******

***Minutes***

***Council Meeting***

***27 August 2019***

**Attention**

**These Minutes are subject to confirmation.**

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

**Table of Contents**

[Declaration of Opening 4](#_Toc18393894)

[Present and Apologies and Leave of Absence (Previously Approved) 4](#_Toc18393895)

[1. Public Question Time 5](#_Toc18393896)

[2. Addresses by Members of the Public 5](#_Toc18393897)

[3. Requests for Leave of Absence 6](#_Toc18393898)

[4. Petitions 6](#_Toc18393899)

[4.1 Ms Anette Schoombe, 30 Circe Circle, Dalkeith – Alliance Francaise de Perth – Parking Permits 6](#_Toc18393900)

[5. Disclosures of Financial Interest 7](#_Toc18393901)

[5.1 Mayor Hipkins – 13.4 - Monthly Financial Report – July 2019 7](#_Toc18393902)

[5.2 Mr Mark Goodlet, CEO – 13.7 - Chief Executive Officer Probation Review & Recommendation 7](#_Toc18393903)

[6. Disclosures of Interests Affecting Impartiality 7](#_Toc18393904)

[6.1 Councillor Shaw – CPS13.19 – Tawarri Redevelopment Heads of Agreement 7](#_Toc18393905)

[7. Declarations by Members That They Have Not Given Due Consideration to Papers 7](#_Toc18393906)

[8. Confirmation of Minutes 8](#_Toc18393907)

[8.1 Ordinary Council Meeting 23 July 2019 8](#_Toc18393908)

[9. Announcements of the Presiding Member without discussion 8](#_Toc18393909)

[10. Members announcements without discussion 9](#_Toc18393910)

[10.1 Councillor Hassell 9](#_Toc18393911)

[11. Matters for Which the Meeting May Be Closed 9](#_Toc18393912)

[12. Divisional reports and minutes of Council committees and administrative liaison working groups 10](#_Toc18393913)

[12.1 Minutes of Council Appointed Committees 10](#_Toc18393914)

[12.2 Planning & Development Report No’s PD29.19 to PD33.19 (copy attached) 12](#_Toc18393915)

[PD29.19](#_Toc18393916) [No 2. Bellevue Avenue, Dalkeith - Front Fence 12](#_Toc18393917)

[PD30.19](#_Toc18393918) [No. 47 Alderbury St, Floreat – Additions to Single Dwelling (Retrospective) 14](#_Toc18393919)

[PD31.19](#_Toc18393920) [Local Planning Scheme 3 – Local Planning Policy Short-Term Accommodation 17](#_Toc18393921)

[PD32.19](#_Toc18393922) [Petition 8a Alexander Road, Dalkeith – Height Variation 18](#_Toc18393923)

[PD33.19](#_Toc18393924) [Scheme Amendment No. 1 – Amendment to Clause 32.4(5) 20](#_Toc18393925)

[12.3 Technical Services Report No’s TS16.19 to TS18.19 (copy attached) 22](#_Toc18393926)

[TS16.19 Jones Park Enviro-scape Master Plan – Bushland Conservation Fencing Petition 22](#_Toc18393927)

[TS17.19 Adoption of the Asset Management Strategy 2019 – 2029 24](#_Toc18393928)

[TS18.19 Execution of Grant of Easement to the City of Nedlands 25](#_Toc18393929)

[12.4 Corporate & Strategy Report No’s CPS12.19 to CPS13.19 (copy attached) 26](#_Toc18393930)

[CPS12.19 List of Accounts Paid – June 2019 26](#_Toc18393931)

[CPS13.19 Tawarri Redevelopment Heads of Agreement 27](#_Toc18393932)

[13. Reports by the Chief Executive Officer 30](#_Toc18393933)

[13.1 Common Seal Register Report – July 2019 30](#_Toc18393934)

[13.2 List of Delegated Authorities – July 2019 31](#_Toc18393935)

[13.3 Interstate Travel, Australian Institute of Traffic Planning and Management (AITPM) National Traffic and Transport Conference, Adelaide, South Australia 38](#_Toc18393936)

[13.4 Monthly Financial Report – July 2019 44](#_Toc18393937)

[13.5 Monthly Investment Report – July 2019 48](#_Toc18393938)

[13.6 Insurance Tender 51](#_Toc18393939)

[13.7 Chief Executive Officer Probation Review & Recommendation 52](#_Toc18393940)

[14. Elected Members Notices of Motions of Which Previous Notice Has Been Given 53](#_Toc18393941)

[14.1 Mayor Hipkins – City Centre 53](#_Toc18393942)

[14.2 Mayor Hipkins – Over 55 Restriction on Title 56](#_Toc18393943)

[15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 24 September 2019 59](#_Toc18393945)

[16. Urgent Business Approved By the Presiding Member or By Decision 60](#_Toc18393946)

[16.1 Mayor Hipkins – Advertising of Draft Development Controls 60](#_Toc18393947)

[17. Confidential Items 61](#_Toc18393948)

[13.6 Insurance Tender 61](#_Toc18393949)

[13.7 Chief Executive Officer Probation Review & Recommendation 69](#_Toc18393950)

[Declaration of Closure 73](#_Toc18393951)

**City of Nedlands**

**Minutes of an Ordinary Meeting of Council held in the Council Chambers at the City of Nedlands on Tuesday 27 August 2019 at 7 pm.**

# Declaration of Opening

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

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

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

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

Councillor I S Argyle Dalkeith Ward

Councillor W R B Hassell Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor C M de Lacy Hollywood Ward

Councillor B G Hodsdon Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor G A R Hay Melvista Ward

Councillor T P James Melvista Ward

Councillor N W Shaw Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor L J McManus Coastal Districts Ward

**Staff** Mr M A Goodlet Chief Executive Officer

Mrs L M Driscoll Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr J Duff Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Public** There were 16 members of the public present.

**Press** The Post Newspaper representative.

**Leave of Absence** Councillor K A Smyth Coastal Districts Ward

.

**(Previously Approved)**

**Apologies** Nil.

**Disclaimer**

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

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

# Public Question Time

Nil.

# Addresses by Members of the Public

Mrs Anette Schoombee, 30 Circe Circle, Dalkeith 4.1

(spoke in support of petition for parking permit for Alliance Francaise Students)

Mr Fraser, 47 Alderbury Street, Floreat PD30.19

(spoke in support of the Committee Recommendation)

Mrs Dianne Allan, 4B Alexander Road, Dalkeith PD32.19

(spoke in support of height restriction on Alexander Road)

Mrs Carmen Tutor, 8A Alexander Road, Dalkeith PD32.19

(spoke in support of height restriction on Alexander Road)

Mr Barry Jones, 63 Hobbs Avenue, Dalkeith CPS13.19

(spoke in support of the recommendation)

Dr Robin Collin, 83 Birdwood Parade, Dalkeith CPS13.19

(spoke in relation to the proposal)

Mr Gordon Davies, 50 Dalkeith Road, Nedlands 14.2

(spoke in support of Notice of Motion)

Mr Neil Collins, Principal, Quintilian School,

46 Quintilian Road, Mt Claremont

(spoke in relation to traffic issues on Quintilian Road)

Mr Fergus Bennett, 133 Broadway, Nedlands

(spoke in opposition to development at 135 Broadway, Nedlands)

The Presiding Member granted Mr Bennett an extension of 2 minutes.

# Requests for Leave of Absence

Nil.

# Petitions

## Ms Anette Schoombe, 30 Circe Circle, Dalkeith – Alliance Francaise de Perth – Parking Permits

The Chief Executive Officer will table a petition on behalf of Ms Anette Schoombe, 30 Circe Circle, Dalkeith and 1 other petitioner requesting Council consider the concept of implementing a 3-hour dashboard ticket for 20 students of Alliance Francaise de Perth for the hours of Monday to Friday 9.30 am – 12.30 pm.

Moved – Councillor Hay

Seconded – Councillor Wetherall

**That Council receive the petition and refer to the Chief Executive Officer for consideration.**

**CARRIED UNANIMOUSLY 12/-**

# Disclosures of Financial Interest

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

## Mayor Hipkins – 13.4 - Monthly Financial Report – July 2019

Mayor Hipkins disclosed a financial interest in Item 13.3 – Monthly Financial Report – July 2019, his interest being that this item is in relation to his Mayoral allowance. Mayor Hipkins declared that he would leave the room during discussion on this item.

## Mr Mark Goodlet, CEO – 13.7 - Chief Executive Officer Probation Review & Recommendation

Mr Goodlet, CEO disclosed a financial interest in Item 13.7 – Chief Executive Officer Probation Review & Recommendation, his interest being that the item is to do with his employment contract. Mr Goodlet declared that he would leave the room during discussion on this item.

# Disclosures of Interests Affecting Impartiality

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

## Councillor Shaw – CPS13.19 – Tawarri Redevelopment Heads of Agreement

Councillor Shaw disclosed an impartiality interest in Item CPS13.19 - Tawarri Redevelopment Heads of Agreement. Councillor Shaw disclosed that strong social relationship with the proponents, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Shaw declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

# Confirmation of Minutes

## Ordinary Council Meeting 23 July 2019

Moved – Councillor Hay

Seconded – Councillor Argyle

**The Minutes of the Ordinary Council Meeting held 23 July 2019 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

# Announcements of the Presiding Member without discussion

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

|  |  |  |
| --- | --- | --- |
| 12 August 2019 | City of Nedlands | Private Citizenship Ceremony |
| 12 August 2019 | National Trust WA | Council Meeting |
| 13 August 2019 | Planning Institute of Australia | Minister’s Launch of Planning Reform Stage 2 |
| 13 August 2019 | City of Nedlands | Captain Stirling Hub Committee Meeting |
| 14 August 2019 | Electoral Commission | Information Session |
| 15 August 2019 | Naval History Society | Fremantle Submarine Base WWII. |
| 15 August 2019 | University of Western Australia | River Flood Plain Management |
| 16 August 2019 | City of Nedlands | City Centre Workshop (landowners) |
| 17 August 2019 | City of Nedlands | City Centre Workshop (residents) |
| 17 August 2019 | Nedlands Croquet Club | Trophy Presentation |
| 20 August 2019 | CRC Water Sensitive Cities | Regional Advisory Panel Meeting |
| 20 August 2019 | Sunset Heritage Association | Meeting |
| 21 August 2019 | The Chamber of Arts & Culture | Workshop |
| 21 August 2019 | National Trust WA | Tour of new WA Museum |
| 23 August 2019 | Urban Development Institute of Australia | Spotlight on Subiaco |
| 26 August 2019 | City of Nedlands | Point Resolution Child Care – Father’s Day Concert |
| 26 August 2019 | National Trust WA | Classification Committee Meeting |
| 27 August 2019 | Innovation Australia | Climate Innovation |

# Members announcements without discussion

## Councillor Hassell

Councillor Hassell advised he had been motivated to speak by the addresses to Council tonight from Mrs Dianne Allan of Alexander Road, Mrs Carmen Tutor of Alexander Road and Mr Fergus Bennett of Broadway.

Each has expressed dismay and concern about major developments proposed near their properties – about height, overshadowing and bulk, and in the case of Mr Bennett, about the cramped and unsuitable nature of the proposed development.

What concerns me is that we as a City have failed to convey to the public, as exemplified by the speeches tonight, that the Council:

* Cannot prevent these developments going ahead;
* Is bound by the new Local Planning Scheme 3 which was imposed on us by the State Government and in particular by Planning Minister Saffioti who appears determined to fill the Western suburbs with developments of these kinds; and
* That the Council is unlikely even to be the approving authority for any of the proposed developments as they are likely to go to a State-dominated JDAP (Joint Development Assessment Panel).

There is a need for us to better educate the public as to the position and the powerlessness of the elected Council to stop such developments. This could be done in part by the Mayor’s messages and through our usual advertising.

# 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.

The Presiding Member advised the meeting may go behind closed doors for items 13.6 & 13.7.

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

## Minutes of Council Appointed Committees

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

Moved – Councillor Hodsdon

Seconded – Councillor James

**The Minutes of the following Arts Committee Meeting be received:**

**Arts Committee Meeting Minutes 22 July 2019**

Confirmed Minutes, Circulated to Councillors on 19 August 2019

**CARRIED 11/1**

**(Against: Cr. Horley)**

Moved – Councillor McManus

Seconded – Councillor Hodsdon

**The Minutes of the following CEO Performance Review Committee Meeting be received:**

**CEO Performance Review Committee Meeting Minutes 6 August 2019**

Unconfirmed Minutes, Circulated to Councillors on 19 August 2019

**CARRIED 8/4**

**(Against: Crs. Argyle Mangano Wetherall & Horley)**

Moved – Councillor Hodsdon

Seconded – Mayor Hipkins

**The Minutes of the following Captain Stirling Hub Committee Meeting be received:**

**Captain Stirling Hub Committee Meeting Minutes 13 August 2019**

Unconfirmed Minutes, Circulated to Councillors on 14 August 2019

**CARRIED 10/2**

**(Against: Crs. Argyle & Wetherall)**

Moved – Councillor Hodsdon

Seconded – Councillor Hay

**The Minutes of the following Council Committee Meeting be received:**

**Council Committee Meeting Minutes 13 August 2019**

Unconfirmed Minutes, Circulated to Councillors on 19 August 2019

**CARRIED UNANIMOUSLY 12/-**

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

En Bloc

Moved - Councillor Hassell

Seconded – Councillor James

**That all Committee Recommendations relating to Reports under items 12.2, 12.3 and 12.4 with the exception of Report Nos. PD32.19 & CPS13.19 are adopted en bloc.**

**CARRIED 11/1**

**(Against: Cr. Mangano)**

## Planning & Development Report No’s PD29.19 to PD33.19 (copy attached)

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

|  |  |
| --- | --- |
| **PD29.19** | **No 2. Bellevue Avenue, Dalkeith - Front Fence** |
|  | |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Applicant** | MNB Residential |
| **Landowner** | B D Kumar & V K Govindappa |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19/35612 |
| **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 provided by Applicant 2. Applicants Justification |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

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

**Council approves the development application dated 24 April 2019 to construct a portion of solid fencing at Lot 251, No. 2 Bellevue Avenue, Dalkeith, subject to the following conditions and advice**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval;**
2. **This development approval only pertains to a solid portion of the wall to be constructed to a height of 1.8m above the level in the verge adjacent along Bellevue Avenue and Brockman Avenue;**
3. **All structures associated with retaining walls and fences, shall be constructed wholly inside the site boundaries of the property’s Certificate of Title; and**
4. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

**Advice Notes specific to this proposal:**

1. **The applicant is advised that a separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level;**
2. **The applicant is advised that any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Works Application (NSWA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing;**
3. **The applicant is advised that no street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Works approval; and**
4. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

|  |  |
| --- | --- |
| **PD30.19** | **No. 47 Alderbury St, Floreat – Additions to Single Dwelling (Retrospective)** |
|  | |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Applicant** | Greg Cowie Homes |
| **Landowner** | Deborah Fraser |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Report Type** | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19/35178 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received |
| **Attachments** | 1. Site Photographs 2. Applicant Design Principle Justification and Response to Objectors |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

**Council Resolution / Committee Recommendation**

**Council retrospectively approves the development application dated 27 March 2019 for Additions to Single Dwelling including dividing fencing, primary street fencing, secondary street fencing, fill and retaining at No. 47 Alderbury Street, Floreat, subject to the following conditions and advice:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval;**
2. **This development approval only pertains to the street boundary fencing, eastern side boundary fencing and site works and retaining walls within the street setback areas as shown on the approved plans;**
3. **All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the property’s Certificate of Title; and**
4. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

**Advice Notes specific to this proposal:**

1. **The applicant shall make application to the City’s Building Services for a Building Approval Certificate, to acknowledge the unauthorised works;**
2. **All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Works approval;**
3. **This development approval does not remove any other legal obligations under the *Dividing Fencing Act 1961*; and**
4. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

Recommendation to Committee

Council retrospectively approves the development application dated 27 March 2019 for Additions to Single Dwelling including dividing fencing, primary street fencing, secondary street fencing, fill and retaining at No. 47 Alderbury Street, Floreat, subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval;
2. This development approval only pertains to the street boundary fencing, eastern side boundary fencing and site works and retaining walls within the street setback areas as shown on the approved plans;
3. Revised drawings shall be submitted with the Building Approval Certificate application, to the satisfaction of the City, demonstrating the following:
   1. The fencing within the primary street setback area being visually permeable 1.2m above natural ground level, measured from the primary street side of the front fence; and
   2. The secondary street fencing outside of the pool area being reduced to a maximum height of 2.1m above the Alderbury street side of the fencing.
4. Remedial works required to bring all unauthorised works into conformity with this planning approval, shall be completed within 30 days from the date of this approval;
5. All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the property’s Certificate of Title; and
6. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes specific to this proposal:

1. The applicant shall make application to the City’s Building Services for a Building Approval Certificate, to acknowledge the unauthorised works;
2. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Works approval;
3. This development approval does not remove any other legal obligations under the *Dividing Fencing Act 1961*; and
4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

|  |  |
| --- | --- |
| **PD31.19** | **Local Planning Scheme 3 – Local Planning Policy Short-Term Accommodation** |
|  | |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Reference** | Nil |
| **Previous Item** | PD21.18 – Draft Short-Term Accommodation Local Planning Policy |
| **Attachments** | 1. Draft Short-Term Accommodation LPP |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

**Council Resolution / Committee Recommendation**

**Council prepares and advertises the Short-Term Accommodation Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4 subject to:**

1. **Under 7.0 Management Plan 7.1 add an additional clause (k) to provide details of waste disposal; and**
2. **delete clauses 4.2 (b) and 4.4 (b).**

Recommendation to Committee

Council prepares and advertises the Short-Term Accommodation Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4.

|  |  |
| --- | --- |
| **PD32.19** | **Petition 8a Alexander Road, Dalkeith – Height Variation** |
|  | |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Reference** | Nil |
| **Previous Item** | OCM 25 June 2019 |
| **Attachments** | 1. Petition – Alexander Road Dalkeith – Height Variation |

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

Moved – Councillor Shaw

Seconded – Councillor de Lacy

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

(Printed below for ease of reference)

Amendment

Moved - Councillor Mangano

Seconded - Councillor Argyle

That all R80 and below zonings be restricted to 10 metres in height.

The AMENDMENT was PUT and was

Lost 3/9

(Against: Mayor Hipkins Crs. Hassell de Lacy Hodsdon

Wetherall Hay James Shaw & McManus)

**The Original Motion was PUT and was**

**CARRIED 10/2**

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

**Council Resolution / Committee Recommendation**

**Council instructs the Chief Executive Officer to prepare a Precinct Plan for the Waratah Village Precinct, including the residential frame rezoning area with consideration being given to building heights within the precinct.**

Recommendation to Committee

1. Council resolves to take no action with regard to the petitioner for Alexander Road height reduction at present.
2. Council instructs the Chief Executive Officer to prepare a Precinct Plan for the Waratah Village Precinct, including the residential frame rezoning area with consideration being given to building heights within the precinct.

|  |  |
| --- | --- |
| **PD33.19** | **Scheme Amendment No. 1 – Amendment to Clause 32.4(5)** |
|  | |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Reference** | Nil |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Previous Item** | Nil |
| **Attachments** | 1. Scheme Amendment No. 1 Report |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

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

**Council:**

1. **Pursuant to Section 75 of the *Planning and Development Act 2005*, adopt an Amendment to Local Planning Scheme 3 by:**
   1. **Inserting the words ‘local planning policy’ into clause 32.4(5) to state “in relation to developments that are not subject to the R-Codes, where development standards are not specified in an approved structure plan, local development plan, local planning policy and/or activity centre plan, the development standards are subject to the applicable R-Code;”**
2. **In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City believes that the amendment is a Basic Amendment for the following reasons:**
3. **An amendment to correct an administrative error;**
4. **An amendment to the scheme so that it is consistent with the model provisions in schedule 1 or with another provision of the local planning scheme; and**
5. **An amendment to the scheme so that it is consistent with a State planning policy.**
6. **Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Scheme Amendment 1 to the Environmental Protection Authority.**

## Technical Services Report No’s TS16.19 to TS18.19 (copy attached)

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

|  |
| --- |
| **TS16.19 Jones Park Enviro-scape Master Plan – Bushland Conservation Fencing Petition** |

|  |  |
| --- | --- |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | James Duff – Director Technical Services |
| **Attachments** | 1. Jones Park Enviro-scape Master Plan (as endorsed). 2. Petition: Ms Barbara Leonard, 13 Hooley Street, Swanbourne – Bushland adjacent to Jones Park |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

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

**Council:**

1. **approves the installation of bushland conservation fencing at Jones Park in accordance with the endorsed Jones Park Enviro-scape Master Plan subject to:**
   1. **the Administration consulting with local residents to obtain consensus on the style of fencing to be installed;**
   2. **amending the alignment of the fencing in the concept to allow children to access the western garden area and investigating how this area may be enhanced to provide for unstructured nature-based play opportunities; and**
2. **requests Administration advise the lead petitioner of Council’s decision.**

|  |
| --- |
| **TS17.19 Adoption of the Asset Management Strategy 2019 – 2029** |

|  |  |
| --- | --- |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Draft Asset Management Strategy 2019-2029 |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

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

**Council adopts the Asset Management Strategy 2019-2029 (AMS).**

|  |
| --- |
| **TS18.19 Execution of Grant of Easement to the City of Nedlands** |

|  |  |
| --- | --- |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Copy of letter from Kott Gunning Lawyers. 2. Copy of Easement in Gross Documents. 3. Map of lot 182 on Deposited Plan 21826, Montgomery Avenue, Mt Claremont. |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

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

**Council**

1. **approves the application of the Council Common Seal (seal) by the CEO on the Grant of Easement documentation for Lot 182 in triplicate; and**
2. **directs the Mayor and Chief Executive Officer (CEO) to execute the Grant of Easement documentation in triplicate by way of signing.**

## Corporate & Strategy Report No’s CPS12.19 to CPS13.19 (copy attached)

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

|  |
| --- |
| **CPS12.19 List of Accounts Paid – June 2019** |

|  |  |
| --- | --- |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing June 2019 2. Purchasing Card Payments June 2019 (29 May 2019 – 28 June 2019) 3. CEO Corporate Card (28 March 2019 – 27 June 2019) |

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

Moved – Councillor Hassell

Seconded – Councillor James

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

(Printed below for ease of reference)

**CARRIED EN BLOC 11/1**

**(Against: Cr. Mangano)**

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

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

|  |
| --- |
| **CPS13.19** **Tawarri Redevelopment Heads of Agreement** |

|  |  |
| --- | --- |
| **Committee** | 13 August 2019 |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | 1. CONFIDENTIAL Heads of Agreement 2. CONFIDENTIAL Financial Due Diligence Report 3. Tourism Attractions Case Management 4. CONFIDENTIAL Advice – Commercial Tenancy Act 5. Tawarri Development - IndicativeTimeline 6. CONFIDENTIAL John Adcock Adroit Credentials |

**Councillor Shaw – Impartiality Interest**

Councillor Shaw disclosed that strong social relationship with the proponents, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Shaw declared that he would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Council agreed to change the lease term to that supported by the Department of Panning, Lands & Heritage, being 21 + 21 years.**

Moved – Mayor Hipkins

Seconded –Councillor Shaw

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

(Printed below for ease of reference)

Councillor Hassell left the room at 8.11 pm and returned at 8.13 pm.

Councillor Hay left the room at 8.15 pm and returned at 8.16 pm.

**CARRIED 9/3**

**(Against: Crs. Argyle Mangano & Horley)**

**Council Resolution**

**Council:**

1. **approves the conditions contained within the non-binding Heads of Agreement, with the amendment to clause 6 to read:**

**“The Head Lessee is offered a Sub Lease with an initial term of 21 years with an option to renew for a further 21 years subject to the approval of the Minister of Lands”;**

1. **instructs the CEO to engage Moore Stephens to update their advice where relevant re the structure of the entity (previous advice is now dated given the elapse of time since the commencement of negotiations);**
2. **instructs the CEO to engage Moore Stephens to update the Financial Due Diligence findings (previous advice is now dated given the elapse of time since the commencement of negotiations);**
3. **authorises the CEO to instruct McLeods Solicitors to commence drafting of the Agreement for Sublease and Sublease documents for the Tawarri Hot Springs Development;**
4. **authorises the CEO to provide concept design information to Councils endorsed selection panel once available; and**
5. **instructs the CEO to bring back to Council the draft Agreement for Sublease, the updated Financial Due Diligence Report, updated advice re Entity Structure and concept design for its approval.**

Committee Recommendation / Recommendation to Committee

Council:

1. approves the conditions contained within the Heads of Agreement;
2. instructs the CEO to engage Moore Stephens to update their advice where relevant re the structure of the entity (previous advice is now dated given the elapse of time since the commencement of negotiations);
3. instructs the CEO to engage Moore Stephens to update the Financial Due Diligence findings (previous advice is now dated given the elapse of time since the commencement of negotiations);
4. authorises the CEO to instruct McLeods Solicitors to commence drafting of the Agreement for Sublease and Sublease documents for the Tawarri Hot Springs Development;
5. authorises the CEO to provide concept design information to Councils endorsed selection panel once available; and
6. instructs the CEO to bring back to Council the draft Agreement for Sublease, the updated Financial Due Diligence Report, updated advice re Entity Structure and concept design for its approval.

# Reports by the Chief Executive Officer

## Common Seal Register Report – July 2019

Moved – Councillor de Lacy

Seconded – Councillor McManus

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

**CARRIED UNANIMOUSLY 12/-**

**July 2019**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 926 | 30 July 2019 | Planning & Development | Council Meeting 26 February 2019 - PD08.19 | Seal Certification - Seal No. 926 - Deed of Lease induplicate (3 copies) to be registered with Landgate for the new terms of Lease as agreed between the City of Nedlands and the Department of Education for Lease of Reserve 27002, Lot 7218 (No. 167) Victoria Avenue, The premises are used by Dalkeith Primary School for their kindergarten programme. |
| 927 | 30 July 2019 | Planning & Development | Council Meeting 26 February 2019 - PD08.19 | Seal Certification - Seal No. 927 - Surrender of Lease between City of Nedlands and the Department of Education for Lot 7218 on Deposited Plan 168605 in duplicate (3 copies) for Landgate's purposes to remove the previous Lease from the Certificate of Title for this land and to allow for new lease. |

## List of Delegated Authorities – July 2019

Councillor James left the room at 8.27 pm.

Moved – Councillor Shaw

Seconded – Councillor Hodsdon

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

**CARRIED UNANIMOUSLY 11/-**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **July 2019** | | | | | |
| 1/07/2019 | (APP) Waratah Avenue 75 DA19-35479 Additions to Single Dwelling | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Jam Building Designs |
| 1/07/2019 | (APP) Olearia Lane 35 DA19-36494 - Two Storey Single House | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Perceptions |
| 2/07/2019 | BA47684 - Certified Building Permit - Pool | Manager Building Services | Building Act 2011 | S20.1 | Mr D Timmins |
| 2/07/2019 | 3032958 - Parking Infringement Withdrawal - Compassionate | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Donna Beattie |
| 2/07/2019 | 3040706 – Parking Infringement Withdrawal - compassionate grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Tobias Goyder-Ewan |
| 3/07/2019 | (APP) 21 Waratah Avenue, DALKEITH - Amendments to DA18-32279 (Additions to Single House) | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Amerex Pty Ltd |
| 3/07/2019 | 3039710 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Margaret Wilson |
| 3/07/2019 | BA47658 - Demolition Permit | Manager Building Services | Building Act 2011 | S21.1 | Braijkovich Demolition and Salvage |
| 4/07/2019 | BA47915 - Certified Building Permit - Pool | Manager Building Services | Building Act 2011 | S20.1 | Quality Dolphin Pools |
| 4/07/2019 | 3039553 - Infringement Withdrawal - Officer Error | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Aaron Spence |
| 4/07/2019 | 3039864 - Parking Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Sarah Ontong |
| 4/07/2019 | BA44529 - Certified Building Permit – Addition | Manager Building Services | Building Act 2011 | S20.1 | L Herczeg |
| 4/07/2019 | BA47945 - Certified Building Permit - Office fitout | Manager Building Services | Building Act 2011 | S20.1 | Autism Association of WA Inc |
| 5/07/2019 | (APP) - 103A Rochdale Rd, Mt Claremont - Two Storey Single Dwelling | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Summit Homes Group |
| 5/07/2019 | (APP) 2A Whitfeld Street, FLOREAT - Addition (Patio) to Single Dwelling | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Great Aussie Patios |
| 8/07/2019 | BA48142 - Uncertified Building Permit - Internal Work | Manager Building Services | Building Act 2011 | S20.1 | S M Heaton |
| 9/07/2019 | BA46347 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | S20.1 | My Homes WA Pty Ltd |
| 9/07/2019 | BA48051 - Certified Building Permit – Pool | Manager Building Services | Building Act 2011 | S20.1 | E S Clapin |
| 10/07/2019 | (APP) - Mountjoy Road 31 DA19-36387 - Extension of Time DA17-99 | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Matthews McDonald Architects |
| 10/07/2019 | (APP) - Waratah Place 167 DA19-35567 - Additions and Alterations to Single Dwelling | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Mercedes Group Pty Ltd |
| 10/07/2019 | (APP) - Lovegrove Close 16 DA19-37247 - Additions to Single Dwelling | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Summit Constructions |
| 10/07/2019 | (APP) - Webster Street 69 DA19-36901 - Additions to Educational Establishment | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Parry & Rosenthal Architects |
| 10/07/2019 | (APP) - Clement Street 46 DA19-35637 - Amendment to DA17-351 and DA18-31874 (Three Storey Single Dwelling) | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Weststyle Design & Development |
| 10/07/2019 | BA48059 Certified building permit – Dwelling | Manager Building Services | Building Act 2011 | S20.1 | E S Clapin |
| 11/07/2019 | 3039188 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Timothy David |
| 11/07/2019 | 3040662 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Alana Middleton |
| 11/07/2019 | 3039794 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | James Gralton |
| 11/07/2019 | 3040318 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Zoran Markovic |
| 12/07/2019 | (APP) - Adderley Street 36 DA19-36084 - Addition (Patio) to Single Dwelling | Coordinator Statutory Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Softwoods Timberyard t/as Patio Living |
| 15/07/2019 | BA48018 - Certified building permit - Healthcare Fitout | Manager Building Services | Building Act 2011 | S20.1 | Assess and Construct Pty Ltd |
| 15/07/2019 | BA48007 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | S20.1 | Element Construction WA |
| 16/07/2019 | (APP) - Dalkeith Road 75 DA19-35749 - Amendment to DA18-32713 (Additions (Carport) to Single Dwelling) | Manager Planning | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | A P O'Donoghue |
| 16/07/2019 | BA48129 - Certified building permit - Pool | Manager Building Services | Building Act 2011 | S20.1 | Aquatic Leisure Technologies Pty Ltd |
| 17/07/2019 | BA48302 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | S20.1 | J Corp Pty Ltd |
| 18/07/2019 | BA48315 - Uncertified building permit | Manager Building Services | Building Act 2011 | S20.1 | Sola Shade |
| 18/07/2019 | 3039592 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Hannah Matthews |
| 18/07/2019 | 3040070 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Jennifer Holbrook |
| 19/07/2019 | 3040772 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Ben Enright |
| 19/07/2019 | 3039592 an 3040692 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Hannah Mathews |
| 22/07/2019 | BA48248 - Uncertified building permit - public artwork | Manager Building Services | Building Act 2011 | S20.1 | Menchetti Consolidated Pty Ltd |
| 22/07/2019 | BA48582 - Building Approval Certificate - Gazebo | Manager Building Services | Building Act 2011 | s58.1 | Menchetti Consolidated Pty Ltd |
| 23/07/2019 | BA48347 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | S20.1 | Tangent Nominees Pty Ltd |
| 23/07/2019 | BA48388 - Certified building permit - additions | Manager Building Services | Building Act 2011 | S20.1 | Nexus Home Improvements |
| 23/07/2019 | BA48631 - Demolition permit - Part dwelling | Manager Building Services | Building Act 2011 | s21.1 | AAA Maintenance Pty Ltd |
| 24/07/2019 | BA45858 - Uncertified building permit - Patio | Manager Building Services | Building Act 2011 | S20.1 | Great Aussie Patios |
| 24/07/2019 | 3040786 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Rohan Kumar Peiris |
| 25/07/2019 | BA48642 - Demolition permit - Dwelling | Manager Building Services | Building Act 2011 | s21.1 | GMF Contractors |
| 25/07/2019 | BA481153 - Uncertified building permit - Patio | Manager Building Services | Building Act 2011 | S20.1 | Perth outdoor Installations |
| 26/07/2019 | 3039793 - Parking Infringement Withdrawal - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | Carla Martin |
| 29/07/2019 | BA48608 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | S20.1 | Oswald Homes (1972) Pty Ltd |
| 29/07/2019 | BA48670 - Certified building permit - Internal fitout | Manager Building Services | Building Act 2011 | S20.1 | Sovran Resources Pty Ltd |
| 29/07/2019 | BA48527 - Certified building permit - Office fitout | Manager Building Services | Building Act 2011 | S20.1 | W Fairweather and Son Pty Ltd |
| 29/07/2019 | BA48777 - Uncertified building permit - Solar Panels | Manager Building Services | Building Act 2011 | S20.1 | Clean NRG |
| 30/07/2019 | BA46914 - Building approval certificate - Front fence | Manager Building Services | Building Act 2011 | s58.1 | W W Townsend |
| 30/07/2019 | BA48733 - Certified building permint - Pergola | Manager Building Services | Building Act 2011 | S20.1 | TDL Pty Ltd |
| 31/07/2019 | BA48811 - Certified building permit - Office fitout | Manager Building Services | Building Act 2011 | S20.1 | Belfort Services Pty Ltd |
| 31/07/2019 | BA48725 - Certified building permit - Pool | Manager Building Services | Building Act 2011 | S20.1 | Quality Dolphin Pools |
| 31/07/2019 | BA48862 - Demolition Permit | Manager Building Services | Building Act 2011 | s21.1 | Mr Cut Demolition |
| 31/07/2019 | BA48326 - Certified building permit - Dwelling | Manager Building Services | Building Act 2011 | S20.1 | Kingslane Construction Pty Ltd |

## Interstate Travel, Australian Institute of Traffic Planning and Management (AITPM) National Traffic and Transport Conference, Adelaide, South Australia

|  |  |
| --- | --- |
| **Council** | 27 August 2019 |
| **Applicant** | N/A |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. The interest does not apply as the relevant person is an employee acting within the terms and conditions of his employment (s.5.63). |
| **Director** | Peter Mickleson – Director Planning & Development |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |

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

Moved – Councillor Shaw

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED 10/1**

**(Against: Cr. Mangano)**

**Council Resolution / Recommendation to Council**

**Council receives the report provided as required by the City’s Interstate and International Travel Policy.**

**Executive Summary**

In accordance with Council Policy: Interstate and International Travel Policy

‘A written report on the travel and event/s attended should be presented to Council by the person who travelled no later than the second meeting after return from the travel’.

On the 31st July – 2nd August 2019 the City of Nedlands sent Peter Mickleson, Director Planning and Development to represent the City at the National Traffic and Transport Conference in Adelaide South Australia.

Mr Mickleson reports that overall, attendance at this conference was highly valuable to him as the Director of Planning, to better understand the relationship between land use planning and traffic and transport planning which he reports will assist his strategic thinking when considering the issues and opportunities relating to urban planning and place related issues for the City of Nedlands.

**Discussion/Overview**

AITPM’s 2019 National Traffic and Transport Conference was held in Adelaide from 31 July to 2 August.

This year approximately 400 people attended the conference which included Keynote sessions, numerous concurrent sessions and workshops along with the usual networking opportunities and gala dinner. The number of representatives demonstrates the value that the engineering and other professions attribute to the National conference and the opportunity to attend by staff is highly valued and worthwhile.

As is often the case the keynote presentations challenged the status quo or reporting on cutting edge developments relevant to the sector. The standard was high and as a planner in an “engineers” environment I was pleased to see a clear focus on the human scale and an acknowledgement that any outcomes affect people not just structures.

The format of the conference was focused around concurrent sessions that appealed to different specialties and therefore there was something for everyone. The concurrent sessions had four streams:

* Traffic Engineering and management
* Transport Planning
* Transport and Land use modelling
* Transport Advisory

Within each of these streams (totalling 24) were a series of presentations – up to four in each stream from which many were relevant to Local Government land use planning and the interactions between different land uses, traffic and car-parking.

In this report the attendee Mr Mickleson has outlined a summary of his experience which involved networking with other local government and private sector professionals as well as attendance of valuable keynote speaker presentations along with highlights from the concurrent sessions.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Nil.

**Budget/Financial Implications**

The cost was within the City’s training budget.

**Comments**

Participation in this National Conference by the City is an importance investment in skills building and information sharing in the space of land use and transport planning. It provides the representative the opportunity to network with and discuss pertinent current issues with other land use and transport professionals.

Email sent to Councillors and Executive Staff as follows:

To Council and Executive

From Director Planning and Development

Date 7 August 2019

Subject Interstate Travel – Australian Institute of Traffic Planning and Management National Conference Adelaide South Australia

In accordance with Council Policy: Interstate and International Travel Policy *a written report on the travel and event/s attended should be presented to Council by the person who travelled no later than the second meeting after return from the travel.*

On 31st July – 2 August 2019 I was provided with the opportunity to represent the City of Nedlands at the AITPM National Conference in Adelaide South Australia.

There were numerous speakers over the 3 days but set out below is some of the key messages I took from the presentations/topics which I think may be useful to the thinking that will be required for Nedlands into the future.

**Keynote Speaker Phil Jones**

**Streets as Places current UK thinking - Placemaking**

* The Street goes beyond the movement of traffic – it has other functions
* Streets make up most of our cities, last a long time and are key to Placemaking - Oxford in the UK was planned in 1375 - street layout is still the same. Street patterns endure longer than buildings and land uses
* Roads - regulated. Impersonal, linear, single purpose, predicable, systematic, state controlled
* Street- personal, spatial, multi-purpose, unpredictable, eye contact, cultural/social rules
* Street character type - avoid standardised street types
* Decluttering - cleaning up the street – put bins on poles, remove bollards – streets with no road signs or markings generally have low accident rates. E.g. Poundbury (UK) - no street signs or markings and very low accident rates. State telling us how to behave with lots of signs and road markings
* Less traffic makes it easier to make better places. Research show the more traffic on a street the less friends you have
* Retail spend goes up with pedestrian and bike friendly areas - trip size smaller but overall spend greater. e.g. people who use public transport for shopping buy and spend more than those using private transport

**Concurrent Sessions - Traffic Engineering and Management**

**Streets Undressed** - **Mel Fyfe: Increasing place value and safety through street design**

* Roads are for vehicles
* Street – with houses on each side is a place with activity
* Why does it matter - changing modes of transport from walking through to cars, trains and trams.
* Historically, streets had lots of activity on them then with rapid urbanisation what we got was lots of freeways
* Fast movement less place - slow movement more place
* Productivity issues - more pedestrian space allows for 3x volume of people movement on a street.
* Little changes in design can have big impacts - cultural significance (rainbow crossing) no traffic function but reduces speed - speed humps to prioritise pedestrian movements
* Light rail along with pedestrian prioritisation moves more people.

**Reclaiming our streets** - James Laing

* Why – we use to play in the streets now 80% of children don’t get enough exercise. Health benefits of more exercise and it can be done in the street.
* High streets are no longer a place where people want to be - it is full of cars. Need to get people back into the street.
* New project in the UK 9,000 houses to serve 18,000 people with 0 car parking – international move to get rid of car parking spaces.
* Initiatives we can take to reclaim streets - Do parklets, flush parking, bike rakes, just try something. School streets - close street during school drop off and pick up – has been trialed and it works.
* Small LG’s allow increased focus on the local issues

**Christchurch City Council - Building a City for People - Stefan Thomas**

* Surveyed community views on transport in 2011 after the earthquake. 106,000 ideas put forward through a share an idea campaign.
* Community wanted More - green and people spaces pedestrian friendly and more trees.
* Community wanted Less - cars, buses, traffic, concrete.
* Challenge to provide all wants with only 20m road reserve
* Preferred routes around Christchurch are now defined by mode of travel – i.e. streets prioritised for cars, buses or cyclists.
* Setting lower speed limits in the CBD of 30kmph - 30% reduction in accidents
* Wayfinding strategy plus workplace travel planning - 25% reduction in single occupancy vehicles.

**Transport Planning -** **Planning for Better Designed City Streets**

**Natalya Boujenko Movement and Place approach**

* Street is a movement conduit a street is also a destination (place)
* Movement function – purpose is to minimise travel time
* Place function - maximise linger time – the two functions compete with each other.
* Street design needs to consider both. Street like an open plan office rather than rooms and corridors.
* Movement and Place Matrix planned for vehicles, then for people movement, now for City life
* How Matrix is used
* Classification system - allows finer grain assessment
* Network classification - measure of vibrancy
* Vibrancy - data used Place status is a measure of vibrancy – City of Perth used as an example
* Decision making - problems with streets may be land use related not due to road design

**Murray West - Designing the ideal street network**

* How to spot a good place - short blocks, human scale - social field of vision.
* From 100m you can make out age and gender, 30m features style, 20m feelings mood, 1-3m conversations.
* Ideal street width 20m and under.
* Speeds need to be below 30kmh to notice things
* Designing for place - function, quality and priority

**Lessons**

* Short blocks - 50-70m maximum.
* Narrow streets 10-20m is ideal
* Narrow frontages - variation every 10m
* Interesting design speeds
* design for place

**KEYNOTE SPEAKER Prof Graeme Currie Prof Of Public Transport**

**Autonomous Vehicles - Push back on technology hype**

The Hype suggests a Jetsons future, Uber, scooters, get rid of the old and in with the new!

5 Lies of autonomous vehicles

1. Autonomous cars are the end of public transit; Biggest driverless transit are trains ...currently over 100m trips per day with no drivers.
2. Autonomous cars will reduce congestion. – unlikely with population growth and also likely to be only 1 person per vehicle.
3. Autonomous cars will improve car safety – currently half as safe as human controlled vehicles.
4. Shared mobility is share mobility - “to use with another person” - Uber average capacity is 1.66 including driver! Car share 1.44 Bike share – only if they are tandem!
5. Share mobility is increasingly improving cities - ride share is 2-3%, private car is 74%. Occupancy of vehicles is decreasing in all cities.

**Dr Chris De Gruyter - Can high quality public transport support reduced car parking requirements for new residential apartments. Research paper.**

* Data set 22 independent variables. No. of cars owned and average car ownership. Used data cells made up of 400 people. Analysis undertaken for all apartments less than 3 bedrooms
* Car ownership is lower the closer you get to Principle Public Transport Network
* Higher frequency public transport + lower car ownership
* Main determinant of public transport use is frequency of service not distance from the public network.

**Conclusion**

As a planner it was heartening to see that the majority of the presenters at this conference were clearly focused on the impacts on people of traffic and transport decisions rather than the impact on the physical environment or the efficient functioning of road networks. Essentially it was about how traffic management decisions impacts on everyday life – ultimately that is what everyone is focused on.

## Monthly Financial Report – July 2019

|  |  |
| --- | --- |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 31 July 2019 2. Capital Works & Acquisitions – 31 July 2019 3. Statement of Net Current Assets – 31 July 2019 4. Statement of Financial Activity – 31 July 2019 5. Borrowings – 31 July 2019 6. Statement of Financial Position – 31 July 2019 7. Operating Income & Expenditure by Reporting Activity – 31 July 2019 8. Operating Income by Reporting Nature & Type – 31 July 2019 |

Councillor James returned to the room at 8.30 pm.

**Mayor Hipkins - Financial Interest**

Mayor Hipkins disclosed a financial interest his interest being that this item is in relation to his Mayoral allowance. Mayor Hipkins declared that he would leave the room during discussion on this item.

Mayor Hipkins left the room at 8.30 pm and Deputy Mayor Hassell assumed the chair.

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

Moved – Councillor Shaw

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

Councillor Hodsdon left the room at 8.31 pm and returned at 8.32 pm.

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Council**

**Council:**

* + - 1. **receives the Monthly Financial Report for 31 July 2019.**
      2. **approves the correction to the Mayor Allowance disclosed in the 2019/20 Budget Report of $62,727. The correct amount, as per Council policy, is $63,354.**

**Executive Summary**

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

**Discussion/Overview**

The Monthly Financial Management Report meets the requirements of *Regulation 34(1) and 34(5)* of the *Local Government (Financial Management) Regulations 1996.*

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

This report gives an overview of the revenue and expenses of the City for the year to date 31 July 2019 together with a Statement of Net Current Assets as at 31 July 2019.

The operating revenue at the end of July 2019 was $28.5m which represents $2.5m favourable variance compared to the year-to-date budget.

The operating expense at the end of July 2019 was $2.5m, which represents $183k favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 120,466

Revenue: Unfavourable variance of $(23,419)

The favourable expenditure variance is mainly due to special projects and professional fees of $77k not incurred yet. Other employee costs are lower by $42k due to timing differences and will even out during the year.

The unfavourable revenue variance is due to timing difference of WESROC Invoice.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 60,547

Revenue: Unfavourable variance of $(14,867)

The favourable expenditure variance is mainly from shared office expenses of $26k not incurred yet and lower salaries cost of $33k due to delay in back-filling staff.

Unfavourable revenue variance is due to profiling issue.

**Community Development and Services**

Expenditure: Favourable variance of $118,475

Revenue: Unfavourable variance of $(28,010)

The favourable expenditure variance is mainly due to expenses not expended yet for community donations of $11k, special projects of $18k, and Tresillian tutor fees of $56k. Salaries and relief staff expenses is lower by $54k mainly due to positions not filled yet, and timing differences.

The unfavourable revenue variance is due to less fees & charges income of $20k from Tresillian and NCC due to timing issue.

**Planning and Development**

Expenditure: Favourable variance of $ 20,306

Revenue: Favourable variance of $ 60,661

The favourable expenditure variance is mainly due to expenses not expended yet for Strategic projects of $12k and Other expenses from Ranger services of $4k.

Favourable revenue variance is mainly due to higher income on Environmental fees & Charges of $33k, and Other Income due to timing issue.

**Technical Services**

Expenditure: Favourable variance of $ 75,799

Revenue: Unfavourable variance of $(136,367)

The favourable expenditure variance is due to expenses not expended yet for Infrastructure maintenance works offset by a lower charge out of cost.

The unfavourable variance is mainly due to Service charges for Underground power project refund, off-set by a higher contribution from Town of Claremont for Brockway resurfacing.

**Borrowings**

At 31 July 2019, we have a balance of borrowings of $7.5m. There were no additional borrowings included in the 2019/20 budget, the estimated loan balance as at 30 June 2020 is $5.9m.

**Net Current Assets Statement**

At 31 July 2019, net current assets were $29m compared to $31m as at 31 July 2018. This is due to lower UGP service charge for this year of $135k, compared to $2.4m in the last financial year.

**Capital Works Programme**

At the end of July, the expenditure on capital works was $211k with further commitments of $2.6m which is 22% of a total budget of $12.8m.

**Governance**

**Mayor’s Allowance**

The Mayor’s allowance amount disclosed in the budget report 2019/20 was erroneously stated as $62,727. The correct amount is $63,354, as per Council Policy.

**Conclusion**

The statement of financial activity for the period ended 31 July 2019 indicates that operating expenses are under the year-to-date budget by 14.6% or $396k, while revenue is under the Budget by $142k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

Mayor Hipkins returned to the room at 8.35pm and resumed the chair.

## Monthly Investment Report – July 2019

|  |  |
| --- | --- |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | Investment Report for the period ended 31 July 2019 |

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

Moved – Councillor James

Seconded – Councillor McManus

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

(Printed below for ease of reference)

Councillor Shaw left the room at 8.36 pm.

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Council**

**Council receives the Investment Report for the period ended 31 July 2019.**

**Executive Summary**

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

**Discussion/Overview**

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

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

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

The Investment Summary shows that as at 31 July 2019 the City held the following funds in investments:

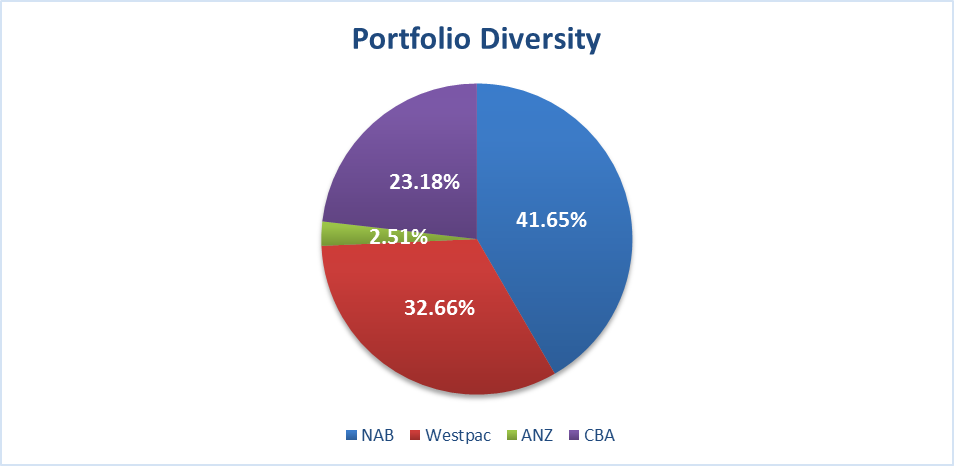
Municipal Funds $ 1,038,118.12

Reserve Funds $ 6,119,976.17

Total $ 7,158,094.29

The total interest earned from investments as at 31 July 2019 was $15,564.40. The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $2,981,080.04 | 1.70% - 2.73% | 41.65% |
| Westpac | $2,337,779.03 | 2.24% - 2.50% | 32.66% |
| ANZ | $179,775.90 | 2.20% | 2.51% |
| CBA | $1,659,459.32 | 1.90% - 2.49% | 23.18% |
| **Total** | **$7,158,094.29** |  | **100.00%** |



The total investments with NAB has exceeded the threshold by 1.65% due to timing difference of maturity of investments.

**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes  No

Required by City of Redlands policy: Yes  No

**Budget/Financial Implications**

Investment income is steady as per budget.

Councillor Shaw returned to the room at 8.38 pm.

## Insurance Tender

**Please Note: This item was deferred to the end of the meeting to allow confidential discussion.**

|  |  |
| --- | --- |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. CONFIDENTIAL - Request for Proposal Assessment Report by Procurement Australia 2. CONFIDENTIAL - Insurance Broking and Risk Management Services by LGIS 3. CONFIDENTIAL - Insurance programme and cost summary 4. CONFIDENTIAL - Tender options |

## Chief Executive Officer Probation Review & Recommendation

**Please note: The Mayor deferred this item to the end of the meeting to allow confidential discussion.**

|  |  |
| --- | --- |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Officer** | Shelley Mettam, Manager Human Resources |
| **Attachments** | 1. Schedule of Duties and Responsibilities. 2. Key Results Areas. 3. Report from CEO Mr Mark Goodlet. |

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

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

## Mayor Hipkins – City Centre

On the 15 August 2019 Mayor Hipkins gave notice of his intention to move the following at this meeting.

Moved – Mayor Hipkins

Seconded – Councillor James

That Council instructs the Chief Executive Officer to refer to the locality in the vicinity of the Captain Stirling Hotel as Nedlands’ City Centre.

Lost 5/7

(Against: Crs. Argyle Mangano de Lacy

Wetherall Shaw Horley & McManus)

Justification

Nedlands’ most prominent commercial and retail area is on Stirling Highway adjacent to the Captain Stirling Hotel. A new Aldi store is to be constructed there. Additional zoning in Local Planning Scheme No. 3 to accommodate a Woolworths Supermarket will increase the importance of this area.

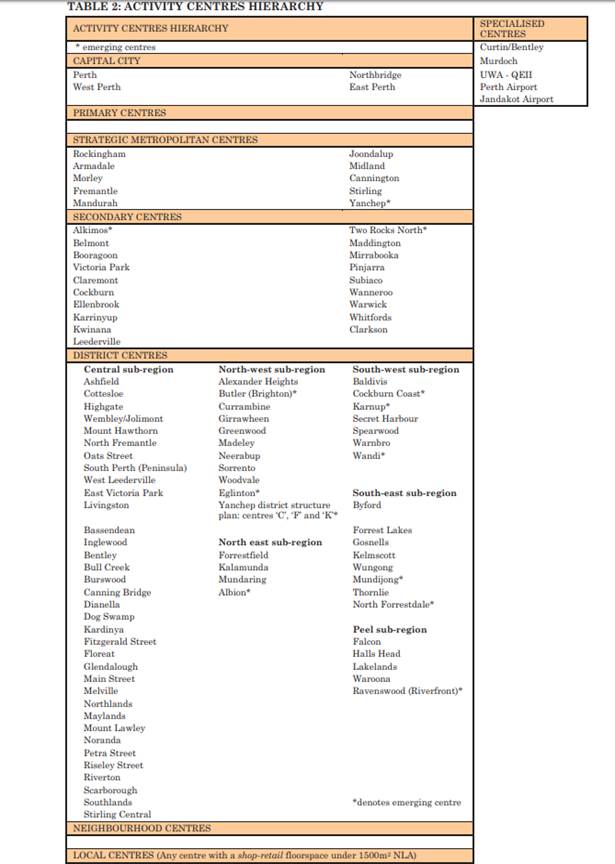
The general locality is variously referred to in planning documents as an Activity Centre, City Centre, Neighbourhood Centre or Town Centre.

Nedlands is a City that we should be proud of and refer to it as such. A City Centre has more status than a Town Centre and emphasizing the word City will assist in promotion.

Administration Comment

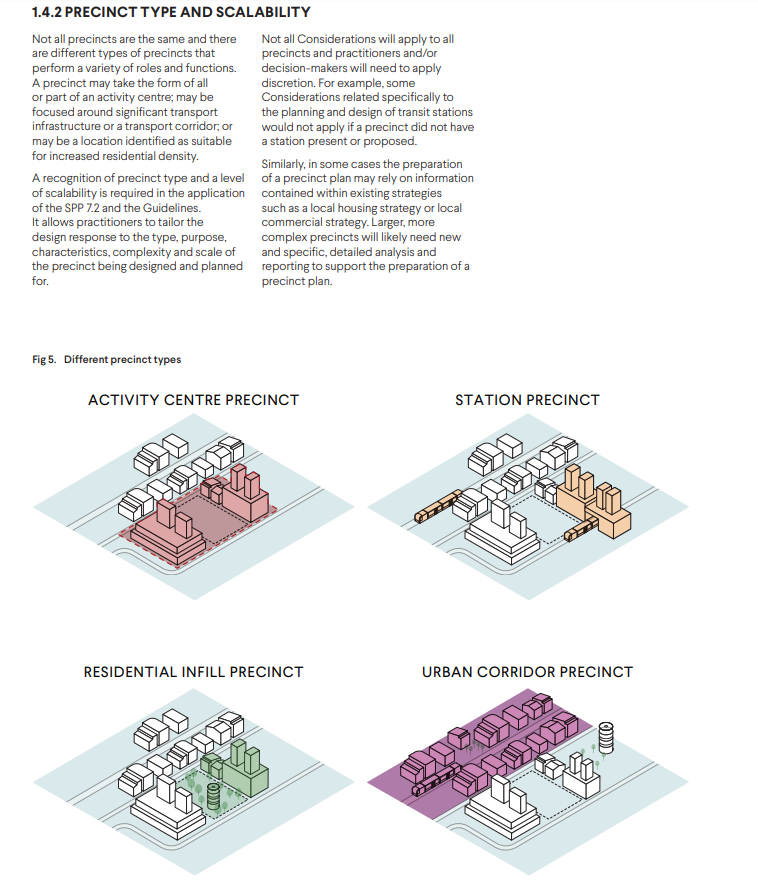
There are no specific legislative protocols that dictate what we call our activity centre, there are however hierarchical triggers and classifications in accordance with State Planning Policy SPP4.2 Activity Centres.

Table 2 list the hierarchy of centres:



It would be argued that the Capital City, and Strategic Metropolitan Centres would attract the title of “City Centre”, and that usually secondary centres would attract the title of “Town Centre”. Some district level centres also attract the title of “Town Centre” such as Kalamunda, Mundaring and Bassendean. Kalamunda as an example is a “City” in terms of local government municipality size and population, however this isn’t to be confused with what we can or should label our Centre in terms of appropriate hierarchy. In this instance calling the centre a City Centre would not be appropriate as it would not match the appropriate order of hierarchy of Activity Centre in accordance with the State Planning Policy.

Nedlands currently does not have a designated Town Centre, and the current LPS3 identifies this as an “Urban Corridor Precinct”. This is further defined in Clause 1.4.2 Precinct Type and Scalability (Figure5) of Draft SPP 7.8 Precinct Design Guidelines.



Through the establishment of a Precinct Plan, we are seeking to move this from Urban Corridor Precinct to Activity Centre Precinct.

## Mayor Hipkins – Over 55 Restriction on Title

On the 15 August 2019 Mayor Hipkins gave notice of his intention to move the following at this meeting.

Councillor McManus left the room at 8.47 pm.

Moved – Mayor Hipkins

Seconded – Councillor Shaw

**Council Resolution**

**That Council issues a public notice stating it no longer requires residents of certain dwelling units to be over 55 years of age and where this restriction occurs on title, landowners may petition the Council to have it removed.**

**CARRIED 10/1**

**(Against: Cr. Mangano)**

Justification

Under Town Planning Scheme No.2 the Council experimented with allowing increased residential density for persons aged over 55 years. Endorsement of the title to this effect was required. Developers took advantage of the scheme and units were occupied by other than those intended, presenting administrative difficulties for the City. Although the scheme was abandoned and there is no such requirement under the current Local Planning Scheme No. 3, a dozen or so restrictions on title remain as constraints to redevelopment. Refer to email below.

**From:** Gordon Davies <[gordon@gdre.com.au](mailto:gordon@gdre.com.au)>   
**Sent:** Tuesday, 6 August 2019 10:43 AM  
**To:** Mayor <[mayor@nedlands.wa.gov.au](mailto:mayor@nedlands.wa.gov.au)>  
**Cc:** Bill Hassell <[wrbhassell@gmail.com](mailto:wrbhassell@gmail.com)>  
**Subject:** Lifing Over 55's Restriction on 50 Dalkeith Rd

Hi Max & Bill,

1. All 4 owners have signed with Strata Manager Gordon Barclay of Platinum Strata Management to say they want it lifted.
2. Under the new zoning 16 units can be built.
3. Nedlands City Council abandoned the over 55’s policy because developers were taking advantage of it.
4. If it stayed as over 55’s possibly a developer could argue to increase the density further.
5. Nedlands City Council admin have informed me that the only way I can get it lifted is with a development approval including plans and elevations of all four strata units.
6. I paid $78 to Nedlands City Council to get the plans out of archives rather than have the owners pay for an architect/draughtsman to draw them up/
7. Initially it was told by Nedlands City Council they couldn’t find the plans in your archive.
8. Little later they said they had found them and sent me a photograph of unit 3’s plan but not the plans.
9. I asked that as they have found them why couldn’t they use the plans with the development application. They said I must draw up new plans.
10. I cannot see: -
    1. Why I need to put a DA as the owners aren’t developing anything but rather just lifting a restriction which allowed the original developer to build more units than the then zoning permitted while the new zoning allows 8 x what the original zoning allowed (2 units).
    2. It’s removing a policy that the Nedlands City Council has since revoked because of problems it caused.
    3. Why the current owners should have to pay to redraw plans when they are changing nothing on the plans and don’t want an approval to develop.

Can this be expedited in some way.

Kind regards,

**Gordon Davies**

**A** Suites 3 & 4/ 79 Waratah Avenue, Dalkeith WA 6009 |**P** PO Box 558 Claremont WA 6910

**T** (08) 9389 3333 | **M** 0409 181 727| **E** [gordon@gdre.com.au](mailto:gordon@gdre.com.au) | **W** [www.gdre.com.au](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.gdre.com.au%2F&data=02%7C01%7Cmayor%40nedlands.wa.gov.au%7C4f865777323b443e1b2808d71a17d8e4%7Cd583947c8c4246bd927527ca45e5e84c%7C1%7C1%7C637006562037195707&sdata=B%2FbvkuNwMEC9dt7ZC7HUMT7urWLQrc29gpQLwCtioxs%3D&reserved=0)



Administration Comment

It is the Council’s current position (through LPS3) that there is no longer an age restriction on occupancy of dwellings. Residents who have a notation on their title restricting occupancy to those aged over 55 can approach Council at any time to seek removal of this restriction from their title where they have been up coded in accordance with LPS3. However often the restriction on the title is as a result of a condition of a development approval which means the condition of the development approval must be disposed of before the restriction on the title can be lifted.

In some cases (the “over 55’s”) the development approval was for a use that was not previously allowed in the zone usually as a result of the density coding. For example, 2 dwellings on a 1,000m2 lot in an R10 coded zone (usually only 1 dwelling allowed). To ensure that subsequent owners were aware of the DA condition a notation was placed on the title alerting potential owners of the condition.

While properties subject to such DA’s (and notations on titles) may have been “up-coded” under LPS3 the development approval – and any conditions – remain in place on the land.

The previous, and current, use of the land may or may not be consistent with the new zone or permitted uses of the land under LPS3. The easiest way to determine this is for the City to assess what is being proposed against the requirements of LPS3. It is not accurate to say – in the example used -  that there has been no change. While there may be no physical change to the building the owners are wanting to change the use from ‘Four Senior Persons Dwellings” to something else, presumably single or grouped dwellings. This may be perfectly “allowable” under LPS3 but this won’t be known until an assessment is undertaken. A “Deemed to Comply” check costs $73. This requires the applicant to provide the City with some minimum details, including a plan, to determine if the proposal meets the requirements of LPS3 for a change of use from ‘Four Senior Persons Dwellings” to single dwellings. There may be setback or site coverage standards that must be met or a development approval for a variation obtained.

Administration are of the view that this Notice of Motion is superfluous in that what is being sought is the current position in LPS3 (public notice excepted). An application can be made at any time to have a restriction on the title removed but this is not an “as-of-right” process. What is being sought must still be checked for compliance with LPS3. and where the development is inconsistent with the R Codes and/or LPS3, a development approval is required.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 24 September 2019

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

Notices of motion for consideration at the Council Meeting to be held on 24 September 2019 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

Councillor McManus returned to the room at 8.48 pm.

Nil.

# Urgent Business Approved By the Presiding Member or By Decision

## Mayor Hipkins – Advertising of Draft Development Controls

Moved – Mayor Hipkins

Seconded – Councillor Hassell

**Council Resolution**

**Council forwards as per attachment 1, being Draft Precinct Development Controls for Nedlands City Centre, to Administration and Niche Planning Studio for consideration.**

Councillor Mangano left the room at 8.57 pm and returned at 8.59 pm.

Councillor Hodsdon left the room at 9.03 pm and returned at 9.05 pm.

**CARRIED 8/4**

**(Against: Crs. Argyle Mangano Wetherall & Horley)**

# Confidential Items

The Mayor deferred items 13.6 & 13.7 to this point in the meeting to allow confidential discussion.

Closure of Meeting to the Public

Moved – Councillor McManus

Seconded - Councillor Hodsdon

**That the meeting be closed to the public in accordance with Section 5.23 (c) of the Local Government Act 1995 to allow confidential discussion on the following Items.**

**CARRIED 10/2**

**(Against: Mayor Hipkins Cr: Mangano)**

The meeting was closed to the public at 9.17 pm.

## Insurance Tender

**Please Note: This item was deferred from page 51.**

|  |  |
| --- | --- |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. CONFIDENTIAL - Request for Proposal Assessment Report by Procurement Australia 2. CONFIDENTIAL - Insurance Broking and Risk Management Services by LGIS 3. CONFIDENTIAL - Insurance programme and cost summary 4. CONFIDENTIAL - Tender options |

**Recommendation to Council**

**Council:**

1. **agrees to award Insurance Broking and Risk Management Services to Marsh Pty Ltd (RFP Tender/Contract 0618/0626) and further negotiate with Marsh to review premiums and re-submit on an optimum programme at a price of approximately $549,595 (excluding GST) for a Contract Term of 1 year with 1 + 1 options; and**
2. **authorises the CEO to enter into a contract with Marsh Pty Ltd, subject to any minor contract negotiations.**

**Executive Summary**

This purpose of this report is to recommend appointment of a broker to provide Insurance Broking and Risk Management Services to the City of Nedlands.

In addition to the Council recommendation provided, Council may also wish to consider requesting the CEO to re-tender the Broking and Risk Management Services in time for the end of the first year of insurance services.

Based on Council’s previous decision not to take up Western Australian Local Government Association (WALGA) membership, the recommendation to Council is to engage March Pty Ltd. On a purely commercial/financial basis an alternative recommendation is provided to re-join WALGA and avail of the savings presented in the Local Government Insurance Services (LGIS) offer – of up to $138,000, and additional complimentary services valued at $25,000.

Alternate recommendation

Council:

1. rejects all tenders of the Request for Proposal for Broking and Risk Management Services;
2. agrees to re-join WALGA and then agrees to award Insurance Broking and Risk Management Services to LGIS, as a member of WALGA, for a Contract Term of 1 year, at a price of approximately $478,302 (excluding GST); and
3. authorises the CEO and Mayor to execute all documents relating to re-joining WALGA and to entering into a contract with LGIS, including application of the City seal, subject to any minor contract negotiations.

**Discussion/Overview**

**Background**

Up until 2013/14 the City managed its insurances through the Local Government Insurance Scheme (LGIS) – an industry-based self-insurance offering.

When the City elected not to renew its membership to WALGA in 2013/14, it had the opportunity to seek its insurance coverage via a competitive process. In 2014/15 Willis were appointed as the City’s Brokers and provided brokering services in both 2014/15 and 2015/16. Subsequently, due to an increase in competition within the insurance industry for Local Government Authorities and evidence that savings were being realised particularly in the Eastern States – the City decided to test the market via a competitive tendering process. Procurement Australia a ‘Procurement Solutions’ company were engaged to assist in this process, Procurement Australia works with businesses to maximise benefit from purchasing solutions. Marsh were appointed as City’s Brokers and provided brokering services for 2016/17,2017/18 and 2018/19. The City has enjoyed reduced premiums (up to 30%) during this period.

The City has appointed Procurement Australia for the current 2019/20 tendering process. Procurement Australia through its insurance and risk experts managed the tendering process and invited submissions from across the industry.

In addition, their role included:

* Assessment of the capability of each response
* Involvement in Broker Presentations
* Ranking of each submission and recommendation of preferred supplier.

The Procurement Australia team worked very closely with the City’s Director Corporate & Strategy and Finance team.

On 26th July 2019, LGIS emailed the City with their proposal for the provision of risk financing and risk management services. LGIS explained that as managers of the WA local government self-insurance scheme, they are not in a position to comply with Procurement Australia’s tender process for the City’s Request for Tender for insurance broking and risk management services.

**Evaluation**

The Request for Proposal (RFP) process was advertised in The West Australian on 29th June 2019 with a closing date of 26th July 2019.

Respondents were invited to submit bids and responses to the following key criteria;

* Insurance Program and its Cost
* Experience, Capability and Past Performance
* Plan for Proposed Services

At the closing date for submissions, two (2) responses were received. The evaluation process was conducted in accordance with the City of Nedlands evaluation guide for tender documents.

Submissions were received from the following companies:

* Aon Risk Services Australia Ltd
* Marsh Pty Ltd

The low response has been seen across other Councils as well due to lack of insurers available in the market as many of them are affiliated with JLT/JMAPP facility, making it difficult for brokers to obtain alternative competing markets. From a pricing perspective, increases are typically in the range of 15% to 20%, driven by the volatile state of the insurance market following an unprecedented run of natural disasters and high claims.

All respondents were requested to provide the pricing and provide copies of insurer quote slips in support of their renewal terms but Aon has failed to provide quote slips.

Procurement Australia provided assurance to the Director Corporate & Strategy of the performance and expertise of each of the broker’s performance and expertise against the criteria.

The assessment report provided by Procurement Australia identified that each broker had the ability to offer an array of insurance broking and risk advisory services; including various products tailored to address the specific needs of organisations in the public sector. The decision-making process then centred on technical ability, capacity, price and client relationship and service levels.

It is to be noted that Marsh finalised the acquisition of JLT on 1st April 2019, wherein JLT is the service provider to the LGIS insurance mutual scheme in Western Australia. As the City is not a WALGA member, and therefore cannot access the LGIS Scheme, that is the reason Marsh has responded to our tender.

Having received 3 responses (directly and indirectly), the analysis and comparison of all 3 are detailed below and will be based on the three key criteria mentioned above.

**Experience, Capability and Past Performance**

Aon is a 100% owned subsidiary of Aon Holdings Limited, which in turn is 100% owned by Aon plc – a British multinational corporation employing more than 50,000 colleagues globally operating throughout 120 countries, managing in excess of $300bn in premium volume. In Australia, Aon maintains representation in all capital cities, with more than 1,600 employees operating throughout 39 offices nationwide, placing more than $2.3 billion of insurance premium annually. Aon currently acts for 41 Council’s nationally.

Marsh was established in Australia in 1953 and is a wholly owned subsidiary of Marsh & McLennan Companies (MMC) – a global professional services firm with over 64,000 employees serving clients in more than 130 countries. In Australia, Marsh has representation in every state and territory, employing approximately 1,100 staff located throughout 33 offices nationally; managing in excess of $2.1 billion in premium volume. Marsh has given examples of 18 that share similar organisation needs. In late 2018, MMC reached an agreement to acquire Jardine Lloyd Thompson Group plc (LSE: JLT), one of the world’s largest providers of insurance, reinsurance and employee benefits related services.

LGIS is the brand name for an integrated suite of risk financing and risk management solutions for WA local government. By pooling together in an industry-based self-insurance arrangement, 138 WA local governments benefit from economies of scale, avoiding the volatility of the commercial insurance market and ensuring the security and long-term viability of the sector.

LGIS offering also provides complimentary integrated risk management support services tailored to the individual needs of the WA local government sector provided to all scheme members.

**Plan for Proposed Services**

Aon describe their service proposition for CON as a “tailored offering” underpinned by their ‘Client Promise’ service framework which is centred around four core principles:

1. Discover – understanding your risk and business needs.

2. Develop – innovative risk and insurance solutions.

3. Deliver – delivering desired / target outcomes.

4. Review and Manage – ongoing support and annual stewardship.

Marsh explains that their annual service proposition is based on a cyclical model that focuses on six key areas throughout the annual insurance period:

* A strong focus on developing a strong understanding of CON’s operations and business activities. This is achieved through face-to-face strategy sessions, site visits (if required) and general data collection and risk reviews.
* Designing the optimum insurance program in line with CON’s needs.
* Commencing renewal negotiations with selected insurers at least 1 – 2 months out from renewal, focusing on creating competitive tension among the selected insurers.
* Providing renewal terms (including alternative options) and recommendations on the same at least 2 to 4 weeks out from renewal.
* Place cover in accordance with the City of Nedlands’ instructions and provide evidence of the same (i.e. issuing certificates of currency and other supporting insurance documentation)
* Provision of general account management and day-to-day administrative duties.

LGIS provide complimentary integrated risk management support services tailored to the individual needs of the WA local government sector provided to all scheme members.

These risk management services include:

* Professional risk management
* Liability risk management
* Property risk management and valuations
* Occupational safety and health
* Human resource risks
* Allied health services.

These risk management services are supported by a coordinated approach to claims management and injury management that is holistic and seamless.

Further benefits of Accepting LGIS submission as WALGA member:

* Claims Management handled by LGIS.
* Complimentary risk management services estimated at a value of $25,000;
* City’s assets automatically covered for flood damage;
* No additional age/experience excess and claims experience discount for Motor Vehicle cover. Cover for volunteers and councillors when using private vehicles when used for council business (Nil access);
* Complimentary legal assistance up to 2 hours per member;
* Nil excess for Public Liability;
* No exclusions in relation to liability for building surveyors or exclusion in relation to planning related classing risks;
* Claims Management handled by LGIS.

**Tender Acceptance Options Considered**

Five options were considered for the acceptance of tender. Refer to Confidential Attachment 4.

**Key Relevant Previous Council Decisions**

At the Ordinary Meeting of Council on 24 September 2013 a Notice of Motion was raised by Councillor Bill Hassell under urgent business for the City to resign from its membership with WALGA.

The motion was carried as a resolution of Council, and the City subsequently advised WALGA of the decision and withdrew its membership.

**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

The process included consultation with City Officers including the CEO, Senior Finance staff.

The submissions were independently evaluated by the Director Corporate & Strategy, Manager Financial Services and the Senior Finance Officer Governance in accordance with the qualitative criteria specified in the tender documentation.

**Budget/Financial Implications**

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

The financial implications are considered in the Discussion/Overview and Conclusions sections of this report.

**Risk Management**

Procurement Advisors

Risk is managed by appointing contractors through the City’s procurement processes and assessing against the compliance criteria. These include checks on their financial viability, insurances and the appropriate company structures.

Appointing contractors via this process allows the City to clearly state the scope of works required and outcomes expected. It is also an opportunity to outline the responsibilities of both the City and the appointed contractors throughout the life of the contract, along with timelines and expected costs of the work requested. This process reduces the risk of the appointed contractor not fulfilling their obligations for the work required.

Workers Compensation

It is to be noted that in agreeing to accept the LGIS insurance proposal there will be a delay in moving the Workers Compensation across due to the length of time the State Government approval process takes, which presents a risk to the City of not being insured for a period of time. This would therefore be brought across once the approvals process was complete.

Re-tendering Option

The City’s procurement advisor has been contacted for a view on the likely success of re-tendering the provision of services. This is an option for Council and could be included as a separate point of the recommendation. It is imperative, however, that the City reduces risk by maintaining continuity of insurances. Extension of current contracts is not a legal option for the City as all contract extensions have been used and this is therefore prohibited under the Local Government (Functions and General) Regulations 1996. Therefore, the recommendation is to agree to accept insurance services and re-tendering could be added as a separate item.

**Conclusion**

In this tender each of the respondents provided high quality submissions. The City also acknowledges and appreciates the service provided by Marsh over the last three years.

Tendering for insurance over the past years has been a very valuable experience resulting in competitive pricing for a significant operational expense area. It is the CEO’s view that because of the City of Nedlands’ lead in Western Australia in tendering insurance services to the open market that this has yielded savings to the City and has led to a pricing overhaul in local government insurances, to the point that LGIS is, based on the responses, now the most competitive provider in the market place at present. In effect, the tendering process has done its job.

This is a desirable situation and has led to two potential recommendation outcomes, hence the proposal for Council to consider a main and an alternative recommendation. On a purely financial basis the recommendation would be to re-join WALGA and avail of the savings presented in the LGIS offer – up to $138,000 and additional complimentary services valued at $25,000. However, Administration is aware of Council’s previous decisions re WALGA membership, hence the presentation of the preferred recommendation as well as the alternative for consideration.

## Chief Executive Officer Probation Review & Recommendation

**Please note: This item was deferred from page 52.**

|  |  |
| --- | --- |
| **Council** | 27 August 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Officer** | Shelley Mettam, Manager Human Resources |
| **Attachments** | 1. Schedule of Duties and Responsibilities. 2. Key Results Areas. 3. Report from CEO Mr Mark Goodlet. |

**Mark Goodlet – CEO – Financial Interest**

Mr Mark Goodlet, CEO disclosed a financial interest, his interest being that the item is to do with his employment contract. Mr Goodlet declared that he would leave the room during discussion on this item.

Mr Mark Goodlet, Mrs Driscoll, Mr Duff and Mr Mickleson retired from the meeting at 9.40 pm.

**Recommendation to Council**

**The Committee recommends to Council that the performance of Mr Goodlet is satisfactory and supports the continuation of his employment at the City of Nedlands beyond the probation period.**

**Executive Summary**

Chief Executive Officer (CEO) Mr Mark Goodlet commenced his five-year Employment Contract with the City of Nedlands on 5 March 2019 with a six-month probationary period, ending 6 September 2019.

The CEO Performance Review Committee (the Committee) met on 6 August 2019 to discuss and assess Mr Goodlet’s performance during the probationary period.

The Committee recommends to Council that the performance of Mr Goodlet is satisfactory and recommends the continuation of his employment at the City of Nedlands beyond the probationary period.

**Discussion/Overview**

CEO Mr Mark Goodlet commenced his five-year Employment Contract with the City of Nedlands on 5 March 2019.

Mr Goodlet’s Employment Contract includes a six-month probationary period during which time his performance in the role as CEO is to be assessed.

Mr Goodlet’s probationary period ends on 6 September 2019. Council as the employer of the CEO is required to assess and make a determination as to whether Mr Goodlet’s performance as CEO is assessed as “satisfactory” or “unsatisfactory” and if found to be satisfactory, to confirm his ongoing employment.

The CEO’s Employment Contract includes:

1. Schedule of Duties and Responsibilities (Attachment 1); and
2. Key Results Areas (Attachment 2).

Mr Goodlet prepared a report on his work as CEO leading up to his 9=month probation Review date (Attachment 3).

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Nil.

**Budget/Financial Implications**

Within current budget.

Moved - Councillor Hodsdon

Seconded - Councillor James

**That the meeting be reopened to members of the public and the press.**

Councillor de Lacy retired from the meeting at 10.05 pm.

**CARRIED UNANIMOUSLY 11/-**

The meeting was reopened to members of the public and the press at 10.06 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Council whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Local Government Act 1995.

**13.6 Insurance Tender**

**Regulation 11(da) – The Council included a provision to carry out further investigation with the aim of improving the insurance deal.**

Moved – Councillor Hassell

Seconded – Councillor Wetherall

**Council Resolution**

**Council subject to:**

1. **The CEO investigating with urgency in the next 2 weeks the possibility of our getting a better deal on our insurances, with greater transparency and integrity, and**
2. **If as a result of that investigation it being necessary, the Council having a special meeting to consider new recommendations;**
3. **agrees to award Insurance Broking and Risk Management Services to Marsh Pty Ltd (RFP Tender/Contract 0618/0626) and further negotiate with Marsh to review premiums and re-submit on an optimum programme at a price of approximately $549,595 (excluding GST) for a Contract Term of 1 year with 1 + 1 options;**
4. **authorises the CEO to enter into a contract with Marsh Pty Ltd, subject to any minor contract negotiations; and**
5. **The CEO is requested to write to the Australian Competition and Consumer Commission and lodge a formal complaint with them as to the “reserving” process in the insurance industry.**

**CARRIED UNANIMOUSLY 12/-**

**13.7 Chief Executive Officer Probation Review & Recommendation**

**Regulation 11(da) – Council wishes to re-enforce the importance of budget constraint as it can align to staff numbers.**

Moved – Councillor Wetherall

Seconded – Councillor McManus

**Council Resolution**

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

1. **The Schedule of Duties and Responsibilities (attachment 1) be amended to include the following additional sub clause:**

**(w) provide effective and responsible draft budgets which restrain expenditure, and deliver the adopted budget in the most cost-effective manner, including, by reducing staffing numbers to the minimum required to provide the services approved by Council and required by law; and**

1. **Authorises the Mayor to execute a variation to the Employment Contract Agreement between the City of Nedlands and the Chief Executive Officer.**

**CARRIED 11/1**

**(Against: Cr. Mangano)**

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.07 pm.