Members and Candidates for local government elections 2. Complaint – Alleged Breach Form - Code of Conduct for Council Members Committee Members and Candidates 3. Draft Council Code of Conduct Division 3 Complaint Handling Policy |
| **Confidential Attachments** | Nil. |

**Executive Summary**

Council, at the Ordinary Council Meeting of 23 February 2021 resolved upon several matters in relation to the Code of Conduct for Council Members, Committee Members and Candidates for election.

Further assessment of some of the decisions indicate a need for further clarification and expansion of the resolutions.

It is therefore proposed to revoke the decisions, and to make new decisions which embody much of the 23 February 2021 Council resolutions, but with the additional clarity and qualifications.

In addition, it is recommended that the CEO be delegated authority to authorise other Complaints Officers, if circumstances warrant.

For Council to consider the revocation and make new, or varied resolutions, at least one third of Council Members must support consideration of the propose to revoke.

On the basis that at least one third of Council Members support consideration of the propose to revoke, as evidenced in writing, then the recommendations below may be considered.

**Recommendation to Council**

**That Council, by absolute majority revoke all parts of Resolution 13.8 made on 23 February 2021 Ordinary Council Meeting,**

**and**

**That Council,**

1. **by absolute majority, repeals its Code of Conduct for Council Members, Committee Members and Employees of 23 August 2016;**
2. **by absolute majority, pursuant to s5.104 of the Local Government Act 1995, adopts the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for the City of Nedlands, listed as Attachment 1;**
3. **by absolute majority, pursuant to s5.42 of the Local Government Act 1995, delegate authority to the CEO to authorise any person as a Complaints Officer for the purposes of Division 3 of the City’s Code of Conduct;**
4. **by simple majority, adopts the Council Code of Conduct Division 3 Complaint Handling Policy listed as Attachment 3; and**
5. **by simple majority, pursuant to the Local Government (Model Code of Conduct) Regulations 2021:**
   1. **adopts the form for lodging complaints, listed as Attachment 2;**
   2. **authorises the following persons to receive Division 3 complaints and withdrawals of same, relating to Council Members, Committee Members and Candidates:**
6. **Complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Mayor – the Mayor,**
7. **Complaints made by the Mayor excluding those made about the Deputy Mayor – the Deputy Mayor,**
8. **Complaints about the Mayor – the Deputy Mayor, unless the complaint is made by the Deputy Mayor,**
9. **Complaints about the Deputy Mayor made by the Mayor – the CEO,**
10. **Complaints made jointly by the Mayor and Deputy Mayor, or made jointly against the Mayor and Deputy Mayor – the CEO,**
11. **A Complaints Officer may refer a complaint for further inquiry and report to an external consultant, in accordance with the policy adopted; and**
12. **notes that pursuant to s5.104 (7) of the Local Government Act 1995, that the Chief Executive Officer will ensure the Code of Conduct is published on the City’s official website, as soon as practical.**

**Discussion/Overview**

**Background**

At the February 2021 OCM Council resolved on a number of matters and comments are inserted below in blue for assistance in explaining the reasons for the need to change the decision:

**That with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a local government election, Council;**

**1. repeals its Code of Conduct of 23 August 2016;**

**2. pursuant to section 5.104 of the Local Government Act 1995, adopts the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for the City of Nedlands, listed as Attachment 2;**

**3. Pursuant to the Local Government (Model Code of Conduct) Regulations 2021;**

**a. regulation 11 (2), adopts the form for lodging complaints, listed as Attachment 3;**

**b. regulation 11 (3), authorises the following persons to receive Division 3 complaints and withdrawals of same, relating to Council Members, Committee Members and Candidates:**

**i. Complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Mayor – the Mayor;**

**Comment – This provision effectively means that the Mayor is the Complaints Officer for Division 3 Complaints from any person, in relation to all Council Members, Committee Members and Candidates for Election, except where the Mayor is the complainant, or where the Mayor is the subject of the complaint (see b. iii below).**

**This decision seems to be in order.**

**ii. Complaints made by the Mayor excluding those made by the Deputy Mayor – the Deputy Mayor;**

**Comment – This should read –** “**Complaints made by the Mayor excluding those made about the Deputy Mayor – the Deputy Mayor;”**

**This decision needs to be revoked and a fresh decision made.**

**iii. Complaints about the Mayor – the Deputy Mayor; and**

**Comment – This should read – “Complaints about the Mayor – the Deputy Mayor, unless the complaint is made by the Deputy Mayor”**

**This decision needs to be revoked and a fresh decision made.**

**iv. Complaints about the Deputy Mayor made by the Mayor – the CEO for referral to Council; and**

**Comment – This should read – “Complaints about the Deputy Mayor made by the Mayor – the CEO”**

**In all cases, no matter who is appointed the Complaints Officer, the latter must report to Council which determines the finding and any action plan.**

**Thus, the Council itself cannot be the Complaints Officer, a person must be authorised.**

**This decision needs to be revoked and a fresh decision made.**

**v. Or any complaint can be referred to an external consultant.**

**Comment – It is not clear what Council’s intention was with this resolution – either to appoint an external consultant as a Complaints Officer (in which case the person needs to be named) or to “authorise” any Complaints Officer to be able to engage an “external consultant” to investigate the complaint and report to the Complaints Officer, and Council?**

**If Council intended that “another person” (in addition to those already authorised) be authorised as a Complaints Officer, to deal with certain matters, or even generally, then either Council needs to authorise that person as a Complaints Officer, or delegate authority to the CEO to authorise such a person.**

**4. Pursuant to sections 5.104 (7) of the Local Government Act 1995, request the Chief Executive Officer to ensure the Code of Conduct is published on the City’s official website, as soon as practical.**

**Comment – this resolution is sound, although it is not required, to ensure that the CEO give effect to the provisions of the Act, since there is no discretion to do otherwise.**

To revoke a Council decision requires compliance with Reg 10 Local Government (Administration) Regulations 1996:

* at least one third of Council Members must either sign a notice, supporting Council’s consideration of a revocation
* the revocation motion must be carried by an absolute majority
* Council may then resolve the new resolutions

**Key Relevant Previous Council Decisions:**

2016 OCM resolution to adopt Code of Conduct for Council Members, Committee Members and Employees

February 2021 OCM 13.8, Council resolved:

That with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a local government election, Council;

* + 1. repeals its Code of Conduct of 23 August 2016;

2. pursuant to section 5.104 of the Local Government Act 1995, adopts the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for the City of Nedlands, listed as Attachment 2;

3. Pursuant to the Local Government (Model Code of Conduct) Regulations 2021;

a. regulation 11 (2), adopts the form for lodging complaints, listed as Attachment 3;

b. regulation 11 (3), authorises the following persons to receive Division 3 complaints and withdrawals of same, relating to Council Members, Committee Members and Candidates:

i. Complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Mayor – the Mayor;

ii. Complaints made by the Mayor excluding those made by the Deputy Mayor – the Deputy Mayor;

iii. Complaints about the Mayor – the Deputy Mayor; and

iv. Complaints about the Deputy Mayor made by the Mayor – the CEO for referral to Council; and

v. Or any complaint can be referred to an external consultant.

**Consultation**

Consideration given to approaches taken by other local governments as well as advice from WALGA and DLG.

**Strategic Implications**

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

This assists in good governance.

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

This assists in good governance.

**Does it involve a tolerable risk?**

A Code of Conduct, well adhered to, is likely to reduce risk to Council.

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

Yes.

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

This aligns with KRA 8.1.4 - Revise Standing Orders Local Law & Codes of Conduct for both Council Members and Staff and ensure these are consistent with the updated.

**Budget/Financial Implications**

There will be some associated costs if an external person is contracted to be a complaints officer.

**Conclusion**

It is preferable for Council to be clear about its intention in relation to several matters arising from the 23 February 2021 Ordinary Council Meeting and adopt the recommendation presented to Council to fulfil the City’s new obligations under the Local Government Act 1995.

## No. 65 Dalkeith Road, Nedlands – 5 Grouped Dwellings

|  |  |
| --- | --- |
| **Council** | 27 April 2021 |
| **Applicant** | Sandro Venafro |
| **Landowner** | Canute Australia Pty Ltd |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA20-58038 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Site Photographs |
| **Confidential Attachments** | 1. Development Plans (CONFIDENTIAL) 2. Development Perspective (CONFIDENTIAL) 3. Applicant Justification (CONFIDENTIAL) 4. Assessment (CONFIDENTIAL) |

**Executive Summary**

The purpose of this report is for Council to determine a Development Application received from the applicant on the 3 December 2020, for proposed five (5) two-storey grouped dwellings located at Lot 318 (No. 65) Dalkeith Road, Nedlands.

A demolition permit was issued on 17 September 2020 by the City of Nedlands (the City). A site inspection to the site on 23 March 2021 revealed that the site has been cleared and the existing single house and significant trees removed.

Amended plans were received on 4 March 2021, in response to the officers planning assessment. No public consultation for the proposed development was undertaken in accordance with the City’s Local Planning Policy – Consultation of Planning Proposals, as the proposed variations sought by the proposal were assessed as not having adverse impact on adjoining properties.

This application is presented to Council for determination in accordance City’s Instrument of Delegation, due to the application proposing five grouped dwellings. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) Volume 1 and is unlikely to have a significant adverse impact on the local amenity and character subject to conditions.

**Recommendation to Council**

**In accordance with clause 68(2) of the Deemed Provisions, Council approves the development application dated 3 December 2020, with amended plans received on 4 March 2021 and 14 April 2021 for five (5) Grouped Dwellings at Lot 318 (No. 65) Dalkeith Road, Nedlands, subject to the following conditions:**

1. **This approval is for a ‘Residential’ land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
2. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
3. **Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to the satisfaction of the City. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.**
4. **The proposed Site Plan shall be amended in the following manner:**
5. **The proposed visitor parking bay as marked in red on the approved plan to be deleted and the area replaced with soft landscaping which will include a minimum of one (1) medium (200L) tree.**
6. **The proposed Landscape Plan is to be updated to accommodate the additional landscape area required as part of this condition, to the satisfaction if the City of Nedlands.**
7. **Prior to the issue of a Building Permit, the applicant shall provide an updated Landscape Plan which shall be implemented and thereafter complied with by the landowner(s) for the life of the development to the satisfaction of the City of Nedlands.**
8. **The Acoustic Assessment Report dated 4 December 2020 prepared by ND Engineering Consulting Engineers forms part of this development approval and shall be complied with at all times to the satisfaction of the City. Recommendations contained within the Acoustic Assessment Report to achieve compliance with the *Environmental Protection (Noise) Regulations 1997* are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
9. **Waste management for the development shall comply with the approved Waste Management Plan prepared by CF Town Planning & Development dated 4 March 2021. The Waste Management Plan shall be implemented and thereafter complied with by the landowner(s) for the life of the development to the satisfaction of the City of Nedlands.**
10. **Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the development plans dated 4 March 2021, shall be screened in accordance with the Residential Design Codes. Screening referred to in c1.1(ii) of the Residential Design Codes Volume 1 is to be in the form of;**
11. **Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level, or**
12. **Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.**
13. **A minimum sill height of 1.60 metres as determined from the internal floor level; or**
14. **An alternative method of screening approved by the City of Nedlands.**

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

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

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

1. **Prior to occupation of any part of the development, the one (1) visitor car parking bay shown on the approved plans shall be surface marked "visitors only" and sign posted accordingly and thereafter maintained by the responsible entity (strata/corporate body) for the life of the development to the satisfaction of the City of Nedlands.**
2. **In accordance with the Australian Standard AS2890.1 (as amended), all car parking and vehicle manoeuvring areas are to maintain adequate circulation space, free of intrusions such as doors and storage areas which do not compromise the minimum parking dimensions required under AS2890.1.**
3. **The parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004 prior to the occupation or use of the development.**
4. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
5. **The location of any bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or public place and constructed to the City’s satisfaction.**
6. **All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
7. **Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**

**Background**

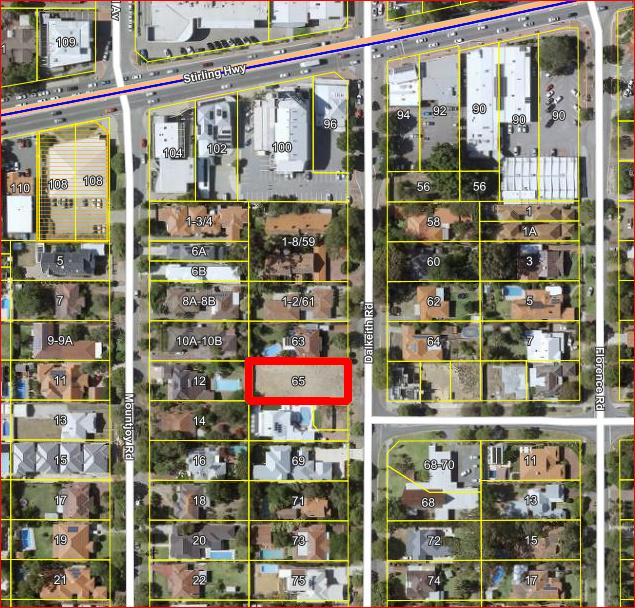
**Land Details**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R60 |
| **Land area** | 1011.7m2 |
| **Additional Use** | No |
| **Special Use** | No |
| **Local Development Plan** | No |
| **Structure Plan** | No |
| **Land Use** | Existing – Residential (Single House)  Proposed – Residential (Grouped Dwelling) |
| **Use Class** | P – Permitted |

**Locality Plan**

The subject site currently comprises one lot at No. 65 Dalkeith Road, Nedlands (the subject site) which is currently vacant. The site previously contained a Single House and significant trees which have recently been removed.

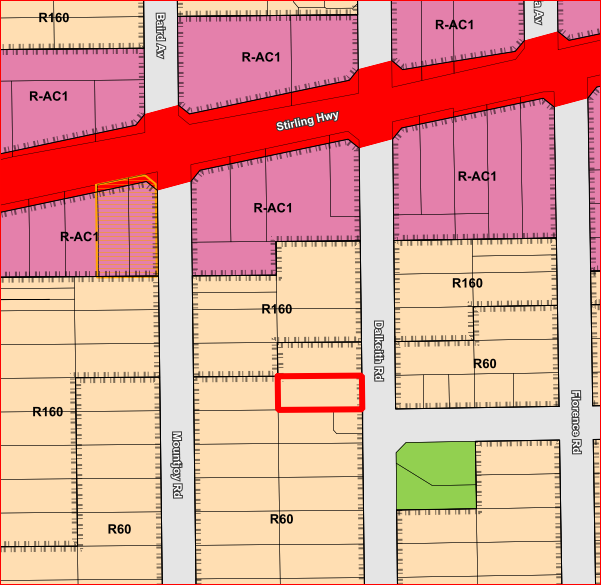
The subject site is located on the west side of Dalkeith Road and is surrounded by predominately single residential houses which have a current density coding of R60 to the northern, western, and southern boundaries. The subject site abuts one property with a higher density coding of R160 on the north-western corner (10A and 10B Mountjoy Road, Nedlands).



**Figure 1 – Aerial Map**

The subject site is located within a block bounded by Stirling Highway to the north, Dalkeith Road to the east, Jenkins Avenue to the south and Mountjoy Road to the west. The densities within the street block transition from R-AC1 along Stirling Highway intended for Mixed Use and Multiple Dwelling developments to R160 for lots located in the middle of the block and then to a density coding of R60. Lots south of Jenkins Avenue have a retained density coding of R10.

The topography of the subject site includes a slight level change of approximately 1.5m and falls from rear western lot boundary to Dalkeith Road.



**Figure 2 – Zoning Map**

**Application Details**

The applicant seeks development approval, for the construction of five (5) two storey grouped dwellings, details of which are as follows:

* Two-storey grouped dwellings each of which comprise three (3) bedrooms, two (2) bathrooms and living areas;
* A total of seven (7) x 200L medium sized Corymbia Ficifolia (red flowering gum) trees to be planted on site;
* The vehicle access driveway located along the southern lot boundary will service all five of the grouped dwellings, reducing the number of crossovers to one on Dalkeith Road, whilst being able to retain the one (1) existing street tree on the verge;
* Each grouped dwelling will have access to a double garage;
* One (1) visitor parking bay is located within the front setback area;
* The visitor bay will be paved with a water permeable/pervious paving that will allow water to filter through and grass to grow through;
* A bulk waste storage area is located to the rear of the subject site adjacent to Unit 5.;
* A bin storage area will accommodate five (5) 240L recycle waste bins, three (3) 240L general waste bins and two (2) 240L Food Organics Garden Organics (FOGO) bins located to the west of Unit 5.

An alternative to the proposed permeable paving is to remove the visitor parking space in favour of additional landscaping. The inclusion of additional trees in the street setback area will provide a softer interface between the street and the development, consistent with the character of the area. This is included as a condition of approval and further discussed in the report.

By way of justification in support of the development application the applicant has provided a justification which is attached to this report.

**Consultation**

The applicant is seeking variations to the Deemed-to-Comply provisions and assessment under the Design Principles of the R-Codes for the following:

* Element 5.3.1 – Outdoor living areas

Unit 1 outdoor living areas is located within the primary street setback area.

* Element 5.3.2 – Landscaping

Landscaped areas within the front setback area is proposed to be 35% in lieu of 50% minimum.

* Element 5.4.5 – Utilities and facilities

Units 2, 3, 4 and 5 store widths are proposed to be 1.0m in width in lieu of 1.5m minimum.

The development application was not required to be advertised given the proposed variations did not result in an adverse impact to adjoining properties. This is consistent with the City’s Local Planning Policy - Consultation of Planning Proposals.

**Assessment of Statutory Provisions**

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

Schedule 2, Part 9, clause 67(2) (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application.  Where relevant, these matters are discussed in the following sections.

In accordance with provisions (m) and (n) of the Regulations clause 67(2), due regard is to be given to the likely effect of the proposed development’s height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

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| **Provisions** | **Proposal** | **Satisfies** |
| 1. the compatibility of the development with its setting, including — 2. the compatibility of the development with the desired future character of its setting; and 3. the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; | The surrounding area is varied in terms of built form but predominated by single dwellings with several examples of grouped closer to Stirling Highway. The area’s housing stock is similarly varied in terms of roof forms, height, and setbacks. The City acknowledges that over time, the existing built form character within the locality will change and a new built form will emerge.  The proposed development for five (5) grouped dwellings is a departure from the majority of existing single houses along Dalkeith Road. However, the proposed built form is still consistent with the R60 coding that is expected to shape the future character of the locality.  As viewed from surrounding streets, the development is considered to have architectural merit which uses design references such as concealed roofs, rendered walls, light colour scheme for walls, darker coloured roofing, Colorbond roofing material and inclusion of windows overlooking the street which will transition well with some of the existing examples along Dalkeith Road for example:   * 66 Dalkeith Road- A new two storey render, light coloured walls and Colorbond build on the corner of Dalkeith Road and Edward Street. * 69 Dalkeith Road- A two storey red brick and Colorbond build. * 75 Dalkeith Road- A two storey painted white house with Colorbond roofing. * 80 and 87 Dalkeith Road- A dwelling with light rendered walls and darker coloured roof schemes.   It should be noted that there has been a number of recent subdivisions and development proposed along Dalkeith Road which will shape the future character of the streetscape for instance:   * Approved subdivision for three (3) green title lots at 66 Dalkeith Road. Currently a two storey Single House on the corner of Dalkeith Road and Edward street is under construction. * Approved subdivision for two (2) survey strata lots at 67 Dalkeith Road.   Based on the above, the proposal is considered compatible with nearby lots (based on the proposed height, bulk, orientation and contemporary design) when having regard to the desired future setting of Dalkeith Road. | Partially |
| 1. the amenity of the locality including the following — 2. environmental impacts of the development; 3. the character of the locality; 4. social impacts of the development; | The proposal incorporates a number of new vegetation within the proposed development such as:   * A total of seven (7) x 200L medium sized Corymbia Ficifolia (red flowering gum) trees are to be planted on site which includes two within the front setback area. The proposed trees will have a minimum of 6.0m tree canopy diameter at maturity; and * A variety of vegetation such as Emu Bush, Red Bottlebrush shrub, fan flowers and Grenvillia flowers throughout the development.   It is recommended that the proposed landscaping should be improved by removing the visitor car parking space and landscaping of this area. The inclusion of additional trees in the street setback area will provide a softer interface between the street and the development, consistent with the character of the area. This is included as a condition of approval.  Given the scale of the residential development, there are no social impacts as a direct result of the proposed development. | Partially |

**Local Planning Scheme No. 3**

**Clause 9: Aims of Scheme**

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| **Requirement** | **Proposal** | **Satisfies** |
| 1. Protect and enhance local character and amenity | The surrounding area is characterised by commercial tenancies along Stirling Highway which is within 160m of the subject site. A number of grouped dwelling developments exist adjacent to the commercial tenancies within the R160 density coding.  Surrounding the subject site there are still a number of residential single houses characterised by one or two storeys with a mix of original and contemporary dwellings styles.  The City acknowledges that the proposed built form, which responds to the Residential R60 code is a departure from the existing built form in that it is proposing grouped dwellings. However, the development is limited to two storeys in height rendering it relatively consistent and sympathetic with the existing streetscape. This is considered more appropriate than multiple dwellings which could be developed. | Yes |
| 1. Respect the community vision for the development of the district; | The development is not considered to adversely affect the community vision for the development of the district in that it reflects the endorsed Local Planning Strategy.  The Draft Local Planning Policy – Melvista West Transition Zone seeks to establish a localised planning response for the Melvista West Transition Zone. The subject site is located within this precinct. A discussion of the policy is provided later in the report. | Yes |
| 1. Achieve quality residential built form outcomes for the growing population; | The built form of the development has been assessed and is considered to achieve or can be made to achieve all relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R60 density coding. | Yes |
| 1. To develop and support a hierarchy of activity centres; | The development is consistent with the intent of the R60 density code identified by Local Planning Scheme No. 3. | Yes |
| 1. To integrate land use and transport systems; | The development is located approximately 160m from Stirling Highway, which is serviced by several buses including Bus 102, 103, 107 and high frequency Bus 998. | Yes |
| 1. Facilitate improved multi-modal access into and around the district; | The site is well located to walking networks including a pedestrian footpath which is located directly on the other side of Dalkeith Road. | Yes |
| 1. Maintain and enhance the network of open space; | The development does not impact the City’s network of open space. | Yes |
| 1. Facilitate good public health outcomes; | The development is not considered to adversely affect the desired public health outcomes. | Yes |
| 1. Facilitate a high-quality provision of community services and facilities; | The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability. | Yes |
| 1. Encourage local economic development and employment opportunities; | The development is considered to positively contribute to the support of local businesses, during and post-construction. | Yes |
| 1. To maintain and enhance natural resources; | The development retains one (1) street tree, which is considered a positive outcome for this type of application. | Yes |
| 1. Respond to the physical and climatic conditions; | The development maintains solar access to adjoining properties by having appropriate setbacks. The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation. | Yes |
| 1. Facilitate efficient supply and use of essential infrastructure; | The development does not negatively impact this objective. | Yes |

**Clause 16: Residential Zone Objectives**

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| **Requirement** | **Proposal** | **Satisfies** |
| To provide for a range of housing and a choice of residential densities to meet the needs of the community; | The proposal is considered to provide a type of housing that will contribute to the City’s housing diversity. | Yes |
| To facilitate and encourage high quality design, built form and streetscapes throughout residential areas; | The development has achieved an acceptable design, with an appropriate built form and streetscape presentation. It is noted that a multiple dwelling outcome may have achieved a smaller footprint at the subject site. | Yes |
| To provide for a range of non-residential uses, which are compatible with and complementary to residential development; | This objective is not applicable to the subject application. | N/A |
| To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks; | The development is considered to strike the balance between the existing streetscape character and the future character of this area subject to compliance with condition requiring the removal of the visitor’s car parking bay and planting of at least an additional tree in the front setback area.  The City considers that the proposal, subject to compliance with conditions will complement the local character and amenity of the site, with the two-storey height provision being consistent with the surrounding area. | Partially |

**Policy/Local Development Plan Consideration**

**Design of the Built Environment (State Planning Policy 7.0)**

The applicant has prepared a submission in response to State Planning Policy 7.0 (refer to **Attachment 1**). Administration considers that the proposed development adequately responds to the variations proposed and on balance is considered appropriate in its context.

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| **Design Principle** | **Officer Comment** |
| 1. **Context and Character**   Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place. | The built form is sympathetic to its surrounding development and is developing to the higher density coding potential.  Being proximate to the edge of the transitional area, it is entirely appropriate for a two-storey grouped dwelling development to be located on this site. It successfully negotiates the need for infill and to transition the built form down from the intended heights on Stirling Highway to the lower density area south of Jenkins Avenue which is zoned R10.  The development is a contemporary build, reinforcing its unique distinctiveness and responding sympathetically to local building forms and patterns such as the use of white rendered walls, Colorbond roofs and square framed windows. The proposal fits within the characteristics of the local area as developments of a similar finish and contemporary design have been built along Dalkeith Road such as:   * 66 Dalkeith Road- A new two storey render and Colorbond build on the corner of Dalkeith Road and Edward Street. * 69 Dalkeith Road- A two storey red brick and Colorbond build. * 75 Dalkeith Road- A two storey painted white house with Colorbond roofing. * 80 and 87 Dalkeith Road- A dwelling with light rendered walls and darker coloured roof schemes.   Furthermore, Unit 1 is oriented to the primary street, by virtue of the high number of street-facing windows, an outdoor living area and ground and upper floor windows is considered consistent with the prevailing residential character of Dalkeith Road.  The provision of a variety of landscaping vegetation and addition of two medium sized trees within in the front setback area and removal of the visitor’s car parking bay resulting in additional landscaping, as conditioned, will help contribute to the existing leafy-green streetscape of Dalkeith Road. It is noted that the development only has one driveway, allowing the retention of a street tree and maintaining verge space. The street setback area can be further improved by removal of the visitor car parking space with a resultant increase in landscaping area and tree planting.  This principle is considered to have been met as the design positively contributes to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood subject to compliance with conditions. |
| 1. **Landscape Quality**   Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context. | The proposed development plans show landscaped areas for each unit and within the front setback area. This can be improved through application of condition to remove the visitor car parking bay and replace with landscaped area with additional tree and vegetation. A condition is also recommended to amend the Landscape Plan to reflect the removal of the visitor car parking bay.  Proposed vegetation within the development includes:   * A total of seven (7) x 200L medium sized Corymbia Ficifolia (red flowering gum) trees are to be planted on site which includes two within the front setback area. The proposed trees will have a minimum of 6.0m tree canopy diameter at maturity; and * A variety of vegetation such as Emu Bush, Red Bottlebrush shrub, fan flowers and Grenvillia flowers throughout the development.   The proposal of a variety of native vegetation is considered to provide a positive outcome for the benefit of the environment, the climate, the future residents of the grouped dwelling and the amenity of the City of Nedlands.  It is noted that all existing vegetation on the site has been removed to accommodate this development. In order to adequately address the principle, it will be necessary to create a completely new landscape for the site. In order to achieve this, the proposed landscape plan is recommended to be augmented by removal of the visitor parking space within the street setback area. Instead of parking, this area can be utilised for landscaping, including the provision of a minimum of one additional medium-sized tree. This will ensure the development better integrates with the surrounding environment, which is considered to be ‘leafy green’. |
| 1. **Built form and scale**   Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area. | The two storey grouped dwellings are considered sympathetic and characteristic of the existing and emerging dwellings within the locality and is not considered to negatively impact the surrounding properties by way of building height, setbacks, or overshadowing.  This principle is considered to have been met as the new development positively responds to the built form and topography of the surrounding buildings. The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity of the future development, the adjoining sites, and the locality. |
| 1. **Functionality and build quality**   Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle. | The proposal includes sizable bedrooms and open plan living areas making the dwellings functional and accessible dwelling for all demographics.  The site is accommodated with building utilities and services in an integrated manner so as not to negatively detriment the amenity of the site.  All rooms are of an appropriately size and the layout is straight-forward so as to provide functional environments and spaces that are suited to their intended purpose and arranged to facilitate ease of use.  The principle is considered to have been met as the design provides functionality and build quality without detriment to the appearance, functionality and serviceability of the dwellings. |
| 1. **Sustainability**   Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes. | Predominately north facing outdoor living areas are provided for the proposed dwellings where possible and design is supported as it maximises the northern aspect of the site.  This principle is considered to have been met as the design responds to site conditions by providing appropriate orientation and natural ventilation. |
| 1. **Amenity**   Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive, and healthy. | The proposed design provides an appropriate amount of indoor and outdoor activity space, with reasonably sized bedrooms, living spaces and an outdoor living area which is orientated north. The site planning considers the impact of overshadowing and bulk by limiting boundary walls to the rear and locates the common property driveway along the southern lot boundary to minimise overshadowing.  This principle is considered to have been met as the design delivers internal amenity with rooms and spaces that are adequately sized, comfortable, and easy to use, with good levels of daylight, natural ventilation, and outlook. This principle is considered to have been met as the site is afforded with good external amenities within proximity. |
| 1. **Legibility**   Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around. | The design provides for a clear and definable pedestrian and vehicle entrances which provides for a clear delineation of spaces from the public and private realm.  This principle is considered to have been met as the design makes the site easy to navigate, with recognisable entry and exit points and being well-connected to existing movement network to Dalkeith Road. The sight lines are well-considered and the movement through the development is logical and intuitive. |
| 1. **Safety**   Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use. | Each dwelling has a major opening facing the driveway or street, providing adequate passive surveillance. Furthermore, there are no areas capable of being used for concealment.  All public areas are to be provided with lighting to improve visibility. The lighting is operated by sensor where appropriate to reduce energy consumption and light spill.  This principle is considered to have been met as safety and security is promoted by maximising opportunities for passive surveillance of public and communal areas and minimising areas of concealment. The design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to the adjacent public realm. |
| 1. **Community**   Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction. | The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.  This principle is considered to have been met as the new development has the capacity to adapt to changing demographics, an ageing population where applicable, new uses, and people with disability. The design provides a housing choice for different demographics and accommodating all ages and abilities. |
| 1. **Aesthetics**   Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses. | The proposed materials are considered high-quality, and the development is consistent with the contemporary homes and buildings within the surrounding area.  The design incorporates a mixture of materials and colours including contrasting textured render, dark coloured metallic framing elements and glass.  This principle is considered to have been met as the design delivers outcomes that are logical and guided by a consideration of the experiential qualities that it will provide. The proposal is a well-conceived design which addresses scale, the articulation of building form with detailing of materials and building elements which enables an integrated response to the character of the locality. |

**5.3.2 Precinct Design Assessment (State Planning Policy 7.2)**

State Planning Policy 7.2 (SPP 7.2) and its associated guidelines have been recently introduced by the State Government. Whilst the Policy relates primarily to the creation of precinct plans, it does require subdivision and development to apply the Policy and Guidelines where a precinct plan is not in place, in particular to areas which are within a precinct boundary.

The City’s comments on the extent the development addresses the design elements is outlined below.

Design Element 1: Urban Ecology

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| --- | --- |
| O1.1 To protect, enhance and respond to the ecological systems of the precinct. | The site has recently been demolished and is currently vacant. The development is proposing landscaped areas, which will be beneficial to the precinct ecology with the addition of native vegetation such as Emu Bush, Red Bottlebrush shrub, fan flowers, Grenvillia flowers and seven (7) medium sized red flowering gum trees throughout the development. |
| O1.2 To enhance sense of place by recognising and response to Aboriginal, cultural and built heritage. | There is no known Aboriginal heritage on or near the site in accordance with the City’s Municipal Heritage Inventory 2012. |
| O1.3 To reduce the environmental and climate change impacts of the precinct development. | The development is orientated to benefit from the northern exposure of the site. |

Design Element 2: Urban Structure

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| --- | --- |
| O2.1 To ensure the pattern of blocks, streets, buildings and open space responds and contributes to distinct, legible precinct character. | The development fronts onto the existing street layout. |
| O2.2 To promote an urban structure that supports accessibility and connectivity within and outside the precinct. | The development is designed to be accessible. |
| O2.3 To ensure the urban structure supports the built form, public realm and activity intended for the precinct. | No precinct plan has been developed at this time. |
| O2.4 To ensure an adaptable urban structure that can respond to and facilitate change within a precinct. | The development is unlikely to be adaptable in terms of the residential land use. |

Design Element 3: Public Realm

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| --- | --- |
| O3.1 To ensure the public realm is designed to promote community health and wellbeing. | Not applicable |
| O3.2 To enable local character and identity to be expressed in public realm to enhance a sense of place. | Not applicable |
| O3.3 To ensure than key environmental attributes are protected and enhanced within the public realm. | Not applicable |
| O3.4 To ensure the public realm is designed to be inclusive, safe and accessible for different users and people of all ages and abilities. | Not applicable |
| O3.5 To ensure public realm design is integrated with the built form, movement network and landscape of the precinct. | Not applicable |

Design Element 4: Movement

|  |  |
| --- | --- |
| O4.1 To ensure the movement network supports the function and ongoing development of the precinct. | The development utilises the existing movement network. |
| O4.2 To ensure a resilient movement network that prioritises affordable, efficient, sustainable, and healthy modes of transport. | The development is located approximately 160m from Stirling Highway, which is serviced by several buses including Bus 102, 103, 107 and high frequency Bus 998. |
| O4.3 To enable a range of transport choices that meet the needs of residents, workers and visitors. | The site is in an area that provides transport choice from walking, cycling and public transport. |
| O4.4 To ensure the quantity, location, management, and design of parking supports the vision of the precinct. | There is currently no precinct vision. Overall, the proposed parking provision is appropriate to support the development. |

*Design Element 5: Land Use*

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| --- | --- |
| O5.1 To ensure current and planned land uses respond to the needs and expectations of the community. | The proposed residential land use in the development is permissible by the Scheme. This objective would be more appropriate when considering land uses over an entire precinct rather than a single site. |
| O5.2 To ensure the planned land use types contribute positively to the precinct character and amenity. | The precinct character and level of amenity has not been determined. However, the proposal is generally consistent with the development expectations attributable to the R60 higher density code. |
| O5.3 To achieve a mix of land uses and activity that supports the precinct vision. | Not applicable |

*Design Element 6: Built Form*

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| --- | --- |
| O6.1 To ensure that the built form is responsive to the purpose, context and intended character of the precinct. | 1. The bulk and scale of the development is consistent with the intent of an R60 coded lot. |
| O6.2 To ensure building placement, scale and massing is appropriate for the intended precinct and streetscape character. | The scale of the development is appropriate as a transition from lots coded R160 to the north and lots coded R10 to the south.  The development features a dwelling to Unit 1 that is oriented to the street which contributes to the existing streetscape of Dalkeith Road. |
| O6.3 To ensure that built form design reduces energy demand across the precinct by facilitating climate-responsive design. | The development seeks to maximise the northern aspect of the site. The design responds to site conditions by providing appropriate orientation and natural ventilation. |
| O6.4 To ensure that built form design is responsive to the streetscape and contributes to a safe and comfortable public realm. | The proposal is seen to provide an appropriate built form design for an R60 density which will contribute to a safe and comfortable public realm.  The development proposes a mix of materials and textures such as white render, dark window frames and a modern contemporary design to create an aesthetic streetscape appeal.  The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity site. |

**Residential Design Codes – Volume 1 (State Planning Policy 7.3)**

The applicant is seeking assessment under the Design Principles of the R-Codes for Outdoor Living Areas, Landscaping, Utilities, and facilities as addressed in the below tables:

**Element 5.3.1 – Outdoor living areas**

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| --- |
| **Design Principles** |
| *P1.1 Outdoor living areas which provide spaces:*   * *capable of use in conjunction with a habitable room of the dwelling;* * *open to winter sun and ventilation; and* * *optimise use of the northern aspect of the site.*   *P1.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.* |
| **Deemed-to-Comply Requirement** |
| The deemed to comply requirement for outdoor living areas is to be located behind the primary street setback area. |
| **Proposed** |
| Unit 1 outdoor living areas is located within the primary street setback area. |
| **Administration Assessment** |
| Administration consider that the development meets the Design Principles as follows:  As the outdoor living area connects to the kitchen/meals and main living area (habitable rooms), it is considered capable of use in conjunction with these rooms.  The outdoor living area for Unit 1 is located to the north-eastern corner of the site and takes advantage of the northern sun, the sizable length of these outdoor areas exceeds 4.0m and are usable are open to winter sun and assist in good ventilation.  All outdoor living areas in the development meet the minimum 16m2 requirement and it is considered large enough to be functional and usable whilst also maintaining privacy between each dwelling and the adjoining southern lot. All outdoor living areas are considered to be highly accessible and provide adequate shade during the summer period. |

**Element 5.3.2 – Landscaping**

|  |
| --- |
| **Design Principles** |
| *P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that:*   * *contribute to the appearance and amenity of the development for the residents;* * *contribute to the streetscape;* * *enhance security and safety for residents;* * *provide for microclimate; and* * *retain existing trees to maintain a local sense of place.* |
| **Deemed-to-Comply Requirement** |
| The deemed to comply requirement for landscaping for grouped dwellings within the street setback area is to be developed within car parking, except for visitor bay and a maximum of 50% hard surface. |
| **Proposed** |
| Landscaped areas within the front setback area are proposed to be 35% in lieu of 50% minimum. With the removal of the visitors bay, the amount of landscaped area in the front setback area increases to 58.7% which is above the deemed to comply requirement. |
| **Administration Assessment** |
| Administration consider that the development meets the Design Principles as follows:  It is acknowledged that the proposed visitor bay located within the front setback results reduces the provision of landscaped areas. As seen the in the diagram below.    The applicant has proposed that the visitor bay will be paved with a water permeable/pervious paving that will allow water to filter through and grass/vegetation to grow through.  The City recommends that the appropriate position is to require compliance with the deemed to comply provision for landscaping within the front setback area to substantiate and support the desired future character of the area by requiring at least 50% of the area within the front setback area be landscaped, and that area being capable of substantiating a deep soil area for a medium or large tree. This is important as this site has seen the removal of a large existing tree as part of site clearing and any replacement development should enhance the streetscape with newly planted vegetation in compliance with the deemed to comply requirment for landscaping.  The area occupied by the currently proposed visitor parking space is required to be repurposed to accommodate a medium-large tree. This would result in additional landscaped space space in the streetscape. It will also improve the interface between the street and development. The removal of visitor parking to accommodate a greater landscaped area within the street setback has been previously applied to the proposed multiple dwelling development at 40 Portland Street, Nedlands. Whilst in that case, it allowed for retention of an existing large tree, the additional ‘soft’ area would positively contribute to the desired future character of ther locality.  In the event of approval, Administration has included a condition which required a revised plan be submitted which includes the deletion of the visitor parking space, with the area to be soft landscaping including a minimum of one (1) medium (200lt) tree. It is acknowledged that the development will not provide a visitor parking space. However, this is seen as appropriate given the desire to ensure the development is keeping with the character of the area. |

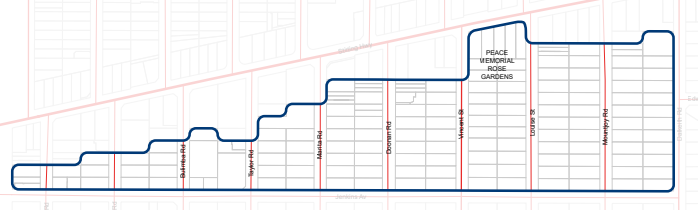
**Element 5.4.5 – Utilities and facilities**

|  |
| --- |
| **Design Principles** |
| *P4.2 External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are:*   * *convenient for residents;* * *rubbish collection areas which can be accessed by service vehicles;* * *screened from view; and* * *able to be secured and managed.* |
| **Deemed-to-Comply Requirement** |
| The deemed to comply requirements for storerooms is to be a minimum dimension of 1.5m when provided external to a garage and 1.0m when provided within a garage and an internal area of at least 4m2, for each grouped dwelling |
| **Proposed** |
| Units 2, 3, 4 and 5 store widths are proposed to be less than 1.5m. |
| **Administration Assessment** |
| Administration consider that the development meets the Design Principles as follows:  Whilst Units 2, 3, 4 and 5 stores have a proposed width to be less than 1.5m, it is considered the storerooms are still usable and convenient for residents. All stores meet the minimum 4m2 area.  All stores are screened from the primary street, secure and individually managed by each resident. |

**Melvista West Transition Zone Draft Local Planning Policy**

The Draft Local Planning Policy – Melvista West Transition Zone (draft Melvista West Policy) seeks to establish a localised planning response for the Melvista West Transition Zone. The subject site is within this precinct.

***Image:*** *The precinct boundary of the Melvista West Transition Zone*



**Subject site**

The draft Melvista West Policy was adopted for advertising by Council at its 3rd September 2020 Special Council Meeting. Advertising of this policy has now closed. In its report for this item, Administration noted that the draft policy will form a “starting point” for development guidance in the precinct and will be subject to further revisions through built form modelling, legal and architectural review, external referrals, horticultural and heritage advice, as well as community engagement.

The draft Melvista West Policy seeks to augment provisions of both R-Codes Vol. 1 and Vol. 2, as outlined below.

|  |
| --- |
| R-Codes Vol. 1 – proposed changes to deemed-to-comply provisions for: |
| * Street setback * Lot boundary setback * Building height * Setback of garages and carports * Landscaping * Design of car parking spaces * Vehicle access |

Pursuant to clause 67(b) of the deemed provisions, in considering an application for development approval, due regard is to be given by the decision-maker to the requirements of any planning instrument that the local government is seriously considering adopting or approving.

‘Due regard’ requires the decision maker to give proper, genuine, and realistic consideration to the draft policy, however, the weight which is given to that consideration is a matter for the decision-maker.

The legal principles that are applied when assessing the weight afforded to a draft instrument, such as a local planning policy, are explained in the SAT’s decision in ***Nicholls and Western Australian Planning Commission [2005] WASAT 40***. Those principles require four factors to be given consideration to, which are:

1. the degree to which the draft assesses the specific application;
2. the degree to which the draft is based on sound town planning principles;
3. the degree to which the ultimate approval of the draft could be regarded as ‘certain’; and
4. the degree to which the ultimate approval of the draft could be regarded as ‘imminent’.

With respect to the above factors, the City will only comment on the third and fourth matters.  As noted above, the provisions of the draft Melvista West Policy are still subject to change because of rigorous testing, peer review and community engagement. Given that this policy is a “starting point” for development guidance in the precinct the degree of certainty and imminence of the policy is questionable.  Therefore, the City’s position is that the weight given to the draft Melvista West Policy should not prevail over the weight afforded to the relevant Deemed-to-Comply provisions of the R-Codes (Vol 1) in determining whether the application has met the element objective(s) as the draft policy is neither certain in its final form nor is it imminent in terms of adoption. For this reason, the proposal has not been assessed against the draft Melvista West Draft Policy.

Setting aside the specific development criteria, draft Melvista West Policy contains a desired future character statement, which is less likely to change as it as it is based on the rigorous character and context analysis undertaken by the City. Additionally, following changes to the deemed provisions, specifically in respect to the additional consideration of the desired future character of an area, the City has considered the draft statement in the following table:

|  |  |
| --- | --- |
| **Desired Future Character Element** | **Officer Response** |
| Built form will respond to the streetscape and changes in development density within an appropriate building envelope, using innovative design treatments and providing appropriate massing | The built form is considered to be sympathetic to its surrounding development and is developing to the higher density coding potential.  Being proximate to the edge of the transitional area, it is entirely appropriate for a two storey grouped dwelling development to be located on this site. It successfully negotiates the need for infill and to transition the built form down from the intended heights on Stirling Highway to the lower density area south of Jenkins Avenue which is zoned R10.  The development is a contemporary build, reinforcing its unique distinctiveness and responding sympathetically to local building forms and patterns such as the use of white rendered walls, black Colorbond roofs and square framed windows. The proposal fits within the characteristics of the local area as developments of a similar finish and contemporary design have been built along Dalkeith Road such as:   * 66 Dalkeith Road- A new two storey render and Colorbond build on the corner of Dalkeith Road and Edward Street. * 69 Dalkeith Road- A two storey red brick and Colorbond build. * 75 Dalkeith Road- A two storey painted white house with Colorbond roofing.   The City acknowledges that the proposed built form, which responds to the Residential R60 code is a departure from the existing built form in that it is proposing grouped dwellings. However, the development is limited to two storeys in height rendering it relatively consistent and sympathetic with the existing streetscape. This is considered more appropriate than multiple dwellings which could be developed. |
| Appropriately dimensioned setbacks will support the retention and consolidation of canopy trees and vegetation. | The site has been cleared including that of at least one significant tree. There are no trees retained on-site. The proposed landscape plan is recommended to be augmented by removal of the visitor parking space within the street setback area. Instead of parking, this area can be utilised for landscaping, including the provision of a minimum of one additional medium-sized tree. This will ensure the development better integrates with the surrounding environment vegetation by increasing the number of trees on site from seven (7) to eight (8) x 200L medium sized red flowering gum trees.  The proposed location of the driveway and crossover will still allow the existing street tree on the verge to be retained. |
| Development will reference the traditional built form character of the area through the integration of design elements and a high-quality palette of materials and finishes. | The proposed grouped dwellings all include pitched Colorbond roofs, render and a modern contemporary design are considered sympathetic and characteristic of the existing and new dwellings within the locality. |
| Open, legible and attractive streetscapes. | The design provides for a clear and definable pedestrian and vehicle entrances which provides for a clear delineation of spaces from the public and private realm.  The design makes the site easy to navigate, with recognisable entry and exit points and being well-connected to existing movement network to Dalkeith Road. The sight lines are well-considered and the movement through the development is logical and intuitive. |
| Vegetated interface to the lot boundary and street. | The proposal incorporates a number of new vegetation within the proposed development such as:   * A total of seven (7) x 200L medium sized Corymbia Ficifolia (red flowering gum) trees are to be planted on site which includes two within the front setback area. The proposed trees will have a minimum of 6.0m tree canopy diameter at maturity; and * A variety of vegetation such as Emu Bush, Red Bottlebrush shrub, fan flowers and Grenvillia flowers throughout the development.   The proposed landscaping will be improved by compliance with Condition 4 by removing the visitor car parking space and landscaping of this area. The inclusion of additional trees in the street setback area will provide a softer interface between the street and the development, consistent with the character of the area. |
| Aesthetic of the current architectural style and form being reinterpreted in a contemporary manner. | The development is broadly consistent with this desired element. |

**Acoustic and Traffic Noise Management**

An Acoustic Assessment Report has been prepared by ND Engineering Consulting Engineers dated 4 December 2020 for the development to achieve compliance with the *Environmental Protection (Noise) Regulations* are to be adopted.

Recommendations contained within the Traffic Noise Assessment section of the Acoustic Assessment Report to achieve compliance with the requirements of State Planning Policy 5.4 are to be implemented. Noise levels are indicated to exceed the noise targets outlined within State Planning Policy 5.4. The following is recommendations within the report are to be implemented:

* Quiet house construction requirements outlined within the report are to be incorporated into the design and construction.
* A Notification for 70A is required for the courtyard area in Unit 1, as noise levels exceed noise targets outlined within State Planning Policy 5.4, and the design does not comply with quiet house requirements as an acceptable solution.

A condition to ensure acoustic and traffic noise assessment recommendations for the development shall comply with the Acoustic Assessment Report prepared by ND Engineering Consulting Engineers dated 4 December 2020, is recommend ensuring that noise will be managed appropriately within the proposed development.

A copy of the Acoustic Assessment Report can be provided upon request by Councillors.

**Local Planning Policy – Waste Management Plan**

A Waste Management Plan (WMP) has been prepared by CF Town Planning & Development dated 4 March 2021 which proposes a communal bin storage area to be located on the subject site, in line with the City’s Local Planning Policy – Waste Management Plan (WMP Policy). The proposed waste bins comprise of the following:

* Five (5) 240L recycling bins, collected fortnightly;
* Three (3) 240L general waste bins, collected once each week;
* Two (2) 240L FOGO bins, collected once each week;
* A total of ten (10) 240L bins is proposed in the bin storage area; and
* A tap is also located in the bin storage area for washing down bins if necessary.

Clause 3.1.5 of the Waste Management Guidelines recommends a maximum of 4 x 240L waste bins and 4 x 240L recycling bins to be placed on the verge for kerbside collection, in which more than 8 bins would require internal service arrangements. The intent of this provision is to preserve the amenity of the streetscape and avoid a proliferation of bins on collection day. The number of bins proposed on the verge will be a maximum of 8 bins at any given time to ensure sufficient capacity on the verge to accommodate the maximum number of bins and on alternative weeks.

The City’s Waste Services Unit have reviewed the WMP and development plans and are satisfied with the location of bin storage area and collection on Dalkeith Road.

A condition to ensure waste management for the development shall comply with the Waste Management Plan prepared by CF Town Planning & Development dated 4 March 2021, is recommend to ensure waste will be managed appropriately within the proposed development.

A copy of the WMP can be provided upon request by Councillors.

**Conclusion**

Council is requested to make a decision in accordance with clause 68(2) of the Deemed Provisions. Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

Whilst the proposal is a more intense form of development than what currently exists, it is compatible with the built form and scale of the redeveloped homes that predominate Dalkeith Road and is consistent with the emerging streetscape character. The proposal is seen to be an appropriate type of development in a transitional zone between high density on Stirling Highway and lower density in south of Jenkins Avenue.

The proposal meets the key amenity related elements of R-Codes Volume 1, subject to conditions requiring additional landscaping in the front setback area, and as such is unlikely to have a significant adverse impact on the local amenity of the area. The five two-storey grouped dwellings proposed at the subject site are consistent with the Residential R60 density code and has been designed to complement the existing streetscape. The proposal has been assessed and satisfies the design principles of the Residential Design Codes and does not prejudice the intent of the zone or objectives of the Scheme.

Accordingly, it is recommended that the application be approved by Council.

## Future Use of Haldane House, 109 Montgomery Avenue, Mt Claremont

|  |  |
| --- | --- |
| **Council** | 27 April 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Executive Manager Community** | Patricia Panayotou. Executive Managers Community |
| **CEO** | Ed Herne, Acting Chief Executive Officer |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Executive Summary**

At the Ordinary Meeting of Council 23 March 2021, the Council resolution for report CSD02.21 Future use of Haldane House, 109 Montgomery Avenue, Mt Claremont was:

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

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

This report is the response to the Council resolution.

**Recommendation to Council**

**Council:**

* + - 1. **rejects Administration’s proposal to relocate Social Support – Group services currently provided through Nedlands Community Care at 97 Waratah Avenue, Dalkeith, to Haldane House at 109 Montgomery Avenue, Mt Claremont;**
      2. **directs the CEO to continue to provide on-site Social Support – Group services currently provided through Nedlands Community Care at 97 Waratah Avenue, Dalkeith; and**
      3. **directs the CEO to explore opportunities for a Civic/Community specific service, or services, to lease Haldane House in accordance with the requirements of the Crown Grant in Trust in place for that site.**

**Voting Requirement**

Simple Majority

**Discussion/Overview**

Haldane House is a purpose-built respite facility constructed in 1996 utilising funding from Home and Community Care (‘HACC’) capital funding. The facility is located on a portion of Lot 6987 on Deposited Plan 167276, being part of the land contained in Certificate of Title Volume 2115 Folio 135. Lot 6987 was transferred to the City in fee simple by way of Crown Grant Trust in 1992 for the specific purpose of providing Civic/Community Services.

Up to 31 August 2020, Haldane House was leased by The Bethanie Group Inc to provide adult day services to seniors. When the building became vacant, Administration identified an opportunity to transition Social Support – Group services, provided by Nedlands Community Care (NCC), under the Commonwealth Home Support Programme (CHSP) to Haldane House. There are currently 45 clients receiving services and activities on-site at NCC.

All activities provided through the Positive Ageing programme in Dalkeith Hall are not connected to the NCC services and would continue as usual.

Council received the following Council Reports, briefing and information session in-line with the opportunity to transition the Seniors Support – Group clients to Haldane House:

* CPS25.20 Future use of Haldane House, 109 Montgomery Avenue, Mt Claremont

Ordinary Meeting of Council 27 October 2020

* Future use of Haldane House

Councillor Briefing on 2 March 2021

* NCC/Haldane House Council Information/Question Session

Councillor Session 18 March 2021

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

Ordinary Meeting of Council 23 March 2021

On the last report presented to Committee –

CSD02.21 Future use of Haldane House, 109 Montgomery Avenue, Mt Claremont, on 9 March 2021, Administration’s recommendation to Committee was:

Council:

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

The recommendation to Committee was adopted 7/5.

At the Council Meeting on 23 March 2021, the Council Resolution to that report was:

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

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

The above Council Resolution was carried 11/1.

The Administration response to these items is asfollows:

investigate the use of both NCC and Haldane House.

In order to conduct an appropriate and long-term investigation of the use of these two sites, Administration would require approximately 6 months to do so and the assistance of a consultant. This would require Council approval for an amount of up to $30,000 in the 2021/22 budget for the consultant fee and other research costs.

the current users of Nedlands Community Care be shown Haldane House and then given a questionnaire asking which facility they prefer Haldane House or Nedlands Community Care.

A second survey was conducted by NCC staff of the current 44 Social Support-Group clients who receive services/activities on-site at NCC.

The survey results showed a strong preference from the clients for Haldane House.

A summary of the results is in the Consultation part of this report.

understanding of why expressions of interest for extension of aged care activities were not done.

The NCC team have been aware of Haldane House for many years and that it is purpose built for providing services like those at NCC. Haldane House becoming vacant was an opportunity for the City to investigate the benefits and opportunities to provide Social Support – Group services and activities at that site for clients.

Seeking Expressions of Interest (EOI) for aged care activities before exploring opportunities for the City provided services, would have been a conflict, as the outcome may prevent the City from being able to provide services at Haldane House.

The EOI would be done if Council resolved not to move NCC services.

clarifications on comments regarding asset sales and remove it from the report.

This report does not contain any reference to asset sales of any City property. The references made in earlier reports were in-line with previous Council discussions around the Land Investment Strategy and long-term plans for City sites.

**Key Relevant Previous Council Decisions:**

CSD02.21 - On 23 March 2021, Council deferred the report to the April 2021 Council Meeting to allow administration to provided further clarification and information on the items discussed at the Councillor Briefing on 18 March 2021 as follows:

1. investigate the use of both NCC and Haldane House;

2. the current users of Nedlands Community Care be shown Haldane House and then given a questionnaire asking which facility they prefer Haldane House or Nedlands Community Care;

3. understanding of why expressions of interest for extension of aged care activities were not done;

4. clarifications on comments regarding asset sales and remove it from the report.

CPS25.20 - On 27 October 2020, Council instructed the CEO to commence an investigation into the future use of Haldane House and requested a further report to Council outlining the results of that investigation.

D27.10 – On 25 May 2010, Council agreed to enter into a new Lease Arrangement with The Bethanie Group Inc commencing 1 January 2010 for a period of 10-years with an additional 5-year option.

C35.04 – On 22 June 2004, Council agreed to enter into a new Lease Arrangement with The Bethanie Group Inc (formally known as the ‘Churches of Christ Homes and Community Services Inc’) commencing 1 January 2000 for a period of 10-years.

**Consultation**

The Nedlands Community Care team, who are responsible for the management and administration of the NCC services, surveyed 37 of the 45 clients who are currently attending activities at the Nedlands Community Care building on Waratah Avenue.

A PowerPoint presentation was shown to the 37 clients which included photos of the Waratah Avenue centre and Haldane House.

Following the presentation, the clients were given a survey, with different questions to the first survey given earlier this year.

Following the site visits, 37 surveys were completed by clients, representing 82% of Social Support – Group clients.

The survey questions, with the responses are –

1. How do you usually get to NCC at Waratah Avenue?

* You drive (4 clients representing 10.5%)
* Someone drives you (5 clients representing 14%)
* We pick you up in the bus (27 clients representing 73 %)
* You walk(1 client representing 2.5%)

1. Did you see the presentation on Waratah Avenue and Haldane House?

* Yes (37 clients representing 100% of those surveyed)
* No (0 clients representing 0% of those surveyed)

1. Would you prefer to have your Waratah Club activities here at Waratah Avenue, or at Haldane House in Mt Claremont?

* Waratah Avenue in Dalkeith (5 clients representing 14%)
* Haldane House in Mt Claremont (31 clients representing 83.5%)
* Ineligible response (1 client representing 2.5%)

The above ‘ineligible’ response was a client who ticked both Waratah Avenue and Haldane House as their preference.

Below are pie charts to present a graphic representation of responses of the survey results.

**Strategic Implications**

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

This report meets both the Community’s Vision and the Council’s vision –

“……active, safe, inclusive community enjoying a high standard of local services and facilities”.

It also meets the following strategic priorities:

* High Standard of Services
* Great Communities
* Great Governance and Civic Leadership

**Who benefits?**

The NCC Social Support – Group clients benefit at whichever location they receive their services and activities. There is no change to the level of service provided, but there is a change to the opportunities to engage seniors living in a different location.

**Does it involve a tolerable risk?**

There is a tolerable level of risk as all NCC clients will still receive their services, whether on-site at NCC or in their homes.

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

Administration has responded to Council’s resolution with as much information as available at this time.

In reference to Council’s request for further clarification and information on item 1.

‘Investigate the use of both NCC and Haldane House’, this will require a review and business case which will cover many facets of the current and future needs of services at either site including operational costs, etc.

If this investigation proceeds, Administration requests Council approves an amount of up to $30,000 to cover resourcing to provide the report.

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

Not at this time.

**Budget/Financial Implications**

If the recommended investigation proceeds, Administration requests Council approves an amount of up to $30,000 to cover resourcing to provide the report, to be allocated in the 2021/22 budget.

**Can we afford it?**

There is no request or recommendation in this report for significant financial changes that need to be considered as part of the Long Term Financial Plan.

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

There will be minimal impact on rates due to the low level of change that has been recommended.

**Conclusion**

Administration has recommended to Council through previous reports, that the Social Support – Group services and activities provided to an average of 45 senior clients be transitioned from 97 Waratah Avenue, Dalkeith to Haldane House at 109 Montgomery Drive, Mt Claremont.

At the Ordinary Meeting of Council 23 March 2021, the Council resolution to report CSD02.21 Future use of Haldane House, 109 Montgomery Avenue, Mt Claremont, was:

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

1. investigate the use of both NCC and Haldane House;

2. the current users of Nedlands Community Care be shown Haldane House and then given a questionnaire asking which facility they prefer Haldane House or Nedlands Community Care;

3. understanding of why expressions of interest for extension of aged care activities were not done; and

1. clarifications on comments regarding asset sales and remove it from the report.

This report has provided information in response to items 2, 3, and 4.

Item 1 – “investigate the use of both NCC and Haldane House”, is a complicated request and requires more time for research and consideration before providing a suitable report to Council. Administration has also requested an amount of $30,000 to cover consultant fees and other costs to conduct this investigation accordingly.

Two separate surveys have been conducted with the clients currently receiving the services at NCC, to seek their feedback on moving services from 97 Waratah Avenue, Dalkeith to Haldane House in Mt Claremont. Of the 45 clients, 37 were surveyed, representing 82% response. There was a strong preference (83.5%), from the clients surveyed, to move the NCC Social Support – Group services to Haldane House.

In response to Council’s resolution as shown above and the complexity that has developed from the first report in October 2020, Administration recommends that NCC services stay at NCC to end client uncertainty of where services will be provided. Administration can then look at a Civic/Community specific service, or services, to lease Haldane House in accordance with the requirements of the Crown Grant in Trust in place for that site.

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

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

## Councillor Mangano – Residential Building Heights Policy

On the 31 March 2021 Councillor Mangano gave notice of his intention to move the following at this meeting.

**Council adopts the Residential Building Heights Policy as per below:**

**RESIDENTIAL BUILDING HEIGHTS POLICY**

**1.0 Introduction**

Where this Policy is inconsistent with the provisions of a specific Local Planning Policy, Local Development Plan, Activity Centre Plan or Structure Plan applying to a particular site or area (e.g., Character Retention Guidelines), the provisions of that specific planning instrument shall prevail.

**2.0 Objectives**

**Single Houses and Grouped Dwellings**

Single Houses and Grouped Dwelling development is to achieve the following objectives:

* To ensure that the height of buildings are consistent with the desired scale in a given locality; and
* To ensure that the height of a building does not overly impact on the streetscape or on neighbouring properties.

Multiple Dwellings (Apartments) Apartment development is to achieve the following objectives:

* The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change;
* The height of buildings within a development responds to changes in topography;
* Development incorporates articulated roof design; and
* The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.

**3.0 Applications**

**Subject of this Policy**

This Policy applies to all development within a Residential Zone and Apartment development (multiple dwellings) within a non-residential zone.

Justification

Council’s role is to provide policy direction to Administration. This Residential Building Heights Policy is identical to the one developed and in use by the City of Stirling.

The intent of this policy is to provide a default policy on heights for planning staff.

It can also be used in Responsible Authority Reports to justify why a particular development is too high in respect to neighbouring properties.

Administration Comment

It is recommended that the Notice of Motion be modified to include the following words:

“That officers present to Council a report outlining an assessment of the following proposed policy, including its impact on existing local planning policies, State Government policies and the planning framework more broadly, in additional to detailing the approval process for the policy, in order to ensure that the policy will be effective.”

The current wording of the Notice of Motion is such that it is unlikely that the policy will have any effect in planning decisions. Planning policies need to be advertised and adopted under the Local Planning Scheme. Some planning policies need to be approved by the WAPC. The City currently has a local planning policy relating to Residential Development which includes provisions in relation to height. Prior to Council adopting this policy, consideration should be given to the existing City policies, the State Planning Policies, the advertising and approval process required to be followed to give effect to the policy. This could be all addressed in an officer report to Council, which could be presented to the Committee meeting in August. Without such an approach, it is unlikely that the policy will be given any significant weight by the State Administration Tribunal, the MINJDAP in their decision-making process, nor by City planning officers in their planning assessment of proposals.

## Councillor Bennett – Significant Tree Register

On the 16 April 2021 Councillor Bennett gave notice of his intention to move the following at this meeting.

**That Council:**

* + - 1. **establishes a Register of Significant Trees on Crown Reserves and City owned land;**
      2. **reasons that a tree may be considered significant may include; tree size in excess of 12m, tree age in excess of 60 years, or any tree with aesthetic, heritage, cultural or ecological importance;**
      3. **trees on this register may be nominated by the City, or by a resident or ratepayer of the City, and will be identified on the City's Intramaps;**
      4. **residents or ratepayers who assist the City in maintaining a significant tree will be eligible for assistant by the City; and**
      5. **initially assistance from the City will be an offer to provide an additional green waste bin as the most cost-effective regular way for disposing of bulk green waste.**

Justification

The City of Nedlands has had a register of significant trees in the past but it has fallen into disuse.

Some significant trees, six or so, were included in the City’s initial municipal Heritage Inventory, adopted in 2001. A review of the Heritage Inventory completed by Palassis Architects in 2012 recommended that trees be excluded and that a separate Inventory of Significant Trees be established. A revised Heritage Inventory was adopted in 2019, without trees. No decision was made on an Inventory of Significant Trees.

In recent years there has been growing appreciation of the contribution made by trees in relation to property values, urban heat and ecological and human health. Many Councils in the Perth metropolitan area now have registers of significant trees.

With LPS3 and the imposition of higher densities, the community is more aware of the need to maintain tree canopy on public land. The City has a tree database included in its Intramaps Online Mapping System, but it gives no indication of how important these trees are.

A Register of Significant Trees on parks, road reserves and other Council-owned property would identify special trees requiring protection and management, such as old-growth remnants, or particularly large trees in need of regular inspection for safety or other reasons.

Creation of the register would demonstrate that the Council supports and promotes tree retention and the maintenance of canopy cover.

Where possible the City should assist residents and ratepayers who help the City maintain Significant Trees. The increasing cost of taking leaves and debris to the local waste transfer station has made managing the debris from significant trees a financial burden. The City already provides fortnightly green waste collection for households. This green waste contributes to the City's waste recycling targets. Providing an additional bin to deal with the additional green waste produced by maintaining a significant tree is the most appropriate service to provide both tangible and economical support to these residents and ratepayers.

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## Councillor Senathirajah – Developer Contribution Scheme

On the 15 April 2021 Councillor Senathirajah gave notice of his intention to move the following at this meeting.

**Council instructs the Acting CEO to provide to Councillors a written update within one month on the progress in implementing the Council resolution of October 2020 with respect to establishing a Framework to facilitate Developer Contributions; and that the written update is to include the Scope of Work for the Consultant to assist Administration with developing the Framework and Procedures, and subsequent implementation of the Scheme, as well as a Project Time Frame and estimated costs.**

Justification

* + - 1. LPS 3 envisages a substantial increase in Nedlands population, which will require upgrading of parking, recreation, transport and other infrastructure facilities to maintain the quality of life for residents.
      2. It is fair that new developments taking advantage of LPS 3 contribute to the upgrading/construction of the necessary infrastructure facilities.
      3. Recognising the need for a Framework to facilitate the collection of the contributions, in October 2020 Council requested the CEO to such a Framework and approved a budget for necessary consultancy assistance.
      4. The October resolution did not set a time frame for implementing the resolution.
      5. The purpose of this Motion is for Council to be informed of progress to date, and to impress the urgency to have the Developer Contribution Scheme operational.

Administration Comment

A written update can be provided on the progress made to date. This issue is complex, developer contributions have traditionally been associated with greenfield subdivision developments. Slightly different approaches have been taken by inner city Council’s dealing with infill developments. Discussions will occur with Councillors in relation to the proposed method and the purpose for which funds will be collected (i.e., car parking and / or other infrastructure) early on in the process.

## Councillor Coghlan – Bruce Street Review

On the 19 April 2021 Councillor Coghlan gave notice of her intention to move the following at this meeting.

**Council instructs the CEO to undertake a review of Bruce Street and is to include:**

* + - 1. **volume of traffic using the street;**
      2. **monitoring evidence of the speed of vehicles;**
      3. **line markings on the street; and**
      4. **review of current parking restrictions on the street.**

Justification

1. An evidence-based approach is needed so data is required. Highlighting these concerns in a formal way as required by Council is a way of formally flagging these issues. Traffic and parking concerns on this street have been raised with me whilst door knocking as a candidate for Melvista Ward in September and October 2019.
2. These issues persist and are increasing.  I have had emails and calls from many residents and ratepayers, and they are very concerned about their safety.
3. Traffic is using Edward Street in greater numbers due to the Elizabeth St Save Active Street.
4. The MINJDAP for the Woolworths Development discussed traffic. The appointed technical member on the panel when asked about traffic flow, stated that traffic would use Edward Street in both east and west directions. In the case of the east flow, it would use Edward St to move onto Bruce St and also move through the side street and onto Broadway.
5. The current parking restrictions may require reviewing as they are heavily used by the cafe and business users. Ratepayers and residents also use the street and university students park their cars there.
6. There are reports of speeding as motor bikes slide around the corner of Stirling Highway and then some riders drive very fast down the wide, open street. This particularly occurs before and after business hours and is a persistent problem.
7. Line markings might be required as the street is wide. Without uniform parking restrictions on the street drivers can speed along the street. As it is a residential zone it is 50 Kms per hour (unless marked 60 Kms as are the road rules in WA.). The local residents have noted that there are no reminders of the speed limit on this street.
8. It is a local distributor street and has always been one. However due to density changes we need figures now. Then, we can better monitor the situation in the future.
9. This is a persistent problem that will not go away and some residents don’t feel safe backing out of their driveways.
10. We are reviewing traffic within the city and this street requires a review.
11. I have sat on this for four months.  I discussed the issues with some other Councillors and the Director of Technical Services and asked the residents to consider the break and the workload of the Council. It is now time to consider prioritising this street.

# Council Members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 May 2021

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

Notices of motion for consideration at the Council Meeting to be held on 25 May 2021 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

# Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

# Confidential Items

## Tawarri Site Redevelopment

Confidential report circulated separately to Council Members.

## Request for Legal Representation & Legal Fees

Confidential report circulated separately to Council Members.

# Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.