***Agenda***

***Council Meeting***

***27 November 2018***

Dear Council member

The next Ordinary Meeting of the City of Nedlands will be held on Tuesday 27 November 2018in the Council Chambers at 71 Stirling Highway Nedlands commencing at 7 pm.

Greg Trevaskis

Chief Executive Officer

22 November 2018

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**City of Nedlands**

**Notice of an Ordinary Meeting of Council to be held in the Council Chambers, Nedlands on Tuesday 27 November 2018 at 7 pm.**

###### Council Agenda

# Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm and will draw attention to the disclaimer below.

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

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

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

**(Previously Approved)**

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

**Disclaimer**

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

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

# Public Question Time

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

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

# Addresses by Members of the Public

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

# Requests for Leave of Absence

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

# Petitions

Petitions to be tabled at this point.

# Disclosures of Financial Interest

The Presiding Member to remind 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.

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

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

# Disclosures of Interests Affecting Impartiality

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

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

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

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

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

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

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

# Confirmation of Minutes

## Ordinary Council meeting 23 October 2018

The Minutes of the Ordinary Council Meeting held 23 October 2018 are to be confirmed.

# Announcements of the Presiding Member without discussion

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

# Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

# Matters for Which the Meeting May Be Closed

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

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

## Minutes of Council Committees

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

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

**Audit & Risk Committee 5 November 2018**

Circulated to Councillors on 14 November 2018

**Council Committee 13 November 2018**

Circulated to Councillors on 21 November 2018

**Arts Committee 19 November 2018**

Circulated to Councillors on 22 November 2018

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

## Planning & Development Report No’s PD56.18 to PD65.18 (copy attached)

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

|  |  |
| --- | --- |
| **PD56.18** | **Proposed Additions to Existing Educational Establishment, No. 75 (Lot 529) Broadway, Nedlands** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | Alliance Francaise de Perth |
| **Landowner** | Ashley Richards and Associates |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | DA18/30545 |
| **Previous Item** | Item D3.08 – February 2008 |
| **Delegation** | In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received.  |
| **Attachments** | 1. Photographs of the subject property |

**Committee Recommendation**

**Council approves the development application received on 15 August 2018 with amended plans received on 30 August 2018, for additions to the existing educational establishment at (Lot 529) No. 75 Broadway, Nedlands, 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. **A maximum number of 7 staff and 50 students permitted on site at any one time.**
3. **Classes not being held at the same time as the function room being used.**
4. **Classes only being permitted to be held at the following times:**

**Monday to Friday from 9.00am until 9.00pm**

**Saturday 9.00am – 1.00 pm.**

1. **The function room only being used for events associated with the educational establishment.**
2. **The function room only being used between 5.00pm and 10.00pm on any day and only for educational events.**
3. **The proposed function room only being permitted to be used by staff and students during break times from classes, and for the educational establishment’s annual exam ceremonies.**
4. **All car parking bays, manoeuvring areas and vehicular access ways shown on the approved site plan being constructed, marked, sealed and drained prior to the practicable completion of the proposed development, and be maintained thereafter by the landowner to the City’s satisfaction.**
5. **All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
6. **Service and/or delivery vehicles shall not to service the premises before 7:00am or after 7:00pm Monday to Saturday or before 9:00am or after 7:00pm on any Sunday or public holiday, unless otherwise approved by the City.**

**Advice Notes specific to this proposal:**

1. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**
2. **A separate development applicant is required to be lodged with and approved by the City prior to installing any additional signage on the property.**
3. **Noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.**
4. **Plans being provided as part of the building permit application are to show the following details, amongst others, to demonstrate compliance with the *Health (Public Building) Regulations* 1992:**
5. **Details of emergency exits (location, signage, doors (width, hardware, egress and direction of door);**
6. **Details of any existing or proposed emergency lighting system that may be present;**
7. **Details of the proposed “use” of the public assembly rooms that are indicated on the attached plans, including likely accommodation numbers;**
8. **Details of any fire control systems that are to be installed within the building;**
9. **Details of treads and risers on exit stairs (depth and height), including balustrading and handrails;**
10. **Details of emergency evacuation plan (that will be prepared for the building);**
11. **Details of flammability testing for any curtains or drapes that are provided; and**
12. **Sanitary facilities details (number, gender, lighting).**
13. **All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
14. **Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.**

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

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

1. **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 Development approval.**
2. **Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.**

 **An agreement will be necessary from Public Transport Authority before the City can consider approving the NSDA due to an existing bus stop potentially being impacted.**

1. **Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**

Recommendation to Committee

Council approves the development application received on 15 August 2018 with amended plans received on 30 August 2018, for additions to the existing educational establishment at (Lot 529) No. 75 Broadway, Nedlands, 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. A maximum of 7 staff and 48 students are permitted on site at any one time.
3. Classes not being held at the same time as the function room being used.
4. Classes only being permitted to be held at the following times:

Monday to Thursday from 9.30am until 12.30pm, and from 6.00pm to 9.00pm.

Friday and Saturday from 9.30am to 12.30pm.

1. The function room only being used for events associated with the educational establishment.
2. The function room only being used between 5.00pm and 7.00pm on a Friday.
3. The proposed function room only being permitted to be used by staff and students during break times from classes, and for the educational establishment’s annual exam ceremonies.
4. All car parking bays, manoeuvring areas and vehicular access ways shown on the approved site plan being constructed, marked, sealed and drained prior to the practicable completion of the proposed development, and be maintained thereafter by the landowner to the City’s satisfaction.
5. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite
6. Service and/or delivery vehicles shall not to service the premises before 7:00am or after 7:00pm Monday to Saturday or before 9:00am or after 7:00pm on any Sunday or public holiday, unless otherwise approved by the City.

Advice Notes specific to this proposal:

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.
2. A separate development applicant is required to be lodged with and approved by the City prior to installing any additional signage on the property.
3. Noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.
4. Plans being provided as part of the building permit application are to show the following details, amongst others, to demonstrate compliance with the *Health (Public Building) Regulations* 1992:
5. Details of emergency exits (location, signage, doors (width, hardware, egress and direction of door);
6. Details of any existing or proposed emergency lighting system that may be present;
7. Details of the proposed “use” of the public assembly rooms that are indicated on the attached plans, including likely accommodation numbers;
8. Details of any fire control systems that are to be installed within the building;
9. Details of treads and risers on exit stairs (depth and height), including balustrading and handrails;
10. Details of emergency evacuation plan (that will be prepared for the building);
11. Details of flammability testing for any curtains or drapes that are provided; and
12. Sanitary facilities details (number, gender, lighting).
13. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
14. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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

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

1. 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 Development approval.
2. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.

 An agreement will be necessary from Public Transport Authority before the City can consider approving the NSDA due to an existing bus stop potentially being impacted.

1. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.

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| **PD57.18** | **Proposed Addition (Carport) to Existing Single House, No. 83 (Lot 433) Circe Circle South, Dalkeith** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | Complete Approvals |
| **Landowner** | K Vidler |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | DA18/31147 |
| **Previous Item** | Nil.  |
| **Delegation** | In accordance with Clause 6.7.1d) of the City’s Instrument of Delegation, Council is required to determine the application when refusal is recommended, and discretion exists for Council to approve the variations under the City’s Town Planning Scheme No. 2, Council Policies and/or the Residential Design Codes. |
| **Attachments** | 1. Photograph showing the carport’s proposed location
 |

**Committee Recommendation**

**That Council approves the development application dated 7 September 2018, with amended plans received on 12 September 2018, for a proposed carport at (Lot 433) No. 83 Circe Circle South, Dalkeith.**

Recommendation to Committee

Council refuses the development application dated 7 September 2018, with amended plans received on 12 September 2018, for a proposed carport at (Lot 433) No. 83 Circe Circle South, Dalkeith, for the following reasons:

1. The proposal does not satisfy the design principles stipulated under clause 5.1.4 (Open Space) of the Residential Design Codes due to the amount of open space proposed being excessive and not consistent with the expectations of the R10 density coding.
2. The proposal does not satisfy provisions (c) and (n) of Clause 67 within the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the amount of open space proposed will negatively impact the character of the locality. Approving such a variation would set an undesirable precedent.
3. Open space of 55% in lieu of 60% on an R10 coded property does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.

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| **PD58.18** | **Retrospective Shade-Cloth Addition to Existing Fence, No. 23 (Lot 115) Browne Avenue, Dalkeith** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | Sze Man Suen |
| **Landowner** | Sze Man Suen |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | DA18/30069 |
| **Previous Item** | N/A |
| **Delegation** | In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Site Photographs
2. Fencing Examples
 |

**Committee Recommendation / Recommendation to Committee**

**Council refuses the development application for a shade-cloth on the existing fencing located at the side and front of (Lot 115) No.23 Browne Avenue, Dalkeith, received on 23 July 2018, on the following grounds:**

1. **The development is inconsistent with clause 5.5.1 of the City of Nedlands Town Planning Scheme No. 2 as the development has an adverse effect on the amenity of the surrounding area.**
2. **The development is inconsistent with the City of Nedlands Fill and Fencing Local planning Policy as:**
3. **The fencing is visually impermeable above 1.2m to a height ranging from 2m to 2.7m above natural ground level; and**
4. **The material is not identified as an accepted material.**
5. **The proposal does not satisfy provisions (g) and (n) of Clause 67 within the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the appearance of the shade cloth proposed negatively impacts the character of the locality. Approving such a variation would set an undesirable precedent.**

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| **PD59.18** | **Two Storey Single House, No. 6 (Lot 89) Colin Street, Dalkeith** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | Atrium Homes (WA) Pty Ltd |
| **Landowner** | Honest Holdings Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | DA18/31114 |
| **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 Photograph
 |

**Committee Recommendation**

**Council does not approve the development approval.**

Recommendation to Committee

Council approves the development application dated 6 September 2018with amended plans received on 19 September 2018to construct a Two Storey Single House at No. 6 (Lot 89) Colin Street, Dalkeith subject to the following conditions and advice:

1. The development shall always comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval only pertains to the proposed single dwelling.
3. All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.
4. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes specific to this proposal:

1. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.
2. All crossovers to the street(s) shall be constructed to the Council’s Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council’s Infrastructure Services under supervision onsite, prior to commencement of works.
3. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.
4. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.
5. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
6. The applicant is advised to consult the City’s Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties.

Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.

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

|  |  |
| --- | --- |
| **PD60.18** | **Two Storey House with Under-Croft, No. 1 (Strata Lot 3) Birrigon Loop, Swanbourne** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | G and J Barley |
| **Landowner** | G and J Barley |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | DA18/29005 |
| **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. Photographs of the subject property
2. Applicant’s justification
 |

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 21 May 2018 to construct a two-storey single house with under-croft at (Strata Lot 3) No. 1 Birrigon Loop, Swanbourne, 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. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
3. **All visual privacy screens to Unenclosed Active Habitable Spaces as shown on the approved plans, shall be installed to prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2018*. The visual privacy screens shall be installed prior to the development’s practicable completion and remain in place permanently, unless otherwise approved by the City.**
4. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
5. **Where two storeys are directly above, the use of the basement level shall be restricted to the uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling the owner shall execute and provide to the City a notification pursuant to s. 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers that the use of the basement level is subject to the restriction set-out above.**

**Advice Notes specific to this approval:**

1. **All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.**
2. **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 Development approval.**
3. **Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.**
4. **All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
5. **All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.**
6. **The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.**
7. **The swimming pool, whether partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.**
8. **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.**
9. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

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| **PD61.18** | **Proposed Warehouse, No. 17 (Lot 12241) John XXIII Avenue, Mount Claremont** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | CLE Town Planning and Design |
| **Landowner** | Parisi Holdings Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | DA18/30857 |
| **Previous Item** | Item PD33.15 – July 2015 |
| **Delegation** | In accordance with Clause 6.7.1d) of the City’s Instrument of Delegation, Council is required to determine the application due to the development exceeding the maximum height provisions of Town Planning Scheme No. 2.  |
| **Attachments** | 1. Photographs of the subject property
 |

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application received on 29 August 2018 with amended plans received on 19 October 2018, for a warehouse at No. 17 (Lot 12241) John XXIII Avenue, Mount Claremont, 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. **A maximum of 3 staff being on site at any one time.**
3. **The warehouse is only permitted to operate between Monday to Sunday 6.00am to 7.00pm.**
4. **The landscaping being planted within 60 days of the development’s practicable completion, and be maintained thereafter, by the landowner to the City’s satisfaction.**
5. **An amended landscaping plan being submitted to and approved by the City prior to work commencing, which shows at least 2 trees being provided for within the car parking area in accordance with Council’s Landscaping Plan Local Planning Policy.**
6. **All car parking bays, manoeuvring areas and vehicular access ways shown on the approved site plan being constructed, marked, sealed and drained prior to the practicable completion of the proposed development, and be maintained thereafter by the landowner to the City’s satisfaction.**
7. **All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
8. **No items being stored externally on the property which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.**

**Advice Notes specific to this proposal:**

1. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**
2. **A separate development applicant is required to be lodged with and approved by the City prior to installing any additional signage on the property and/or installing any boundary fencing.**
3. **Noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.**
4. **Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.**

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

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

1. **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 Development approval.**
2. **Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services department, prior to construction commencing.**
3. **Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
4. **Designated storage areas for cleaning chemicals and equipment and personal belongings shall be available and separate from any food preparation or food storage area.**

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| **PD62.18** | **Local Planning Policy – Exempt Development** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | LPP Exempt Development |
| **Previous Item** | Nil. |
| **Attachments** | 1. Draft Local Planning Policy - Exempt Minor Development
 |

**Committee Recommendation**

**Council provides consent for draft Local Planning Policy - Exempt Development to be advertised for a period of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4 with the following amendments made under the heading “The draft LPP includes provisions relating to the following forms of development” on page 46 the following dot point “Street Walls, Piers and Fences” be deleted.**

Recommendation to Committee

Council provides consent for draft Local Planning Policy - Exempt Development to be advertised for a period of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

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| **PD63.18** | **Local Planning Policy - Reduction of Front Setbacks** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | Nil. |
| **Previous Item** | Nil. |
| **Attachments** | 1. Amended LPP Reduction of Front Setbacks
 |

**Committee Recommendation / Recommendation to Committee**

**Council proceeds with the amendment to Local Planning Policy - Reduction to Front Setbacks without modification.**

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| **PD64.18** | **Civic Design Awards** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | Nil. |
| **Previous Item** | PD45.17 – October 2017 |
| **Attachments** | Nil. |

**Committee Recommendation**

**Council appoints the Mayor, two Councillors (Councillor Shaw & Councillor Smyth) to sit on the panel for the Civic Design Awards ongoing and appoints two Community Members (Clive McIntyre & Annabelle Thomas) to sit on the Civic Design Awards judging panel for 2019.**

Recommendation to Committee

Council nominates two Councillors to sit on the panel for the Civic Design Awards ongoing. Also, to nominate two Community Members (of the three pool members) to sit on the Civic Design Awards judging panel for 2019.

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| **PD65.18** | **Permit to Use Nature Strip** |
|  |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | Nil. |
| **Attachments** | Nil. |

**Committee Recommendation / Recommendation to Committee**

**Council adopts the creation of a Permit to Use Verge (PUV) and that a new fee is entered Council’s list of fees and charges schedule:**

1. **Application fee of $75 for the assessment to vary a standard condition or conditions of use with an additional charge of $1/m2/month rental for the period of use in this case.**

## Technical Services Report No’s TS23.18 to TS26.18 (copy attached)

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

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| **TS23.18 Asquith Street Precinct Parking Community Consultation** |

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| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Irene Chiang – Design Engineer |
| **Director** | Martyn Glover – Director Technical Services |
| **Attachments** | 1. Concept Drawings AS-2017-01-MGA94-0 and AS-2017-02-MGA94-0
2. Artist’s Impression of Asquith Park with Option A
3. Community Engagement Report
 |

**Committee Recommendation**

**Council:**

**1. Approves the Administration’s parking and playground options for the Asquith Park Precinct as follows:**

1. **Area 1: Option A – convert the western side of Asquith Park into a 20-bay car park with the balance being a park.**
2. **Area 2: Option A – install 5 new parking bays on the City-owned land in front of Cellarbrations Liquor Barn.**
3. **Area 3: Option B – Asquith Street (Strickland to Adderley) to remain as is.**
4. **Area 5: Option B – Olearia Lane to be included in the proposed park and playground (Area 4, Option B).**
5. **Area 6: Option A – Road reservation (end of Asquith at Mayfair Street) to be improved along with construction of a playground in an area of land within the Cottesloe Golf Club.**
6. **Approves Asquith Park and the carpark adjacent to Cellarbrations to be completed in 2018/19 Capital Works Program;**
7. **Supports the construction of the remaining projects subject to approval in future budgets; and**
8. **Administration include the works proposed for the west end of Asquith Street be included in the 2019/20 Budget for Council consideration.**

Recommendation to Committee

Council:

1. Approves the Administration’s parking and playground options for the Asquith Park Precinct as follows:

1. Area 1: Option A – convert the western side of Asquith Park into a 20-bay car park with the balance being a park.
2. Area 2: Option A – install 5 new parking bays on the City-owned land in front of Cellarbrations Liquor Barn.
3. Area 3: Option B – Asquith Street (Strickland to Adderley) to remain as is.
4. Area 4: Option B – 25 Strickland Street to be converted to a park and playground.
5. Area 5: Option B – Olearia Lane to be included in the proposed park and playground (Area 4, Option B).
6. Area 6: Option A – Road reservation (end of Asquith at Mayfair Street) to be improved along with construction of a playground in an area of land within the Cottesloe Golf Club.
7. Confirms the area of playground at 25 Strickland Street to be developed at the conclusion of the lease on 30 June 2021 for the existing City owned building, currently Annie’s Pre-Kindy;
8. Approves Asquith Park and the carpark adjacent to Cellarbrations to be completed in 2018/19 Capital Works Program;
9. Supports the construction of the remaining projects subject to approval in future budgets.

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| **TS24.18 Boundary Roads Agreement – Town of Cambridge** |

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| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands  |
| **Officer** | Maria Hulls - Manager Engineering Services |
| **Director** | Martyn Glover - Director Technical Services |
| **Attachments** | 1. Boundary Roads Agreement – City of Nedlands and Town of Cambridge
 |

**Committee Recommendation / Recommendation to Committee**

**That Council authorise the Mayor and Chief Executive Officer to sign the Memorandum of Understanding for the Boundary Road Agreement between the City of Nedlands and the Town of Cambridge as detailed in Attachment 1 of this report.**

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| **TS25.18 Adoption of the Urban Forest Strategic Plan 2018-2023** |

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| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Andrew Dickson – Manager Parks Services |
| **Director** | Martyn Glover – Director Technical Services |
| **Attachments** | 1. Draft Urban Forest Strategic Plan 2018-2023
2. Draft Urban Forest Strategic Plan 2018-2023 Executive Summary
3. Community Engagement Report
 |

**Committee Recommendation**

**Council:**

**1. adopts the Urban Forest Strategic Plan 2018-2023 as presented in Attachment 1; and**

1. **acknowledges the community feedback captured in the Community Engagement Report as presented in Attachment 3.**

Recommendation to Committee

Council:

* + - 1. adopts the Urban Forest Strategic Plan 2018-2023 as presented in Attachment 1;
			2. acknowledges the community feedback captured in the Community Engagement Report as presented in Attachment 3; and
			3. requests the Administration investigate future options for improved management of the urban canopy on private land to be considered in future reviews of the Urban Forest Strategic Plan.

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| **TS26.18 Waratah Avenue Community Consultation**  |

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| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands  |
| **Officer** | Director Technical Services |
| **Director** | Director Technical Services |
| **Attachments** | 1. Final Concept Design (includes roundabout)
2. Final Concept Design (excludes roundabout)
3. Community Engagement Report
4. Road Safety Audit – Waratah/Alexander Intersection
 |

**Committee Recommendation / Recommendation to Committee**

**Council endorses the amended Waratah Avenue Design including the provision of a roundabout at the intersection of Alexander Road (Attachment 1), subject to the number of available car bays being retained.**

## Community & Organisational Development Report No’s CM04.18 (copy attached)

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

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| **CM04.18 Review of School Pool Subsidy**  |

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| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Amanda Cronin – Coordinator Community Development Marion Granich - Manager Community Development |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | N/A |

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **increases the school pool subsidy to $7,700 each for Hollywood and Nedlands Primary Schools for 2018/19 financial year; and**
2. **includes an amount of $7,700 per school for the school pool subsidy in future budgets for consideration by Council in the annual budget process.**

## Corporate & Strategy Report No’s CPS20.18 to CPS21.18 (copy attached)

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

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| **CPS20.18 List of Accounts Paid – September 2018** |

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| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands  |
| **Officer** | Vanaja Jayaraman – Manager Finance |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing September 2018
2. Purchasing Card Payments September 2018 (29th August – 28th September)
 |

**Committee Recommendation / Recommendation to Committee**

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

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| **CPS21.18 Annual Review of Council Delegated Authorities** |

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| --- | --- |
| **Committee** | 13 November 2018 |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands  |
| **Officer** | Nicole Ceric – Executive Assistant to CEO & Mayor |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Register of Delegations of Authority
 |

**Committee Recommendation**

**Council approves the Register of Delegations of Authority as per Attachment 1. Subject to the deletion of suggested changes to clause 6.7.1 on page 69-71 of Attachment 1.**

Recommendation to Committee

Council approves the Register of Delegations of Authority as per Attachment 1.

**Absolute Majority Required**

# Reports by the Chief Executive Officer

## Common Seal Register Report – October 2018

The attached Common Seal Register Report for the month of October 2018 is to be received.

**October 2018**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 312 | 12 October 2018 | Planning & Development | Ordinary Council Meeting 25 September 2018 PD47.18 | Seal Certification - Seal No. 312 - Scheme Amendment 208 - Bedbrook Place - Form 6A (2 copies) |
| 313 | 30 October 2018 | Planning & Development | Delegated Authority | Seal Certification - Seal No. 313 - Withdrawal of caveat as new dwelling complete and existing dwelling now demolished to complete the amalgamation of No. 2A and 2 Jutland Parade Dalkeith. |

## List of Delegated Authorities – October 2018

The attached List of Delegated Authorities for the month of October 2018 is to be received.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **October 2018** |
| **01/10/2018** | Approval to write off minor rates debt September 2018 - $201.69 | A/Chief Executive Officer – Martyn Glover | Local Government Act | Section 6.12 | City of Nedlands |
| **02/10/2018** | 3035537 - Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Gerard McCann |
| **02/10/2018** | 3035536 - Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Corrine McCann |
| **04/10/2018** | (APP) – DA18/30695 – 160 Melvista Ave, Nedlands – Four Pergolas | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | A De Lucia |
| **04/10/2018** | (APP) – DA18/30708 – 83 Bruce St, Nedlands – Additions to Single Storey | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Mr N Raynor |
| **04/10/2018** | (APP) – DA18/30666 – 3 Viewway, Nedlands – Carport and Side Boundary Fencing | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Parry and Whyte Architects |
| **04/10/2018** | (APP) – DA18/30774 – 10 Webster St, Nedlands – Carport and Street Boundary Fencing | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Beilby Design |
| **04/10/2018** | (APP) – DA18/30988 – 67 Minora Road, Dalkeith – Patio | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Oasis Patios Pty Ltd |
| **09/10/2018** | (APP) – DA18/31098 – 38 Tyrell St, Nedlands – Single Storey House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Averna Pty Ltd |
| **09/10/2018** | (APP) – DA18/31145 – 51 Wood St, Swanbourne – Additions to Single House | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Addstyle Constructions Pty Ltd |
| **09/10/2018** | (APP) – DA18/30922 – 21 Kirwan St, Floreat – Patio | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | S J Foley |
| **09/10/2018** | (APP) – DA18/31149 – 19 Edward St, Nedlands – Retrospective Additions to Gatehouse | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | J S Hart |
| **10/10/2018** | 3035475 - Parking Infringement Withdrawal – Vehicle breakdown | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Parvin Sabouri |
| **15/10/2018** | 3035573 - Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Roberta Cash |
| **15/10/2018** | (APP) – DA18/31108 – 37 Hobbs Ave, Dalkeith – Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Dale Alcock Homes Pty Ltd |
| **16/10/2018** | (APP) – DA18/30212 – 19 Birdwood Pde, Dalkeith – Additions | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Urbani Design |
| **18/10/2018** | (APP) – DA18/31795 – 2 Jutland Pde, Dalkeith – Alterations to Basement (New Toilets) | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Hawk Constructions |
| **18/10/2018** | (APP) – DA18/29765 – 75 Tyrell St, Dalkeith – Addition to Existing Single Dwelling | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Vision West Construction Residential |
| **19/10/2018** | 3024898 - Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Tim Frodsham |
| **19/10/2018** | (APP) – DA18/29511 – 36 Leon Rd, Dalkeith – Ancillary Accommodation to Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Summit Homes |
| **19/10/2018** | (APP) – DA18/29566 – 92 Rosedale St, Floreat – Two Storey Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Mr M Clarke |
| **22/10/2018** | (APP) – DA18/30277 – 16 Greenville St, Swanbourne – Additions (Deck & Carport) to Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | S M Vetten |
| **23/10/2018** | 3024894 - Parking Infringement Withdrawal – compassionate grounds -  | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Emilie Nelson |
| **23/10/2018** | (APP) – DA18/31709 – 40A Strickland St, Mt Claremont – Additions to Single House | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Sandtracks Design |
| **23/10/2018** | (APP) – DA18/28724 – 2 Korel Gardens, Swanbourne – Two Storey Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Residential Building WA |
| **24/10/2018** | 3030603 - Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Anthony Ryan |
| **24/10/2018** | (APP) – DA18/32000 – 100 Stephenson Ave, Mt Claremont – Three Transportable Buildings | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | I Hewson |
| **24/10/2018** | (APP) – DA18/31584 – 578A Haldane St, Mt Claremont – Home Business (Speech Pathology) | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Voice Care WA |
| **24/10/2018** | (APP) – DA18/31996 – 11 Hotchin St, Dalkeith – Street Fence & Retrospective Boundary Wall | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | C Lang and A Jackson |
| **24/10/2018** | (APP) – DA18/29590 – 12 Waroonga Rd, Nedlands – Two Storey Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Eames Architects |
| **26/10/2018** | (APP) – DA18/31590 – 64 Florence Rd, Nedlands – Retaining Walls | Coordinator Statutory Planning - Andrew Bratley  | City of Nedlands TPS2 | Section 6.7.1 | Atrium Homes |
| **26/10/2018** | (APP) – DA18/31594 – 22 Mayfair ST, Mt Claremont – Home Business Naturopath | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | I Mariappan |
| **30/10/2018** | 3029870 - Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Leigh Ferguson |
| **30/10/2018** | 3038289- Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | George Mercer |
| **30/10/2018** | 3030712- Parking Infringement Withdrawal – compassionate grounds | Manager Health & Compliance – Andrew Melville | Local Government Act 1995 | Section 9.20/6.12(1) | Steven Mansfield |
| **30/10/2018** | (APP) – DA18/32063 – 18 Viewway, Nedlands – Additions to Single House | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Chindarsi Architects |

## Monthly Financial Report – October 2018

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| --- | --- |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Vanaja Jayaraman – Manager Financial Services |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy  |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 31 October 2018
2. Capital Works & Acquisitions – 31 October 2018
3. Statement of Net Current Assets – 31 October 2018
4. Statement of Financial Activity – 31 October 2018
5. Borrowings – 31 October 2018
6. Statement of Financial Position – 31 October 2018
7. Operating Income & Expenditure by Reporting Activity – 31 October 2018
8. Operating Income by Reporting Nature & Type
 |

**Executive Summary**

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

**Recommendation to Council**

**Council receives the Monthly Financial Report for 31 October 2018.**

**Discussion/Overview**

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

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

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

The operating revenue at the end of October 2018 was $31.75 M which represents $2 M favourable variance compared to the year-to-date budget.

The operating expense at the end of October 2018 was $11.93 M, which represents $1.65 M favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 269,392

Revenue: Unfavourable variance of $ (60,046)

The favourable expenditure variance is mainly due to savings on special projects, professional fees, insurance of $262k not expensed yet.

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

**Corporate and Strategy**

Expenditure: Favourable variance of $ 234,136

Revenue: Favourable variance of $ 220,448

The favourable expenditure variance is mainly due to timing differences in the commencement of special projects and the use of professional services and ICT expenses of $223k.

Favourable revenue variance is due to higher rates revenue of $205k arising from profiling issue. Year to-date rates revenue is $23.4 M compared to annual budget of $23.4 M.

**Community Development and Services**

Expenditure: Favourable variance of $288,842

Revenue: Favourable variance of $157,622

The favourable expenditure variance is mainly due to expenses not expended yet for community donations of $67k and operational activities $19k, Tresillian courses fees, and other NCC and Nedlands Library expenses of $130k. Salaries and other employee expenses is lower by $53k mainly due to delay in filling vacant positions, and timing differences.

The Favourable revenue variance is due to increase fees & charges income from Tresillian courses and Positive Ageing activities of $21k. Timing difference on Grant receipt for NCC of $137k also contributed to favourable variance.

**Planning and Development**

Expenditure: Favourable variance of $ 308,585

Revenue: Favourable variance of $ 69,256

The favourable expenditure variance is mainly due to expenses not expended yet for operational activities for Environmental Health and Environmental Conservation of $193k, professional fees, ICT and other expenses of $44k. Salaries is lower by $45k mainly due to delay in filling vacant positions, and timing differences.

Small favourable revenue variance is due to higher income for planning fees & charges of $90k and Ranger services of $35k, partly offset by less fees & charges from Health services of $20k and Building services of $46k.

**Technical Services**

Expenditure: Favourable variance of $ 550,973

Revenue: Favourable variance of $ 1,621,874

The favourable expenditure variance is mainly due to expenses not expended yet for Building maintenance of $174k and park services of $274k.

The favourable revenue variance is due to higher revenue from upfront payment of underground power (UGP) service charge of $1.6 M. The underground power revenue budget will be updated at budget review, with the confirmed figures based on owners who have elected to pay up-front or in 10-year instalments.

UGP – As at 31st October 2018, the City’s service charge, spend and borrowings since the commencement of the project is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Project** | **Service Charge** | **Spend** | **Borrowings** |
| Alderbury Street | $184,509 | $0 | $0 |
| West Hollywood | $2,274,731 | $5,495,228 | $2,929,192 |
| Alfred Road & Mt Claremont | $389,530 | $674,661 | $0 |
| **Total** | **$2,848,770** | **$6,169,889** | **$2,929,192** |

**Borrowings**

At 31 October 2018, we have a balance of borrowings of $7.9 M. 2018/19 budget included borrowings of $4.4 M including $2.47 M for the UGP based on the assumption that 75% of the owners will opt for a 10-year loan. However, only 23% of owners have opted for the 10-year loan, thus reducing the loan requirement for the owners’ portion of the UGP $806k. This will reduce the borrowings for the year by $1.66 M with an estimated total outstanding borrowing of $8.5 M at year end compared to the budget of $10M.

**Net Current Assets Statement**

At 31 October 2018, net current assets were $21.2 M compared to $20.7 M as at 31 October 2017. This is mainly due to service charges and corresponding expense on the Underground Power projects.

Rates debtors outstanding are 31% as at 31 October 2018 compared to 30% as at 31 October 2017.

Sundry debtors as at 31 October 2018 is $609k compared to $335k as at 31 October 2017. This is mainly due to outstanding contribution for All Abilities Play Space, and higher infringement balances outstanding due to increased infringement notices issued.

**Capital Works Programme**

At the end of October, the expenditure on capital works were $2.15 M with further commitments of $2.6 M which is 34.2% of a total budget of $13.88 M.

**Conclusion**

The statement of financial activity for the period ended 31 October 2018 indicates that operating expenses are under the year-to-date budget by 12.1% or $1.65 M, while revenue is above the Budget by 6.8% or $2 M.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – October 2018

|  |  |
| --- | --- |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands |
| **Officer** | Vanaja Jayaraman – Manager Financial Services |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Investment Report for the period ended 31 October 2018
 |

**Executive Summary**

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

**Recommendation to Council**

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

**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 October 2018 the City held the following funds in investments:

Municipal Funds $ 14,077,192.59

Reserve Funds $ 6,090,172.33

Total $ 20,167,364.92

The total interest earned from investments as at 31 October 2018 was $119,668.56.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $6,808,535.08 | 2.46% - 2.74% | 33.76% |
| Westpac | $5,650,907.04 | 2.50% - 2.81% | 28.02% |
| ANZ | $2,185,369.06 | 2.30% - 2.50%  |  10.84% |
| CBA | $5,522,553.74 | 1.30% - 2.46% | 27.38% |
| **Total** | **$20,167,364.92** |  | **100.00%** |



**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes [ ]  No [x]

Required by City of Redlands policy: Yes [ ]  No [x]

**Budget/Financial Implications**

Investment income is steady as per budget.

## Metro West JDAP Application – (Lot 103) No. 15 Karella Street, Nedlands – Aged Persons’ Apartments

|  |  |
| --- | --- |
| **Council** | 27 November 2018 |
| **Applicant** | Element  |
| **Landowner** | Retirement Care Australia (Hollywood) Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development  |
| **Reference** | DA18/31608DAP/18/01497 |
| **Previous Item** | Nil.  |
| **Attachments** | 1. Responsible Authority Report and attachments.
 |

**Executive Summary**

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

The development consists of the following:

* Demolition of an existing 6 storey building.
* The construction of 327 aged persons’ apartments.
* The placement of a temporary display apartment adjacent to the property’s Smyth Road boundary.
* A total of 576 residential car parking bays and 82 visitor car parking bays being proposed to be available on site.
* Two vehicle access points from Karella Street and two vehicle access points from Williams Road.

The RAR outlines the proposal in detail (see attachment 1).

**Recommendation to Committee**

**Council recommends to the Metropolitan West Joint Development Assessment Panel that the application (reference DAP/18/01497) for 327 aged persons’ apartments and a temporary display apartment at (Lot 103) No. 15 Karella Street, Nedlands, be approved subject to the conditions and advice notes contained in the Responsible Authority Report (dated 8 November 2018).**

## Professional Development Approved by the Chief Executive Officer

The attached Professional Development Approved by the Chief Executive Officer for the month of January 2018 is to be received.

|  |  |  |
| --- | --- | --- |
| **Name**  | **Conference Details** | **Reason** |
| Lorraine Driscoll, Director Corporate & Strategy | Civica Exchange Conference held in NSW.21 – 23 November 2018 | CEO found this Conference to be relevant to the Directors position. Annual conference to receive updates from Civica and provide feedback to Civica. Also provides an opportunity to meet with State Account Manager for the City of Nedlands. |
| Martyn Glover, Director Technical Services | 4th International Street Lighting + Smart Controls Conference, Sydney2-4 April 2019 | CEO found this Conference to be relevant to the Directors position. |

## Annual Report 2017/18

|  |  |
| --- | --- |
| **Council** | 27 November 2018 |
| **Applicant** | City of Nedlands  |
| **Officer** | Lorraine Driscoll, Director Corporate & Strategy |
| **CEO** | Greg Trevaskis |
| **Attachments** | 1. Annual Report 2017-18
2. Financial Report 2017-18
 |

**Executive Summary**

The Annual Report for the year ended 30 June 2018 is presented to Council for acceptance. The Annual report is presented in two parts, being the Annual Report, which includes a summary of income and expenditure and the Financial Report. Also included is a full set of audited annual financial statements and the Independent Auditor’s report.

Once formally received and accepted by Council, the Annual Report can be referred for discussion at the Annual Electors’ Meeting

**Recommendation to Council**

**Council:**

1. **accepts the Annual Report of the City of Nedlands for the year ended 30 June 2018, in accordance with the provisions of section 5.54 of the *Local Government Act 1995*; and**
2. **refers the Annual Report for the year ended 30 June 2018 to the Annual General Meeting of Electors of the City of Nedlands to be held at 6:00pm, Thursday 13 December 2018 at the Adam Armstrong Pavilion.**

**ABSOLUTE MAJORITY REQUIRED**

**Discussion/Overview**

**Background**

Section 5.53 of the *Local Government Act 1995* requires a Local Government to prepare an Annual Report for each financial year. The Annual Report is to contain a report from the Mayor, a report from the Chief Executive Officer, the Financial Report for the Financial Year, the Auditor’s Report for the Financial Year, a number of other matters in relation to principal activities and such other information as may be prescribed.

Attached is the Annual Report for the year ended 30 June 2018, including the Financial Report and Independent Auditor’s Report. The Financial Report comprising the Accounts for the year ended 30 June 2018 was completed and submitted to Council’s Auditor Macri Partners who completed their audit in October 2018.

Once accepted, Council is then required by Section 5.27 of the *Local Government Act of 1995* to hold a General Meeting of Electors once every financial year to discuss the contents of the Annual Report for the previous financial year and any other general business.

**Key Relevant Previous Council Decisions:**

Not applicable.

**Consultation**

Required by legislation: Yes [ ]  No [x]

Required by City of Nedlands policy: Yes [ ]  No [x]

The Annual Financial Report has been presented to the Audit and Risk Committee.

**Legislation / Policy**

Sections 5.27, 5.29, 5.53, 5.54 and 6.4 of the *Local Government Act 1995* respectively deal with the requirement for a General Meeting of Electors each financial year and the requirement for an Annual Financial Report.

**Budget/Financial Implications**

**Highlights**

1. The City undertook more than 100 engagement projects in 2017/18, a 25% increase compared to the previous year, and achieved a participant membership of approximately 1,600 people through its online engagement hub Your Voice Nedlands. Your Voice Nedlands continued to be a major resource for our ratepayers with 25,000 visits compared to just under 8,000 in the previous year.
2. The City reviewed and updated its Strategic Community Plan and agreed upon a new vision for the City ie ‘Our City will be an environmentally-sensitive beautiful and inclusive place.’
3. The Council adopted the 10-year financial plan, a document that sets out the City’s plans and strategies for the future.
4. Official naming and completion of the Jo Wheatley All Abilities Play Space, a project finally realized after the initial proposal was made seven years ago.
5. Installation of underground power began in the West Hollywood area, Alfred Road and Mt Claremont triangle and Alderbury Street. Nearly 5.2km of the City’s roads and 1,642m2 of footpath were renewed, with a further 630m2 of new footpaths constructed, along with improving blackspot areas.
6. Sustainability remained a key focus with over 643 street trees and 24,000 native seedlings planted across the City.
7. More than 10,000 people attended the City’s major community events, including four Summer Concerts in the Park (celebrating their 21st anniversary), One Nedlands Going Place Tour, Anzac Day ceremony, Remembrance Day ceremony and three Citizenship ceremonies.
8. Much work has been done over the past year to prepare the draft Local Planning Scheme No. 3 for submission to the State Government.
9. The City continues to focus its resources and efforts into the delivery of the 2013-23 Strategic Community Plan and has done so with success.
10. City of Nedlands Rangers were named the 2017 Ranger Team of the Year – the second time they have won the award.

**Overview of 2017/18 Financial Performance**

The City completed the 2017/18 financial year with a surplus net result in the Statement of Comprehensive Income of $2,201,756 compared to the adopted budget deficit of $264,279. The Statement of Comprehensive Income includes all operating revenues and expenses, both cash and non-cash and grants & contributions. In terms of setting its rates Council does not budget to raise rates to recover the non-cash costs of depreciation but does budget to generate sufficient operating revenue to fund its capital works program and financing activities. Any shortfall is covered by borrowings and/or transfers from reserves.

Key factors contributing to the variances by Nature or Type between actual and revised budget are provided in this report.

The significant reasons for the variances are:

**Operating and Other Revenue**

1. Operating revenue for the year was $32,635,622 compared to the budget of $31,752,578, which represents an increase of $833,044 (2.78%).
2. Rates levied were $55,481 (0.25%) higher than budget due to a small increase of 18 properties.
3. Operating Grants & Contributions received was $412,693 (25.21%) higher than budget. This was mainly due to the receipt of $395,032 operating grants for 2018/19 which was received in advance in this financial year and therefore recorded as income in 2017/18.
4. Fees and Charges raised were higher than budget by $132,716 (1.95%). The higher income was due to increased course fees, facility charges and extra revenue on infrastructure services for the Montario Quarter subdivision supervision fees.

5. Interest income from investments were higher by $26,728 (4.80%) than budget due to improved cashflow management during the year.

6. Other Revenue was higher than the budget by $255,426 (80.50%). This was largely due to the WESROC Project expenses of $127,672 incurred in 2016/17, which was invoiced to the member councils in 2017/18 financial year. The Hollywood parking contract was extended, and we received income of $86k versus a nil budget.

**Operating Expenses**

1. Operating expenses for the year were $35,537,511 compared to the budget of $38,449,616, a decrease of $2,912,105 (7.57%).

1. Employee costs was lower by $244,404 (1.86%) compared to the budget. This is mainly due to increased cost control measures by management and delay in replacing staff who resigned.
2. Materials and Contracts costs decreased by $1,329,829 (8.46%) compared to the budget. This is due to the deferment of some operating projects due to factors outside the City’s control and savings due to constant monitoring of expenses.
3. Utility charges increased by $106,469 or (17.49%) this was due in part to a higher than expected increase in charges but also charges for 2016/17 being received after audit completion date and therefore accounted in the 2017/18 financial year.
4. Other Expenditure decreased by $206,119 (21.44%). This was due partly to reduced grants provided by Council.

**Capital Works**

During the financial year the City spent $10,763,771 in carrying out its Capital Works program of which $9,212,125 was spent on improving infrastructure assets – roads, footpaths, drainage, parks and gardens and $1,551,646 was spent on upgrading and renovating the City’s buildings and purchase of plant and equipment.

The 2017/18 capital budget was $15,778,700, of which $13,497,940, was for improving infrastructure assets and $2,280,760 was for upgrading and renovating the City’s buildings and purchase of plant and equipment. However, a number of infrastructure projects were not completed during the year and are carried forward to the 2018/19 financial year and have been re-budgeted in the 2018/19 Budget adopted in June 2018, which include the following

**Projects** Amount ($)

Stirling Highway 260,600

Carrington Street 260,000

Broome Street Depot 143,000

Asquith Reserve 278,200

College Park 468,000

Riverwall Restoration 500,800

The following projects were not carried out due to change in external factors:

**Projects** Amount ($)

Allen Park 255,600

Beaton Park 900,000

David Cruickshank 299,000

Of the total funds expended on capital works, $2,609,259 were from grants and contributions and the balance was made up of operating surplus, transfers from reserves and sale of plant.

The values of capital works completed in each of the past 5 years is shown in the following chart. It is to be noted that the major projects contributing to the high value of capital works in 2017/18 was due to All Abilities Play Space, Road works at Birkdale Street, Browne Street, Shann Street, Brockway Road and Brockway/Brookdale, whilst in 2016/17 it was due to All Abilities Play Space, Allen Park Lower Pavilion Renovations and Road Rehabilitation works at Gallop Road, Boronia Avenue, Leon Road and Princess Road.



**Cash and Cash Equivalents**

The cash and cash equivalent balance at 30 June 2018 was $11,135,046 compared to $11,020,622, a slight increase of $114,424 (1.04%). Reserves included in this balance amounted to $6,037,349 or 54.21% of the total.

**Receivables**

The decrease in Receivables in 2017/18 of $142,097 compared to the previous year was mainly due to the improved collection efforts. As a %, the rates and sundry debtors outstanding compared to rates, and fees and charges revenue for this financial year is 1.56% compared to 2.76% for the previous financial year.

One of the risk factors evaluated in the Notes to the Accounts (Note 4) is receivables – the risk that the debts may not be collected by the City. Credit risk on rates and annual charges is minimal as they are charges on the associated properties, and the City has the ability to recover these debts from the sale of the properties if necessary.

**Payables**

The decrease in payables of $647,734 was as a result of overall lower capital and materials and contracts expenditure during the year compared to the last financial year.

**Borrowings**

The City had additional long term borrowing of $3,233,761 and short-term borrowings of $1,652,524 for the underground power project. However, the City managed to finance all capital works without having to borrow the $1 M budgeted for that purpose. As at 30 June 2018, the City had total borrowings of $9,998,674 after principal repayment of $1,135,626 compare to 2016/17 total borrowings of $6,248,015.

**Provisions**

The leave provision showed a decrease of $112,264 due to better management of annual leave and long service leave.

**Financial Performance Indicators**

The Financial Ratios in Note 33 to the accounts give an overview of the financial performance of the City in 2017/18 compared with the previous two years. All the ratios except for the Asset Consumption ratio are within recommended standard benchmarks set by the Department of Local Government.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Ratio** | **Target** | **2018** | **2017** | **2016** |
| Liquidity - Current Ratio | >1.00 | 0.85 | 1.31 | 2.00 |
| Debt Ratio - Debt Service Cover Ratio | >2.00 | 1.83 | 6.44 | 5.94 |
| Coverage Ratio - Own Source Revenue Coverage Ratio | >40% | 84% | 94% | 92% |
| Financial Performance - Operating Surplus Ratio | >1% | -12% | 2% | -3% |
| Asset Management Ratios - Asset Sustainability Ratio | >50% | 145% | 165% | 129% |
| Asset Consumption Ratio | 90-110% | 57% | 67% | 59% |
| Asset Renewal Funding Ratio | 75-95% | 86% | 88% | 86% |

The current ratio is below the target of >1.00 as the City has taken short term borrowings of $1,652,524 for the owners’ portion of the Underground Power Project which was subsequently paid in October, to be replaced by a long-term borrowing.

The Asset Consumption Ratio is lower than target due to the aging nature of the City’s assets which is being addressed by planned increase in capital expenditure in the coming years.

The current ratio, debt ratio and operating surplus ratio were distorted by the early receipt of Financial Assistance Grants.

The debt ratio and the financial performance ratio are below the respective targets, and the coverage ratio is distorted, by the spend on the Underground Power Project of $4.5m, and impairment loss of infrastructure assets of $1,232,307 through profit or loss.

If the above events did not occur, the impacted ratios would be as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Ratio** | **Target** | **2018** | **2017** | **2016** |
| Liquidity - Current Ratio |  >1.00 | 1.02 | 1.27 | N/A |
| Debt Ratio - Debt Service Cover Ratio |  >2.00 | 5.89 | 6.12 | 6.30 |
| Coverage Ratio - Own Source Revenue Coverage Ratio | >40% | 100% | N/A | N/A |
| Financial Performance - Operating Surplus Ratio | >1% | 7% | 1% | -2% |

**Audit Report**

The City’s Auditor, Macri Partners, have completed the audit of the Annual Financial Statements in line with current Australian Standards and have provided an Unqualified Opinion following the meeting with the Audit and Risk Committee.

**Conclusion**

Council’s acceptance of the Annual Report for the City of Nedlands for the year ended 30 June 2018 comprising the Annual Report, Financial Report and the Auditor’s Report is recommended.

# 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 – Local Planning Strategy

At the Council meeting on 27 November 2018 Mayor gave notice of his intention to move the following at this meeting.

**That:**

1. **Council review its Local Planning Strategy**
2. **Matters to be included in the review:**
* **Areas suitable for higher density – re-examine development potential along the railway corridor and elsewhere; confirm location of higher densities;**
* **Number of additional residential units to be accommodated – establish basis of 4,400 units; provide staging for timed distribution of higher densities;**

* **Gaps in information –include information on bikeways, heritage, the arts, water, energy and bushfire management;**
* **Residential Design Codes – assess applicability of proposed apartment codes to the City; apart from the 9m front setback requirement, what, if any, other variations could be considered as appropriate;**
* **Integration of long-term planning - align the Strategy Map and the City’s Strategic Community Plan;**
* **Green Paper on planning administration – explore possible evolution of planning controls, implications of consolidation of planning instruments and potential options;**
* **Character areas - define precinct-based neighbourhoods on land use, topography and subdivision pattern, particularly where there are opportunities to promote significant development nodes:**
	+ **Town Centre – commercial, civic, cultural (Woolworths, Aldi)**
	+ **Riverfront – recreation (Sunset, Tawarri, JWAAPS)**
	+ **Montario Quarter – mixed residential development (Landcorp)**
	+ **Nedlands/Hollywood Village – aged care (Regis)**
	+ **WWTP Innovation Hub – technology park (Watercorp);**
* **Lessons from submissions on LPS3 – options for overcoming major concerns, including density transitions between adjoining lots;**
* **Adjoining areas – brief discussion of land use/zoning along the boundaries of the City and an appropriate response (match or contrast);**
* **City vision – discuss the city we could be, illustrating future options.**

Justification

The City’s Local Planning Strategy was prepared in 2015, adopted by Council after advertising in August 2016 and approved by the Western Australian Planning Commission (WAPC) in September 2017.

It has now been over three years since the Strategy was prepared. In the intervening period there has been a change in State Government, bringing a new emphasis on developing crown land assets, particularly around railway stations (Metronet). Significant administrative changes affecting town planning have also been signalled – the Green Paper foreshadowing legislative consolidation, a new Heritage Act and revised residential apartment codes.

The advertising of the City’s Local Planning Scheme (LPS) has highlighted where the Strategy could be improved to better address current issues.

Council resolved not to support a proposed revised LPS in July 2018, mainly because proposed residential densities were significantly higher than those in the adopted Strategy. The Scheme is now with the WAPC for finalisation.

At some stage in the not too distant future the WAPC will advise the City of a revised LPS3. When that time comes, the City must have a frame of reference for its response. Going back to the Strategy that was adopted by Council in August 2016 is not an option. Things have moved on – lessons have been learned from receipt of submissions on LPS3. The City should take advantage of the delay in finalising LPS3 to take the opportunity to review its Local Planning Strategy. As the Chairman of the WAPC advised when he met with the Council, a Planning Strategy can be reviewed at any time. This does not mean a new Strategy is now proposed or would have to be advertised but simply an internal review should be undertaken as a prudent safeguard measure.

A review of the Strategy is not a major task, as our Director has said, 80 per cent of it is facts and figures that won’t change. The emphasis of the review should be to draw conclusions from the information collected, identify opportunities and constraints and more clearly present future options.

It is anticipated a review of the Local Planning Strategy will confirm the general thrust of the document approved by Council in August 2016 but with incremental improvements that will put the City in a better position to respond to the WAPC when it releases its version of LPS3.

Administration Comment

The motion is not supported for the following reasons:

Since the endorsement of the Local Planning Strategy (Strategy) by the Western Australian Planning Commission (WAPC) in September 2017, the City of Nedlands has not experienced any significant changes in terms of population, housing, economy, employment, retail or commerce. Although State Government have signalled future planning reform through the release of the ‘Green Paper’, there have been no significant changes to State Planning Legislation since the Strategy’s endorsement. It is therefore considered there is insufficient justification to merit an amendment to the Strategy at this time.

The justification provided for the motion predominantly relates to Local Planning Scheme 3 (LPS 3) and the influence of an amended Strategy in the determination process. Following Council’s resolution on LPS 3 in July, the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) require that the WAPC, within 120 days of receiving Councils resolution and related documentation, consider the documents and make a recommendation to the Minister. The Minister will then make a determination and, if approved, LPS 3 will become operational on the date it is published in the Government Gazette.

Officers from the Department of Planning, Lands and Heritage (DPLH) have indicated WAPC are likely to consider LPS 3 in December to meet the timeframe prescribed in the Regulations. Due to these timeframes, Officers do not anticipate an ability to prepare an amendment to the Strategy and it being endorsed prior to the Minister issuing a determination on LPS 3.

Furthermore, it is considered the matters raised in the motion can be appropriately addressed without an amendment to the Strategy as set out below.

The motion proposes a review of the Strategy to address a number of matters. These matters are not considered to create cause for the review of the Strategy.

1. No. of additional residential units to be accommodated – establish basis of 4,400 units; provide staging for timed distribution of higher densities

Perth and Peel@3.5million (Perth and Peel), the State Government’s metropolitan planning strategy, sets out infill targets for Local Government Areas. A minimum target of 4320 additional dwellings has been set for the City of Nedlands to be achieved by 2050.

Given the timeframes of the Regulations as advised above, Officers believe an amendment to the Strategy to re-examine the staging of increased density is unlikely to be endorsed (if supported by WAPC) prior to Minister considering of LPS 3.

1. Residential Design Codes – additional requirements

Part 7.3.1 of the R-codes provides for the creation of Local Planning Policy to amend and/or replace certain deemed-to-comply provisions set out in Part 5 and/or Part 6 of the R-codes. The Local Government may with approval of the WAPC amend other provisions where it can be demonstrated the amendment is warranted due to a specific need in the locality. This Local Planning Policy can be commenced at any time.

1. Additional information - bikeways, heritage, the arts, water, energy and bushfire management

• The cycle network is already included in the Strategy, but specific Bikeway locations are not identified in the Local Planning Strategy. An amendment to the Strategy could identify bike paths for further investigation, however this process can be undertaken outside of a Strategy amendment. An Integrated Transport Plan and subsequent Bike Plan for the City would address this issue.

• The City has an endorsed Heritage List and Municipal Inventory. The Regulations provides for the Local Government to designate heritage areas to conserve and enhance the cultural significance of an area through special planning controls. This is done through a Local Planning Policy which can be commenced at any time.

• The Department of Planning, Lands and Heritage and Department of Fire and Emergency Services administer Bushfire Management legislation. Bushfire prone areas are designated by the Fire and Emergency Services (FES) Commissioner and identified on the Map of Bush Fire Prone Areas. State Planning Policy 3.7, the Guidelines for Planning in Bushfire Prone Areas, and Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Amendment Regulations 2015 directs how land use should address bushfire risk management in Western Australia. As the Deemed Provisions form part of every Local Planning Scheme, no further information should be included in the Local Planning Scheme. It is considered the content currently provided in the endorsed Strategy in relation to Bushfire Management is appropriate to outline the relevant legislation.

1. Align map with City’s Strategic Community Plan

The Strategy can be amended to contain elements of the map included in the Strategic Community Plan which are consistent with relevant State Planning Policy.

1. Re-examine railway corridor

The endorsed Strategy has examined the capacity of additional density being accommodated within walkable catchments of the train stations within the City of Nedlands and identifies these catchments on the Strategy map. The Strategy states around Loch Street and Karrakatta Stations, the residential lots are zoned R20-R40, many of which were developed in the early 2000s, and now provide limited opportunity for increased residential density.

A review could be undertaken to re-examine the potential for increased density in these locations to cater for additional growth of the City. Given the areas identified for increased density in draft LPS 3 it is recommended this is investigated as part of future review of LPS 3.

1. Green Paper on planning administration

The green paper released for public comment in May 2018 proposed potential areas for planning reform. The Green Paper is an independent discussion paper and does not represent Government policy. Once State Government has a formal position on future planning reform the City can respond accordingly.

1. Establish Precincts

A precinct planning approach is possible for the ‘Town Centre’ through the development of Local Development Plans upon gazettal of LPS 3.

1. Investigate responses to LPS 3 submissions

Concerns raised in submissions during advertising of LPS 3 should be addressed through statutory planning mechanisms in LPS 3 and subsequent Local Planning Policy. Should the Minister approve LPS 3 without the necessary statutory controls in place, the City has the ability to initiate Scheme Amendments to address identified planning issues.

1. City Vision

The endorsed Strategy contains a vision for the City which was informed by Our Vision 2030 and the subsequent Nedlands 2023 Strategic Community Plan. Should a Strategy amendment be progressed, a revised vision can be formulated.

## Councillor Wetherall – Residential Property

On the 1 November 2018 Councillor Wetherall gave notice of his intention to move the following at this meeting.

**That Council requests the CEO:**

1. **to investigate and report to Council of the potential value to the City of Nedlands of acquiring the residential property identified in the confidential attachment, for the purposes of creating an outdoor community facility if combined with adjacent City of Nedlands controlled land in this location; and**
2. **depending upon the conclusions of the abovementioned report, the CEO requests Council to authorise negotiations with the current proprietor(s) of said property to secure a first right of refusal to acquire the property should it be offered for sale over the following 10 years from the date of the option agreement.**

Justification

The subject property is adjacent to CON owned property and of sufficient area to allow an enhanced outdoor facility for provision of community services. Further details are provided in the confidential attachment.

Administration Comment

1. The purchase of the residential property identified in the confidential attachment has not been considered nor evaluated previously. Administration will (if Council approves) investigate the value and cost of the proposed acquisition and include the analysis in the review and update of the Long-Term Plan scheduled for a briefing in February 2019. Consideration will also be given to zoning amendments if required; and
2. Noted and dependent upon 1 above. However, it is important to recognise that any negotiations to secure an option do not imply future value of the property, we understand that this is not the intent of the Notice of Motion and all communications with owners need to be open and transparent on this matter

## Councillor Wetherall – Captain Stirling Hub Committee

On the 1 November 2018 Councillor Wetherall gave notice of his intention to move the following at this meeting.

**Council:**

1. **directs the CEO to:**
2. **disband forthwith the Captain Stirling Local Hub Steering Committee (CSLHSC); and**
3. **write to community members of the CSLHSC to thank them for their contributions, and advise that Council, with the assistance of Administration, will resume responsibility for all planning matters relating to the Neighbourhood Centre/Town Centre in Melvista Ward (including rezoning contingent upon the Woolworths development application for the Captain Stirling site).**
4. **agrees to the formation of an informal Captain Stirling Hub Consultation Committee:**
5. **to facilitate information exchange between Council and residents and ratepayers interested in the Woolworths and Aldi development applications and Councillors; and**
6. **to be chaired by the Mayor, and comprise Melvista Ward Councillors, together with two to four Melvista Ward ratepayers by invitation including the chair of NedSavers; and**
7. **the Committee:**
	1. **shall not give instructions to City of Nedlands Staff;**
	2. **shall distribute Minutes of its meetings to Councillors and the CEO; and**
	3. **shall when some action is considered necessary or appropriate report by way of recommendation to the Council.**

Justification

The CSLHSC was created at the Council Meeting of the 26/5/15 as an informal Committee of Council providing communication with local residents affected by the proposed redevelopment by Woolworths of the Captain Stirling Hotel site (plus adjacent land). The ‘NedSavers’ community group was expected to participate. The justification for the CSLHSC was given as *“It is important to establish from the outset a Steering Committee containing community members, to maintain the confidence of residents.”* At the time of its formation, Administration recommended against the formation of the CSLHSC.

The “Terms of Reference” were not presented to councillors at the Council Meeting of the 26/5/15, nor approved by Council subsequently.

Neither agendas nor minutes for CSLHSC meetings are circulated to councillors, and there is very little awareness of the ongoing activities of this Committee.

The membership of the Committee was changed without reference to Council.

It was never intended by Council that the CSLHSC would take on planning activities or act independently of Administration on planning matters. However, since 2017 it has seriously transgressed its authority. Consequently, I see no alternative other than to disband the CSLHSC. Part 1 of this NOM achieves this outcome.

Part 2 of this NOM provides for an informal means of community consultation with ratepayers affected by the proposed developments on the Captain Stirling Woolworths/Aldi sites, should Council believe it is desirable to continue this provision.

Further brief information is provided in the confidential attachment.

Administration Comment

It is important that Council considers and agrees the “big picture” outcomes it wishes to see for the sites now referred to as the “Town Centre” south of Stirling Highway between Dalkeith Road and Stanley Street. Council has already signalled its intentions, at a general level, through the Local Planning Strategy and this will be further detailed in LPS3 once adopted. To this end, a workshop will be held with Council on 20 November 2018 to discuss and debate ideas within the context of the likely zoning that will be applied to the site once LPS3 is confirmed.

Alongside the LPS3 process, planning for possible development controls at this site has been investigated by Administration in the form of a draft Local Development Plan (LDP). LDP’s are also proposed for other similar sites on Stirling Highway and Hampton Road and Broadway.

As Council clarifies its thinking around the outcomes it wants to see on the Town Centre site (always bearing in mind it is private land and Council’s influence needs to take this into account) the draft LDP will be shaped by Administration to ensure it is consistent with this vision.

Ultimately it is the Council, as an elected body, who need to determine the content of any LDP applying to the Town Centre sites through the formal Council processes.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 18 December 2018

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

Notices of motion for consideration at the Council Meeting to be held on 18 December 2018 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

# Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

# Confidential Items

Any confidential items to be considered at this point.

## Recruitment and Selection of Chief Executive Officer 2018

Confidential Report circulated separately to Councillors.

# Declaration of Closure

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