



City of Nedlands

Agenda

Council Meeting

27 October 2015

Dear Council member

The next Ordinary Meeting of the City of Nedlands will be held on Tuesday, 27 October 2015 in the Council Chambers at 71 Stirling Highway Nedlands commencing at 7.00pm.

Greg Trevaskis
CHIEF EXECUTIVE OFFICER
27 October 2015

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City of Nedlands

Notice of an Ordinary Meeting of Council to be held at the City of Nedlands Council Chambers, Tuesday 27 October 2015 at 7.00pm

Council Agenda

Declaration of Opening

Swearing in of the Mayor

Swearing of Elected Members

Present and Apologies and Leave Of Absence (Previously Approved)

Leave of Absence Cr K A Smyth Coastal
(Previously Approved)

Apologies None at the 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.

1. 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.

2. 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.

3. Requests for Leave of Absence

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

4. Petitions

Petitions to be tabled at this point.

5. 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.

6. 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.

7. 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.

8. Confirmation of Minutes

8.1 Ordinary Council Meeting Tuesday, 22 September 2015

The minutes of the Ordinary Council Meeting held Tuesday, 22 September 2015 are to be confirmed.

9. Announcements of the Presiding Member without discussion

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

9.1 Waterwise Garden Competition Award

10. Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

11. 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.

12. Divisional Reports and Minutes of Council Committees and Administrative Liaison Working Groups

12.1 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:

Council Committee **13 October 2015**
Circulated to Councillors on 16 October 2015

Sustainable Nedlands **13 October 2015**
Circulated to Councillors on 14 October 2015

**Chief Executive Officer's
Performance Review Committee** **16 September 2015**
Circulated to Councillors on 18 September 2015

Arts Committee **21 September 2015**
Circulated to Councillors on 25 September 2015

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

12.2 Planning & Development Report No's PD42.15 to PD43.15

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.

PD42.15 (Lot 579) No. 17 Viking Road, Dalkeith – Three Storey Single House

| | |
|-----------------------|--|
| Committee | 13 October 2015 |
| Council | 27 October 2015 |
| Applicant | Milankov Designs and Project Management Pty Ltd |
| Owner | H Indra |
| Officer | Kate Bainbridge – Senior Statutory Planning Officer |
| Director | Peter Mickleson – Director Planning & Development Services |
| File Reference | DA14/514 |
| Previous Item | PD35.15 – 8 September 2015 Withdrawn by applicant |

Recommendation to Council / Committee Recommendation

Council approves the application for a Three Storey Single House at (Lot 579) No. 17 Viking Road, Dalkeith, in accordance with the application received on 16 October 2014 and amended plans received on 31 August 2015, subject to the following conditions:

- 1. The development shall at all times comply with the approved plans.**
- 2. Amended plans shall be submitted and approved by the City prior to the lodgement of a building permit demonstrating all fencing within the front setback is no higher than 1.2m above natural ground level. This includes the fencing along the eastern and western side boundaries within the front setback.**
- 3. The use of the basement level shall be restricted to uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling / development, 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.**

4. **Front walls and fences in the primary street setback area shall be:**
 - a) **A maximum height of 1.2m above natural ground level at the base of the wall; and**
 - b) **All structures are truncated or reduced to no higher than 750mm within 1.5m of where walls and fences adjoin vehicle access points, including neighbouring properties.**

5. **The following windows of the ground floor shall be constructed with obscure material and not able to be opened or if an awning window, not able to be opened more than 0.3m:**
 - a) **The study window of the western façade**
 - b) **The study window of the northern façade**
 - c) **The wet kitchen of the eastern façade**
 - d) **The guest window of the eastern façade**
 - e) **The guest window of the southern façade**
 - f) **The living room window of the eastern façade**

6. **All existing and proposed fencing, visual privacy screens and obscure glass panels to Major Openings and Active Habitable Spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2013 (R-Codes)*. The screens shall ensure spacing does not permit overlooking and all structure(s) shall be installed upon practicable completion of the house and remain in place permanently, unless otherwise approved by the City.**

7. **All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**

8. **All street trees in the verge shown for retention are to be retained and shall not be damaged and shall not be removed without prior written approval from the Manager Parks Services.**

9. **All crossovers to the street 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.**

10. **The existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.**

11. **All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to 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.**

Advice notes specific to this approval:

- 1. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property.**
- 2. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
- 3. 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.**
- 4. All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.**
- 5. The swimming pool fencing installed is to comply with the *Building Act 2011*, the *Building Regulations 2012* and Australian Standard S 1926.1-1992.**
- 6. 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, at least 1.8m from the boundary of the block.**
- 7. 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.

- 8. It is recommended that an anti-graffiti protective coating be applied to the whole of the fence structure, to the satisfaction of the City.**

- 9. Dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the *City of Nedlands Fencing Local Law 2007* are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line.**

- 10. 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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| PD43.15 | Nedlands Child Health Clinic – 152 Melvista Avenue Nedlands Reserve 21657 - Lease by Department of Health (Child and Adolescent Community Health) |
|----------------|--|

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|-----------------------|--|
| Committee | 13 October 2015 |
| Council | 27 October 2015 |
| Applicant | Department of Health – Child & Adolescent Health Service |
| Owner | City of Nedlands |
| Officer | Rebecca Boley – Leased Assets Co-ordinator |
| Director | Peter Mickleson – Planning & Development |
| File Reference | CAP-LB-00058 |
| Previous Item | CPS07.15 on 24 March 2015 |

Recommendation to Council / Committee Recommendation

Council;

- 1. Agrees to consider the budget item necessary to undertake works at the Nedlands Child Health Clinic at 152 Melvista Avenue, Nedlands, to restore the building to an acceptable condition.**
- 2. Agrees to enter into a Lease arrangement with the Department of Health for premises at Reserve 21657 on the basis that the lessee is responsible for all running costs of the building (including utilities, cleaning and consumables required) and routine maintenance and the City is responsible for capital works onsite. Rental will be charged at a rate sufficient to recover costs of capital works and ongoing maintenance.**
- 3. Agrees to give consideration in its ongoing annual budget to allocating sufficient funds to a 'sinking fund' to provide for necessary capital works onsite.**

12.3 Technical Services Report No's TS23.15 to TS26.15

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.

TS23.15 Brockway Road Easement Request

| | |
|-----------------------|--|
| Committee | 13 October 2015 |
| Council | 27 October 2015 |
| Applicant | Christ Church Grammar School |
| Officer | Mark Goodlet – Director Technical Services |
| Director | Mark Goodlet – Director Technical Services |
| File Reference | TS-008753 |

Recommendation to Council / Committee Recommendation

Council;

Consents to the creation of a lot and easement in Brockway Road shown on the preliminary deposited plan 406539 (Attachment 2 of this report) to the benefit of Christ Church Grammar School for the specified purpose of the provision of pipe services, subject to the following conditions:

- 1. The easement being for non-exclusive use of the land subject to the easement.**
- 2. The City of Nedlands retaining the right to carry out works on the easement land at its own discretion.**
- 3. That should the pipe become redundant then Christ Church Grammar School shall arrange for the removal of the easement within two years of the pipe's redundancy.**
- 4. All costs associated with the creation, changes to, or removal of the easement on the title being the responsibility of Christ Church Grammar School.**
- 5. Inclusion of conditions 1) to 3) above on the Certificate of Title or as section 70A notification on the Certificate of Title.**

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| TS24.15 | Tender No.2014/15.24 Supply and Laying of Hot Asphalt Road Surfacing |
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| Committee | 13 October 2015 |
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Nathan Brewer – Purchasing and Tenders Coordinator |
| Director | Mark Goodlet – Director Technical Services |
| File Reference | TS-PRO-00084 |
| Previous Item | Nil |

Recommendation to Council / Committee Recommendation

Council;

1. **Agrees to award tender no. 2014/15.24 to Roads 2000 Pty Ltd for the supply and laying of hot asphalt road surfacing as per the schedule of rates (Attachment 1) submitted; and**
2. **Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

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|----------------|--------------------------|
| TS25.15 | Underground Power |
|----------------|--------------------------|

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|-----------------------|---|
| Committee | 13 October 2015 |
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Nathan Brewer – Purchasing and Tenders Coordinator |
| Director | Mark Goodlet – Director Technical Services |
| File Reference | TS-PRJ-00003 |
| Previous Item | Ordinary Meeting of Council 28 July 2015, Item 14.1 |

Regulation 11(da) – The Committee agreed with payment for preparation of a more detailed estimate but wishes to discuss the proposal at a Councillor Briefing Session to clarify options/costings.

Recommendation to Council

Council:

- 1. Agrees to pay \$8,000 to Western Power to prepare a +/-10% detailed estimate and a formal Relocation Works Contract for construction and commissioning works.**
- 2. Other aspects of this matter be referred back for an opportunity for Councillors to attend a Briefing Session to clarify details, options and costs.**

Recommendation to Committee

1. Agrees to pay \$8,000 to Western Power to prepare a +/-10% detailed estimate and a formal Relocation Works Contract for construction and commissioning works.
2. Agrees to seek clarification on Western Power maintenance offset project discounts, taxation liability and exclusions.
3. Agrees to include in the advice notes, the following or similar wording on all new development applications in areas where underground power is yet to be provided; *“the owner/applicant should install attachment points and conduit for underground power on site (to facilitate the placing of power lines underground in street)”*.
4. Agrees to further investigate Options 1 and 2 in detail, which provide for a 50/50 lot owner/City shared costing for the underground power project, including assessing cash flow, detailed payment provisions by lot owners.
5. Agrees to appoint a qualified project manager to this project with an initial borrowing of \$150,000 to undertake detailed project costings and management for 2015/16.

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| TS26.15 | Tender No. 2015/16.03 | Stormwater Drainage Construction |
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| Committee | 13 October 2015 |
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Nathan Brewer – Purchasing and Tenders Coordinator |
| Director | Mark Goodlet – Director Technical Services |
| File Reference | TS-PRO-00071 |
| Previous Item | Item TS15.15 – Council Minutes – 28 July 2015 |

Recommendation to Council / Committee Recommendation

Council;

1. **Agrees to award tender no. 2015/16.03 to Allwest Plant Hire Pty Ltd for the provision of stormwater drainage construction services as per the schedule of rates (Attachment 1) submitted; and**
2. **Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

12.4 Community & Organisational Development

Nil Reports

12.5 Corporate & Strategy Report No's CPS23.15 to CPS26.15

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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| CPS23.15 | List of Accounts Paid – August 2015 |
|-----------------|--|

| | |
|-----------------------|--|
| Committee | 13 October 2015 |
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Kim Chua – Manager Finance |
| Director | Michael Cole – Director Corporate & Strategy |
| File Reference | Fin/072-17 |
| Previous Item | Nil |

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of August 2015.

| | |
|-----------------|----------------------|
| CPS24.15 | Policy Review |
|-----------------|----------------------|

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|-----------------------|--|
| Committee | 13 October 2015 |
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Pollyanne Fisher - Policy & Projects Officer |
| Director | Michael Cole - Director Corporate & Strategy |
| File Reference | PP-PR-00010 |
| Previous Item | Not Applicable |

Council Recommendation / Recommendation to Committee

Council approves the following policies:

- a) Nature Strip (Verge) Parking Adjacent to Vacant Lots; and**
- b) Street Trees (dated 21 October 2015)**

Please note that a revised copy of the Street Tree Policy has been circulated to all elected members dated 21 October 2015.

The revised copy has been updated and is in accordance with the agreed amendments of the Council Committee Meeting, of 13 October 2015.

| | |
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| CPS25.15 | Monthly Financial Report – August 2015 |
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|-----------------------|----------------------------|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Kim Chua – Manager Finance |
| Director | Michael Cole |
| File Reference | FIN-FS-00005 |
| Previous Item | Nil |

Committee Recommendation / Recommendation to Committee

Council receives the Monthly Financial Report for August 2015.

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| CPS26.15 | Investment Report – August 2015 |
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| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Kim Chua – Manager Finance |
| Director | Michel Cole |
| File Reference | FIN-FS-00005 |
| Previous Item | Nil |

Committee Recommendation / Recommendation to Council

Council receives the Investment Report for the period ended 31 August 2015.

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report – September 2015

The attached Common Seal Register Report for the month of September 2015 is to be received.

September 2015

| SEAL NUMBER | DATE SEALED | DEPARTMENT | MEETING DATE / ITEM NO. | REASON FOR USE |
|-------------------|-------------------|------------|---|---|
| 754 | 4 September 2015 | | Council Resolution PD15.15 Date of Council Meeting 26.5.2015 | Deed of Lease of Tresillian café – Carlos & Veronica Soto CAP-LB-00061 |
| 755 Duplicated | 22 September 2015 | Building | Delegated Authority | Withdrawal of Caveat N062881 to enable registration of a mortgage on 153 Broadway, Nedlands. Indemnifying City in relation to awning overhanging footpath. Lot 734 |
| 756 | 22 September 2015 | Building | Delegated Authority | Withdrawal of Caveat J336943 to facilitate transfer of ownership of 153 Broadway Nedlands and Deed of Indemnity. CAP-003996 |

13.2 List of Delegated Authorities – September 2015

The attached List of Delegated Authorities for the month of September 2015 is to be received.

Record of Delegations of Authority and Authorisations

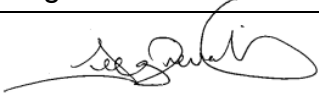
| SEPTEMBER 2015 | | | | | |
|-----------------------|---|----------------------------------|------------------------------|-------------------------|--------------------------------------|
| 01/09/2015 | 30A Jutland Parade, Dalkeith | Jennifer Heyes | City of Nedlands TPS2 | Section 6.7.1 | Oswald Homes (1972) Pty Ltd |
| 02/09/2015 | 22 Kingston Street ,Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | The Patio Guys |
| 02/09/2015 | 8 Langtry View, Mt Claremont | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | Miss. J Wright |
| 03/09/2015 | 81 Melvista Avenue ,Nedlands | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | G Crooke & L Cutland |
| 03/09/2015 | 8 Langtry View, Mount Claremont | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | Miss J Wright |
| 03/09/2015 | 82 Louise St Nedlands | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | R Cullen & J Cullen |
| 04/09/2015 | 35 Rockton Rd Nedlands | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Mr J Balgarnie |
| 04/09/2015 | 3017145 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Bradley Hunt |
| 07/09/2015 | 3017103 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Brandon Payne |
| 07/09/2015 | 3010347 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Toni West |

| | | | | | |
|-------------------|---|-------------------------------|---------------------------|----------------------|---------------------------------------|
| 08/09/2015 | 7 Cameron Green ,Floreat | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Barrier Reef Pools Northside |
| 08/09/2015 | 40 Kinninmont Avenue ,Nedlands | Jennifer Heyes | City of Nedlands TPS2 | Section 6.7.1 | M H Design |
| 08/09/2015 | 12 Whitfeld St ,Floreat | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | James Green Field Design and Drafting |
| 09/09/2015 | 91 Thomas St ,Nedlands | Jennifer Heyes | City of Nedlands TPS2 | Section 6.7.1 | Giorgi exclusive Homes |
| 10/09/2015 | 18 Bostock Rd,Nedlands | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Dale Alcock Homes |
| 10/09/2015 | 6 Grainger Drive ,Mt Claremont | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | B Anthony |
| 15/09/2015 | 52 Edward Street Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | N E Blycha |
| 16/09/2015 | 5 Bromilow Green , Mt Claremont | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | M W Dunning |
| 16/09/2015 | 76 Stanley Street , Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | T Kelly |
| 17/09/2015 | 3016979 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Marwa Soliman |
| 17/09/2015 | 3015407 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Tynan Smith |
| 17/09/2015 | 3015465 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Brock Keymer |

| | | | | | |
|-------------------|--|-------------------------------|---------------------------|----------------------|-------------------------|
| 17/09/2015 | 3016312 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Jacquelin Felicite |
| 17/09/2015 | 3010589 – Notice of Withdrawal to Fines Enforcement Registry | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Paul Wright |
| 17/09/2015 | 3014680 - Notice of Withdrawal to Fines Enforcement Registry | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | John Michael O’Flanagan |
| 17/09/2015 | 9 Boronia Avenue , Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | Mercedes Group Pty Ltd |
| 17/09/2015 | 28 Bulimba Rd , Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | B W Manning |
| 17/09/2015 | 5 Dalkeith Rd ,Nedlands | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Platinum Outdoors |
| 17/09/2015 | 38 Kingsway ,Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | J Ling |
| 17/09/2015 | 46 Adderley St ,Mt Claremont | Jennifer Heyes | City of Nedlands TPS2 | Section 6.7.1 | J Bryant |
| 18/09/2015 | 3010370 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Alana Bech |
| 18/09/2015 | 52 Rockton Rd ,Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | Bastille Homes |
| 21/09/2015 | 55 Alexander Rd ,Dalkeith | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | JAA Building Design |
| 21/09/2015 | 27 Mount joy Rd ,Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | ML & GM Donaldson |

| | | | | | |
|-------------------|---|----------------------------------|------------------------------|-------------------------|--------------------------------------|
| 21/09/2015 | 8 Bishop Rd ,Dalkeith | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | JL Jones |
| 22/09/2015 | 3016311 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Ronan Roarty |
| 22/09/2015 | 33 Birrigon Loop ,Swanbourne | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Platinum Outdoors |
| 23/09/2015 | 2 Circe Circle ,North Dalkeith | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Green Start Consulting |
| 24/09/2015 | 48 Bruce St ,Nedlands | Kate Bainbridge | City of Nedlands TPS2 | Section 6.7.1 | Seedesign landscape Architects |
| 24/09/2015 | 31A Hampden Rd , Nedlands | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Boubar |
| 25/09/2015 | 157 Dalkeith Rd ,Dalkeith | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Oswald Homes |
| 25/09/2015 | 38 Rockton Rd Nedlands | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Webb and Brown Neaves |
| 25/09/2015 | 25 Kirwan St ,Floreat | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Don Russell Homes |
| 29/09/2015 | 3002310 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Brian Higgins |
| 29/09/2015 | 3016343 – Parking Infringement Withdrawal | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Joel Dalzell |
| 29/09/2015 | 6A Odern Crescent ,Swanbourne | Jennifer Heyes | City of Nedlands TPS2 | Section 6.7.1 | M Whittaker |
| 29/09/2015 | 45A Alfred Rd ,Mt Claremont | Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | R Gurney |

13.3 Monthly Financial Report – September 2015

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Kim Chua – Manager Finance |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | FIN-FS-00005 |
| Previous Item | Nil |

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 September 2015.

Strategic Plan

KFA: Governance and Civic Leadership

This report will ensure the City meets its statutory requirements.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare a monthly statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next ordinary meeting of the Council following the end of the month to which the statement relates, or to the next ordinary meeting of the council after that meeting.

In addition to the above and in accordance with *Regulation 34(5) of the Local Government (Financial Management) Regulations 1996*, each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For this financial year the amount is \$10,000 or 10% whichever is the greater.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Legislation / Policy

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

Budget/Financial Implications

As outlined in the Monthly Financial Report.

Risk Management

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.

Discussion

This report gives an overview of the revenue and expenses of the City for the month of September 2015. As the 2014/15 accounts have not been audited as yet, the balance sheet has not been rolled over to the new financial year and the Net Assets Statement has not been prepared nor attached.

The operating revenue at the end of September 2015 was \$ 25.99 million which \$0.40M unfavourable compared to the year-to-date Budget.

The total operating expense at the end of September 2015 was \$ 6.61 million, showing a favourable budget variance of \$3.16 million.

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 \$ | 39,260 |
| Revenue: | Favourable variance of \$ | 24,380 |

The favourable expenditure variance is mainly due to some savings in employment costs and Regional initiatives which are yet to be expended and quarterly FBT are yet to be allocated.

Corporate and Strategy

Expenditure: Favourable variance of \$ 92,916
Revenue: Unfavourable variance of \$439,951

The favourable expenditure variance is mainly due to timing differences in the loan interest paid and employment costs.

The rate shortfall has been identified and taken into account in the Budget Review after the completion of the Audit of the 2014-15 Financial Statements.

Community Development

Expenditure: Favourable variance of \$ 105,566
Revenue: Favourable variance of \$ 58,329

The favourable expenditure variance is mainly due to the profiling of HACC unit costs, employment and other expenses.

The favourable revenue variance is due to the receipt by September of course fees and grants received.

Planning and Development

Expenditure: Favourable variance of \$222,532
Revenue: Favourable variance of \$ 3,556

The favourable expenditure variance is due to the difference in profiling of Strategic Town Planning, Environmental Conservation, Sustainability and Environmental Health project expenses between the budget and actual implementation. The commencement and progress of these projects are not always within the control of the City, and to facilitate early commencement the Budget shows the full annual allocations in the first month of the financial year. The favourable variance is thus a timing difference.

The favourable revenue variance is due to profiling of income received compared to Budget.

Technical Services

Expenditure: Favourable variance of \$ 2,694,752
Revenue: Unfavourable variance of \$ 49,599

The favourable expenditure variance is largely due to delays in receiving of invoices for parks, road, footpath and drainage maintenance works and utilities.

The small unfavourable revenue variance is due to profiling of several income items.

Capital Works Programme

At the end of September the expenses on capital works were \$2.43 million, with further commitments of \$2.04 million, out of a total budget of \$12.30 million.

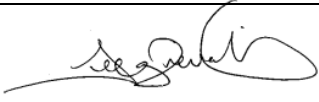
Conclusion

The financial statements to the end of September 2015 indicate that the operating expenses are under the year-to-date Budget, while revenue is below the Budget by 1.53%.

Attachments

1. Financial Summary (Operating) by Business Units as at 30 September 2015
2. Capital Works & Acquisitions as at 30 September 2015

13.4 Investment Report – September 2015

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Kim Chua – Manager Finance |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | FIN-FS-00005 |
| Previous Item | Nil |

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 30 September 2015.

Strategic Plan

KFA: Governance and Civic Leadership

This report is in accordance with the Council’s Investment Policy and demonstrates the investment of City’s surplus cash in a sustainable and responsible manner.

Background

Council’s Investment Policy requires a summary of investments to be presented to Council on a monthly basis.

Consultation

Required by legislation: Yes No
 Required by City of Nedlands policy: Yes No

Legislation / Policy

Investment of Council Funds Policy

Section 6.14 of the *Local Government Act 1995*

Budget/Financial Implications

Investment income is less than the adopted Budget due to the lower interest rates on Term Deposits offered by Banks.

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 yields without compromising on risk management.

Discussion

The Investment Summary shows that as at the end of September 2015 the City held the following funds in investments:

| | |
|-----------------|-------------------------|
| Municipal Funds | \$ 15,739,293.47 |
| Reserve Funds | \$ <u>4,140,206.03</u> |
| Total | \$ <u>19,879,499.50</u> |

The total interest earned from investments as at the end of September 2015 was \$95,446.

Following Council's decision in September 2012, all investments are placed with the 'big four' banks.

The Investment Portfolio comprises holdings in the following institutions:

| Financial Institution | Funds Invested | Interest Rate | Proportion of Portfolio |
|-----------------------|------------------------|---------------|-------------------------|
| NAB | \$6,625,750.67 | 3.00% - 2.85% | 33.33% |
| Westpac | \$3,551,139.67 | 2.85% - 2.75% | 17.86% |
| ANZ | \$5,461,580.07 | 2.85% - 2.65% | 27.47% |
| CBA | \$4,240,759.08 | 2.96% - 2.80% | 21.33% |
| Total | \$19,879,499.50 | | 100.00% |

Conclusion

The Investment Report is presented to Council.

Attachments

1. Investment Report for the period ended 30 September 2015

13.5 Public Artwork for Nagal Pass Site

| | |
|-------------------------|---|
| Committee | Arts Committee Meeting 21 September 2015 |
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Marion Granich – Manager Community Development |
| CEO | Greg Trevaskis – Chief Executive Officer |
| CEO Signature |  |
| Document ID | CD-004873 |
| Previous Item(s) | Nil |

Executive Summary

The Arts Committee’s Terms of Reference specifies its scope as follows:

“The Committee will undertake the following within the City of Nedlands:

1. Initiate, consider and decide on proposals for public artworks.”

The Terms of Reference also specify the following procedure:

“After adoption of the City’s budget.....and before commencing its work for the ensuring year the Committee shall:

- Formulate a planincluding the proposed siting of any public art works;
- Present that plan for review and amendment or approval by the Council”.

Therefore, with the Arts Committee having initiated, considered and decided on a proposal for an artwork on the Nagal Pass site, this proposal is now presented to Council for approval.

Recommendation to Council

Council;

1. Approves the commissioning of Leanne Bray to create, fabricate and install an artwork on the Nagal Pass site; and
2. Authorises the CEO to enter into a contract with Leanne Bray, based on conditions outlined in the associated EOI documentation.

Strategic Plan

KFA: Community Development

Background

Terms of Reference for the Arts Committee were approved by Council in December 2013.

During the 2014/15 financial year, the Arts Committee decided on a site for their first commissioned public artwork, being the large, retaining, south-facing expanse of wall adjacent to the Nagal Pass underpass.

The Arts Committee has now completed the process of identifying a suitable artist and proposed artwork for this site. This proposal is presented to Council for approval.

Key Relevant Previous Council Decisions

Consultation

| | | |
|--------------------------------------|---|--|
| Required by legislation: | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Required by City of Nedlands policy: | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

The broader community is represented on the Arts Committee by two community representatives, one of whom is a youth representative.

Legislation/Policy

Council's Public Art Policy states that its objectives are to:

- Contribute to the creation of a unique identity for the City of Nedlands
- Promote public art of excellence
- Encourage art works that have relevance to the site, local history, local environment or cultural significance
- Enrich the visual environment and amenity.

AS1742.3 and Main Roads WA Traffic Management for Works on Roads Code of Practice specific various requirements for public art that is installed on or is visible from traffic thoroughfares. In order to ensure that the proposed artwork is compliant with all aspects of safe traffic flow and management, the City appointed a Technical Consultant to investigate the site and develop safety guidelines, prior to calling for Expressions of Interest from artists. These safety, traffic-related and technical guidelines were included in the EOI documentation provided to artists and will be incorporated into the agreement that will be entered into between the City and the appointed artist.

Budget/Financial Implications

Within current approved budget: Yes No
 Requires further budget consideration: Yes No

This proposal is to commission Leanne Bray to develop and install an artwork on the Nagal Pass site, for payment of \$70,000. Payment will be made at key stages of the process. It is possible that not all of these stages will be completed within the current financial year; in which case, not all of the payments will be made in the current financial year.

Risk Management

The main risks related to this project result from the nature of the selected site. While it is an excellent site in terms of its high visibility, it does pose various technical and safety constraints. The risks associated with these constraints have been mitigated by appointing a technical consultant to review the site before calling for Expressions of Interest from artists, so that their proposals are fully cognizant of the constraints imposed by the site. The selected proposal addresses all constraints identified by the technical consultant. Further, part of the brief for the technical consultant has been to work with the selected artist, to ensure safety and other technical matters are resolved. Therefore the technical consultant will continue to work with the artist, through the phases of development and installation of the artwork.

Discussion

Once the Arts Committee had identified a suitable site for its first commissioned public artwork, the site was reviewed by a technical consultant appointed by the City. The Arts Committee then called for Expressions of Interest from artists or artist groups interested in creating an artwork for the site, to the value of \$70,000, inclusive of installation costs.

Sixteen proposals were received from artists and artist groups, many of which were from established, highly acclaimed artists with strong records of achievement in public art. Having reviewed the Expressions of Interest, the Arts Committee then shortlisted to three. These three shortlisted artists were each paid \$1,000 to develop their Expressions of Interest into proposals for the site.

The Arts Committee then met informally with each of the three shortlisted artists, receiving a presentation from them on their proposal. Following the presentations from the three shortlisted artists, the Arts Committee then selected Leanne Bray's proposal, to be commissioned for the site.

Leanne Bray has been informed that, of the three shortlisted artist, her proposal has been selected by the Arts Committee as the preferred proposal and that the selection by the Arts Committee is to be considered by Council. Leanne Bray has also been provided with a draft copy of the proposed contract between the City and the artist, for her consideration. No contract has yet been signed, pending the outcome of this Council decision.

Leanne Bray's proposed artwork is a large-scale work, to be constructed from laser-cut, aluminium plate as the main material. Its lightweight quality offers longevity and an ideal base material for colouring by powder coating. The work will be made up of a number of aluminium panels, secured to the wall by a steel frame.

The work is inspired by the fauna and natural history of the City of Nedlands and focuses mainly on the plant *Banksia Grandis*. The work reflects the geometric patterns of the edge of the banksia leaf.

The work will be visible both from the underpass itself, as traffic flows through it and also from the bike and pedestrian path on the northern side of the railway line, due to the height of the work. Its strong, geometric shapes will create shadow effects that will change throughout the day, with the movement of sunlight and the downlight that shines on the site at night.

The artist provided a model for the City's consideration. However, it is stressed that this model is not an example of the finished artwork. Rather, it is an overall concept, with detail yet to be developed, in consultation with the Arts Committee. The finalized work will not be white, but will be in various muted colours, inspired by bush scenes.

The artist provided a detailed budget, showing that the work can be achieved within the City's \$70,000 allocation, inclusive of installation and traffic management costs. Leanne Bray is a well-established and awarded WA artist with an established art practice and strong track-record in the undertaking of successful public art commissions. She has demonstrated a sound understanding of the technical constraints and opportunities presented by the site. The Arts Committee is of the view that her proposal is one that will dramatically enhance the site while expressing its local, natural identity.


Conclusion

The Arts Committee has been through a thorough process in selecting an artist and artwork proposal that is both technical feasible and culturally expressive of the local area. Therefore it is recommended that Council endorses the Arts Committee's selection and authorizes the CEO to enter into a suitable contract with artist Leanne Bray.

Attachments

Nil

13.6 Draft Local Planning Strategy

| | |
|---------------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Aron Holbrook |
| Director | Peter Mickleson – Planning & Development |
| Director Signature |  |
| File Reference | PLAN-SS-00001 : PLAN-015501 |
| Previous Item | PD29.15 |

Executive Summary

The purpose of this report is to present to Council the draft Local Planning Strategy for adoption and submission to the Western Australian Planning Commission for certification. Once certified, the City can proceed with advertising the draft Local Planning Strategy and begin preparation of a new Local Planning Scheme.

The draft Local Planning Strategy is appended as a confidential attachment.

Recommendation to Council**Council:**

- 1. Adopt the draft Local Planning Strategy**
- 2. Forwards the draft Local Planning Strategy to the Western Australian Planning Commission for certification.**

Strategic Community Plan

KFA: Natural and Built Environment

KFA: Transport

KFA: Community Development

KFA: Governance and Leadership

This item is a key strategic land use and planning document that will shape the physical development of the community for a number of years into the future.

Background

It is a requirement of the *Planning and Development (Local Planning Schemes) Regulations 2015* that a local government must prepare a local planning strategy for each local planning scheme.

A local planning strategy must —

- (a) Set out the long-term planning directions for the local government; and
- (b) Apply any State or regional planning policy that is relevant to the strategy; and
- (c) Provide the rationale for any zoning or classification of land under the local planning scheme.

At Council's meeting held 26 May 2015, Council resolved to proceed with the immediate and urgent completion of the Local Planning Strategy for submission to the Western Australian Planning Commission (full resolution provided below).

The draft Local Planning Strategy has now been prepared and is presented to Council for adoption and submission to the Western Australian Planning Commission.

Key Relevant Previous Council Decisions

PD29.15 (26 May 2015)

Council

1. *Seek an extension of the 42 day timeframe for making changes to Town Planning Scheme No.3 in order for Administration to complete the Local Planning Strategy;*
2. *Proceeds with the immediate and urgent completion of the Local Planning Strategy for submission to the Western Australian Planning Commission;*
3. *Upon completion of the Local Planning Strategy and approval for advertising, proceeds with immediate and urgent completion of Town Planning Scheme No.3 for submission to the Western Australian Planning Commission;*
4. *Does not initiate further amendments to Town Planning Scheme No. 2; and*
5. *To the extent that it is practicable, any existing amendments to Town Planning Scheme No. 2 that are afoot be incorporated into this process rather than pursued in isolation.*

Legislation / Policy

The *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the requirement that a local government must prepare a local planning strategy for each local planning scheme.

In this case, the draft Local Planning Strategy presented to Council for adoption is required in order for the City of Nedlands to proceed in the preparation and adoption of a new Local Planning Scheme.

Consultation Process

What consultation process was undertaken?

Prior to any consultation taking place, the City of Nedlands must submit the draft Local Planning Strategy to the Western Australian Planning Commission for certification.

Once certified, a local government must advertise its local planning strategy, in a newspaper circulating the area to which it relates, for a period of no less than 21 days, as specified in the Regulations.

Despite the minimum requirement of the Regulations, the City of Nedlands will embark upon a comprehensive engagement program to ensure that our community is well informed and given ample opportunity to comment on the draft Local Planning Strategy.

Following consultation, the City must review the strategy having regard to any submission made and may modify the strategy to address issues raised in the submissions.

Required by legislation: Yes No
 Required by City of Nedlands policy: Yes No

How and when was the community consulted?

As stated above, consultation can not occur until the draft Local Planning Strategy has been certified by the Western Australian Planning Commission.

Budget / Financial Implications

Within current approved budget: Yes No
 Requires further budget consideration: Yes No

A comprehensive community engagement plan is being developed to ensure that our community is well informed and given ample opportunity to comment on the draft Local Planning Strategy. Consideration will need to be given to the extent and cost of notification, community sessions, open days, information evenings, publication material, advertisements etc.

Additional costs involved with modifications to the strategy following consultation can be undertaken within the existing approved budget.

Risk Management

There is a risk that the Western Australian Planning Commission will require further information or modifications prior to certifying the draft Local Planning Strategy for advertisement.

However, the City is confident that the draft Local Planning Strategy has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Western Australian Planning Commission's Local Planning Manual and therefore should not require any major changes.

Discussion

Preparation of the draft Local Planning Strategy

The draft Local Planning Strategy sets out the long term strategic direction for land use and development within the City of Nedlands and has been prepared to reflect the community and Council's vision for the future of the City.

The draft Local Planning Strategy has been prepared following the City's *Our Vision 2030* project, which was an initiative designed to engage the community in a shared vision for the future. It was developed by community members, local businesses and organisations in a collaborative process supported by the City. The outcomes from *Our Vision 2030* have been used to inform the draft Local Planning Strategy and provide the basis for meeting the community's expectations in shaping the future growth of the City.

The draft Local Planning Strategy also provides the framework and direction to ultimately support the operation of a new Local Planning Scheme and gives the rationale and context for its content.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* a local planning strategy must:

- a) Set out the long-term planning directions for the local government; and
- b) Apply any State or regional planning policy that is relevant to the strategy; and
- c) Provide the rationale for any zoning or classification of land under the local planning scheme.

In compliance with these Regulations, the City of Nedlands has prepared the draft Local Planning Strategy to outline the approach for guiding land use and development in the City through to 2030 and beyond.

The draft Local Planning Strategy sets out the City's vision and principles and seeks to address the state planning framework that affects the City. The draft Local Planning Strategy gives clarity on how the City seeks to respond to the requirements of the State. The format of the draft Local Planning Strategy has been prepared in accordance with the Western Australian Planning Commission's *Local Planning Manual* (March 2010).

Progressing the Local Planning Strategy

Once adopted by Council as the draft Local Planning Strategy, the Western Australian Planning Commission will assess the strategy for compliance with regulation 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (listed as points a, b, & c in the preceding section).

If the Western Australian Planning Commission is not satisfied that a draft local planning strategy complies with regulation 11(2) the Western Australian Planning Commission may require the local government to modify the draft strategy.

The local government is then required to modify the draft strategy and provide a copy to the Western Australian Planning Commission for re-assessment.

Once the Western Australian Planning Commission is satisfied that a draft local planning strategy complies with regulation 11(2) it must certify the strategy and provide a copy of the certification to the local government for the purpose of proceeding to advertise the strategy.

Upon certification to advertise being granted by the Western Australian Planning Commission, the City will launch an extensive community consultation program. We will be planning this program whilst the Western Australian Planning Commission is assessing the draft Local Planning Strategy so that we are well prepared in advance, and can have quality consultation material and information ready for our community.

Following consultation the City must consider all submissions and, if appropriate, modify the strategy to address any issues raised in the submissions.

The strategy will then be presented to a formal Council meeting for final adoption.

The adopted Local Planning Strategy is then submitted to the Western Australian Planning Commission for endorsement.

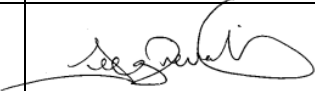
Once the Local Planning Strategy is endorsed it allows the City to proceed with the preparation of a new Local Planning Scheme. We will of course be working on this as a priority whilst the above steps are being completed so that we can roll out a new Local Planning Scheme as soon as possible.

Attachments

CONFIDENTIAL ATTACHMENT - Draft Local Planning Strategy

- As provided at the Councillor Committee Meeting Tuesday 13 October 2015.

13.7 (Lot 735) No. 161 Broadway, Nedlands – Proposed Restaurant

| | |
|---------------------------|---|
| Council | 27 October 2015 |
| Applicant | Michael and Amelia Walker |
| Owner | Mr ZC & Mrs JJ Norman |
| Officer | Jennifer Heyes, Manager Planning |
| Director | Peter Mickleson – Director Planning & Development Services |
| Director Signature |  |
| File Reference | DA15/338 – BR2/161 |
| Previous Item | 7 March 1991 |
| Attachments | 1 – Existing Plan 2 – Applicant's Justification |

Executive Summary

The applicant's initially submitted a development application for minor works, including signage to the existing restaurant premises formerly known as Greco's on Broadway then the Curry Tree. During the processing of this application an inspection of the City's archive records revealed that the original restaurant use was approved in 1991 with 142 seats, contingent on 16 car parking bays being provided at the rear of the property.

Access to the 16 car bays at the rear of the site was via the neighbouring property at 165 Broadway, Nedlands (the pizza shop). However, there was never a formal reciprocal access agreement in place for rights of carriageway over this property and the informal agreement for access ceased approximately 15 years ago. The restaurant therefore, has been operating without any on-site car parking since this time.

Once this situation came to light, the City requested that the applicant lodge a retrospective development application in order to consider the continuation of the restaurant land use without any on-site car parking (refer to Attachment 1 for copy of existing plan).

The retrospective development application was advertised to landowners within approximately 100m of the subject property by the City. The applicants also consulted with the community which resulted in additional submissions being received. In total 200 submissions were received, 143 non-objections and 57 objections. Previous to this application being lodged, the City has not received any specific complaints with regard to car parking issues related to this premise.

The application has been referred to Council for determination, as officers do not have the delegation to determine an application under instrument of delegation 6A, where objections have been received.

Recommendation to Committee

Council;

- 1. Approves the retrospective development application for a restaurant to continue operating at (Lot 735) No. 161 Broadway, Nedlands, subject to the following conditions and advice:**
 - a) This approval is for the use only and does not include any works component. All proposed works are to be the subject of a separate development application (refer to Advice Note 1).**
 - b) Unless otherwise approved by the City, the seating is limited to 120 seats in total, with no more than 24 being in the verge area adjacent to the subject property (refer to Advice Note 2).**
 - c) The operating hours of the restaurant are restricted to Monday to Sunday 7:30am – 12 midnight.**

Advice Notes specific to this approval:

- 1) With regard to Condition 1a), works are deemed to be, but not limited to, signage and/or internal and alfresco alterations. The landowners/applicants are advised to liaise with the City prior to commencing any works on the property to ascertain what approvals are required to be obtained.**
- 2) With regard to condition 1b), the landowners/applicants are advised that should any further seats or seating be proposed to the restaurant, there will be a requirement for on-site car bays to be provided.**
- 3) No outdoor dining area shall be set up or conducted in a street or public place not on the private property unless the City has issued an Outdoor Dining Licence for that area.**
- 4) Any construction on the verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Engineering section, prior to construction.**
- 5) The applicant shall lodge with the City an *Application for Food Premises Alteration / Fit-out* which an Environmental Health Officer at the City is satisfied demonstrates food safety outcomes.**
- 6) Prior to commencing a Food Business, the premises shall receive an inspection from an Environmental Health Officer at the City which cites the Food Business may commence operation.**

- 7) **Upon commencement of a Food Business, a Food Safety Program which meets the requirements of the *Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs* shall be implemented and maintained.**
 - 8) **Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
 - 9) **Noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays in order to meet the *Environmental Protection (Noise) Regulations 1997*.**
2. **Instructs Administration to review the current time restrictions for the on-street car parking on Broadway (between The Avenue and Hillway) to permit patrons of the Restaurant and other businesses in the area to better utilise existing on-street car parking.**

Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment by taking into account the requirements of TPS 2 and other Planning related legislation.

Legislation

- *Planning and Development Act 2005* (Act).
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).

Budget / Financial Implications

Should Council refuse the development application there may be financial implications through an appeal of Council's decision.

Risk Management

N/A

Background

| | |
|--|---------------------|
| Lot area | 768.9m ² |
| Metropolitan Region Scheme Zoning | Urban |
| Town Planning Scheme No. 2 Zoning | Retail Shopping |
| Detailed Area Plan/Outline Development Plan | No |
| Controlled Development Area | Yes |

The subject site has frontage to Broadway Street to the east and the existing building is located on the City’s Municipal Inventory. The subject property is located within a strip of commercial properties which includes offices, multiple dwellings, shops and restaurants. The other side of Broadway is located within the City of Subiaco.

An aerial image showing the location of the property follows.



Discussion

The restaurant is proposed to operate between Monday and Sunday 7.30am to midnight, with a maximum of 6 staff on site at any one time. A total of 120 seats shall be available on the premises for customers.

The proposal is compliant with the provisions of TPS 2 with the exception of Clause 5.4.1.4 and Schedule 3 which stipulate the on-site car parking requirements for proposed developments and changes of use. The subject of this application is to retrospectively waive a previous condition of planning approval from 1991 to require 16 car parking bays to be provided on site. Given that access is no longer available, the applicants propose to continue the restaurant use without any on-site carparking.

By way of justification in support of the development application the applicant provided comment which is provided as Attachment 2 to this report.

Consultation

The development application was advertised to landowners and residents within approximately 100m of the subject property for comment. The applicant also conducted consultation with the community which resulted in a number of pro-forma submissions being submitted stating non-objection for the proposal from outside the City's consultation area. In total 200 submissions were received, 143 non-objections and 57 objections. A full copy of these submissions is provided to Councillors separately.

The following is a summary of the concerns received:

- a) There is an existing car parking shortfall and therefore the operation of a restaurant without any on-site car parking will exacerbate this car parking problem further;
- b) The lack of car parking can cause patrons to illegally park and the full on-street car parking makes the streets feel congested. This in turn causes traffic hazards and safety issues for passing traffic and pedestrians;
- c) Other restaurants and businesses in the locality have had to provide on-site car parking and therefore as a means of fairness and to ensure that the existing car parking shortfall is not exacerbated, the property should provide on-site car parking;
- d) Patrons of the Restaurant may illegally park on private property and therefore greater car parking enforcement may be required;
- e) The applicants should have to pay cash-in-lieu for additional car parking facilities in the locality; and
- f) Remove alfresco dining as it is a danger to pedestrians.

The impact the restaurant may have on the local area's amenity and potential car parking issues are discussed in the following sections of this report.

Car Parking

The restaurant received development approval from the Council in 1991 to operate 142 seats with a requirement that 16 on site car bays be provided. These 16 car bays were accessed via a private agreement with the neighbouring premise.

Approximately 15 years ago, the private agreement ceased and therefore access to the rear of the subject property was no longer possible. The Restaurant land use has continued to operate without any on-site car parking until very recently when the Curry Tree operations ceased.

The applicants are seeking to reduce the number of approved seats down to 120. Therefore compared with how the restaurant has been operating previously at the property the demand for car bays within the locality is not expected to increase should the application be approved by Council.

It has been suggested Cash in Lieu be provided in this case. However, Clause 3.9 (Cash in Lieu of Providing Car Parking) of TPS 2 stipulates that before Council agrees to accept a cash payment in lieu of the provision of car bays, it must have an adopted plan in place where additional car bays can be constructed nearby. No such plans have been adopted to date for the locality, it would be inappropriate for a requirement for a cash in lieu payment to be made at this stage.

Notwithstanding this, to ensure that existing street car bays are better utilised by those visiting commercial properties within the vicinity, it is recommended that the current car parking time restrictions for on-street car parking be reviewed by Administration and improved where possible.

Amenity

As mentioned above, compared with how the restaurant has been operating previously at the property the demand for car bays within the locality is not likely to increase should the application be approved by Council.

To ensure that the operation of the restaurant complies with other legislation such as the *Environmental Protection (Noise) Regulations 1997* and TPS 2 if the application is approved by Council, the hours of operation and number of seats available would be restricted through inclusion of appropriate conditions.

Other Matters of Concern

During the advertising period concerns were also received with regard to vehicles parking illegally on private property, the road needing to be widened, and the size of the alfresco area. With regard to these concerns the following is advised:

- a) If unauthorised persons park on private property this matter shall be dealt with by the City's Ranger Services;
- b) The widening of roads in to the local area as a consequence of the proposed restaurant is not deemed to be necessary as its operation shall not result in a significant increase in traffic volumes; and
- c) The alfresco dining area's configuration was approved previously by the City and is not part of this land use application. The configuration of the alfresco dining area will be dealt with separately.

Conclusion

Access to the rear of the property where the car bays were originally located was removed approximately 15 years ago with the Restaurant land use operating without any on-site car parking for this number of years. Once this situation came to light, the City requested that the applicant lodge a retrospective development application to consider the continuation of the restaurant land use without any on-site car parking in lieu of the approved 16 bays.


Previous to this application being lodged, the City had not received any specific complaints with regard to a Restaurant at the subject property operating without any on-site car parking. It is expected the impacts of the continuation of the use of the premise as a restaurant, would therefore be similar and given that the proposed restaurant has decreased the seating numbers from 142 to 120, it is therefore recommended that the application be approved by Council, subject to the recommended conditions.

Attachments

- Attachment 1 Site Plan
- Attachment 2 Applicant Justification

14. Appointment of Deputy Mayor and Committees of Council

14.1 Election of Deputy Mayor

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

The election of a Deputy Mayor is based on First Past the Post and is to be conducted in accordance with Schedule 2.3 Clauses 4(5) and 8(5) of the *Local Government Act (1995)* and voting will be by secret ballot. NOTE: There is no provision for proxy voting. The Chief Executive Officer will be the Returning Officer for this elections


Nominations must be in writing, and can be received by the CEO either before the meeting or during the meeting at the point that they CEO advises of current nominations and calls for any further nominations.

Please note: should a councillor nominate another councillor for the position, the CEO must also receive confirmation, either written or verbal, from the nominated councillor that they accept the nomination.

Ballot Result

Following the ballot result, the successful Councillor will be appointed and sworn in to the position of Deputy Mayor for a term ending immediately prior to the next Local Government Election in October 2017.

14.2 Audit & Risk Committee

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The purpose of this report is to appoint Council members of the Audit and Risk Committee. Nominations for Community Members have been advertised and close on 30 October 2015, and will be presented to the Committee and Council for consideration.

Recommendation to Council

Council;

- 1) Appoints the Mayor and Councillors (four - one from each Ward) to the Audit & Risk Management Committee for the period ending immediately prior to the next Local Government elections in 2017**
- 2) Notes the CEO has called for expressions of interest from the Community for the Community Member; and**
- 3) Adopts the Terms of Reference of the Audit & Risk Management Committee as below.**

ABSOLUTE MAJORITY VOTE REQUIRED

Background

The Audit & Risk Management Committee meets from time to time on an as required basis. Previous members for the period ending October 2015 were the Mayor and Councillors Argyle, McManus, Hodsdon and James.

Mr Ken Eastwood was appointed a Community Member.

Terms of Reference of Audit & Risk Management Committee

Purpose

To assist the Council to discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:

- The reporting of financial information, the application of accounting policies, and the management of the financial affairs of the City,
- The assessment of the adequacy of the management of Risk.

Scope

The committee shall have as its primary duties and responsibilities the following tasks:

Audit

1. To consider and approve the brief for the provision of audit services;
2. To evaluate the responses to the request for the provision of audit services and to make a recommendation to Council on the appointment of an auditor;
3. To meet with Council's external auditors and review the Audit Plan prior to the conduct of the interim audit each year;
4. To ensure that the audit is being conducted in accordance with the brief and the terms of appointment and that matters of concern to the Council and/or the Committee are being addressed;
5. Ensure that the Council's financial affairs and systems and processes are being managed and reported in accordance with statutory requirements and Australian Accounting Standards;
6. Ensure that relevant financial information is reported to Council in a form that meets the needs and expectations of Council, clearly setting out the key relevant financial data, such that the Council can confidently understand the financial performance of the Council's affairs;
7. Review the audit report and make appropriate recommendations to Council; and
8. Where appropriate and with the approval of Council seek advice and/or assistance in relation to matters pertaining to the audit or financial affairs of the City.

Risk Management

1. At least once every year consider a report in relation to the management of risk within the City of Nedlands, and satisfy itself that appropriate controls and processes are in operation, and are adequate for dealing with the risks that impact on the City.
2. To address any specific requests referred to it from Council in relation to issues of risk and risk management.

Membership

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary a ballot conducted at a Council Meeting and up to two non-Councillor Members, being residents of The City of Nedlands
2. Council may if it considers it appropriate appoint deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment set out in 1 above.
4. The quorum for a meeting shall be when at least 50% of the eligible members are present.
5. The term of membership expires with the expiry of the committee immediately prior to the next ordinary Council election.
6. The presiding member shall be determined by election amongst the members of the committee. The election will take place at the first meeting following the reconstitution of the committee after each ordinary Council election. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member.
7. The term of the presiding member expires with the expiry of the committee immediately prior to the next ordinary Council election; and
8. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 3 above.
9. Community members shall have appropriate qualifications in Audit and/or Risk.

Staff

The following staff will attend committee meetings to provide technical support and advice:

- Chief Executive Officer
- Director of Corporate and Strategy
- Manager Finance

Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer.

Invitees/Attendees

The Committee may invite relevant persons to attend and address or advise the committee, within the ambit of its scope and where necessary with the approval of Council (eg if authorisation of funding is required), as it sees fit including but not limited to:

- The external auditor or his/her representative
- Internal auditors
- Relevant consultants

Meetings


The Committee shall have flexibility in relation to when it needs to meet, but as a minimum shall meet twice a year. It is the responsibility of the presiding member to call the meetings of the committee. As a minimum the following business shall be conducted either at each or collectively over the two meetings:

- Meet with the internal auditor with regards to the Audit Plan
- Consider a report in relation to the management of risk and review the insurance requirements of the City of Nedlands
- Meet with the auditor with regards to the Annual Audit and the issue of the interim and/or final Audit Report

Delegated Authority

The Audit and Risk Committee will have delegated authority to meet with the auditor in accordance with Section 7.12A(2) of the Local Government Act 1995.

14.3 Chief Executive Officer's Performance Review Committee

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The purpose of this report is to appoint members of the Chief Executive Officer's Performance Review Committee.

Recommendation to Council

Council;

- 1) **Appoints the Mayor and Councillors (four – one from each Ward) to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2017; and**
- 2) **Adopts the Terms of Reference of the Chief Executive Officer's Performance Review Committee as below.**

ABSOLUTE MAJORITY VOTE REQUIRED

Background

The Chief Executive Officer's Performance Review Committee meets from time to time on an as required basis. Previous members for the period ending October 2013 were the Mayor and four Councillors, one from each Ward, being Councillors, Shaw, porter, Wetherall and McManus.

Terms of Reference for Chief Executive Officer's Performance Review Committee

The Committee, comprising the Mayor (as Presiding Member) and one Councillor from each Ward, has delegated authority to manage the performance appraisal process of the Chief Executive Officer in order to meet both Council's statutory obligations in accordance with the provisions of Section 5.38 of the Local Government Act 1995 and any terms and conditions of the employment contract of the Chief Executive Officer.


In managing the performance appraisal process, the Committee:

- (a) May recommend an independent consultant to Council for the purposes of conducting the performance appraisal;
- (b) Is to determine and set in place, an appropriate performance appraisal process;
- (c) Is to make recommendations to Council regarding:
 - a. The setting of goals and objectives
 - b. The measurement of key performance indicators (KPIs); and
 - c. Changes to the remuneration package within the terms of the Chief Executive Officer's contract; and
- (d) May draw on the resources and professional advice of the Manager Human Resources and any additional assistance that the Manager Human Resources may recommend to determine the process and plan and conduct the appraisal.

Any goals, objectives, KPI measurement or remuneration package changes approved by Council must be acknowledged in writing by both the Mayor and the Chief Executive Officer.

All Elected Members are to be briefed of the outcomes of the appraisal prior to any decision by Council.

14.4 Committee of the Whole of Council (Council Committee)

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The purpose of this Report is to appoint members of the Committee of the Whole of Council (Council Committee).

Recommendation to Council**Council:**

- 1) **Appoints the Mayor and all Councillors be to the Committee of the Whole of Council (Council Committee) for a period ending immediately prior to the next Local Government Elections in 2017.**
- 2) **Adopts the Terms of Reference of the Committee of the whole Council (Council Committee) as below**

ABSOLUTE MAJORITY VOTE REQUIRED

Background

The committee of the Whole of Council (Council Committee) consists of all Councillors and meetings on the Second Tuesday of every Month.

Terms of Reference for the Committee of the Whole of Council (Council Committee)**Purpose**

The Committee of the Whole of Council (CWC) will consider matters presented to it by the Council administration or as permitted under Council's Standing Orders and only make recommendations to Council to enable the necessary or convenient proper management of the Council functions listed below as described in parts 3 to 9 of the Local Government Act 1995 as amended from time to time.

Functions

Part 3 – Functions of local governments

Part 4 – Elections and other polls

Part 5 – Administration

Part 6 – Financial management

Part 7 – Audit

Part 8 – Scrutiny of the affairs of local governments

Part 9 – Miscellaneous provisions

Scope

1. This Committee is established in accordance with Council Policy “Council Committees and Administrative Liaison Working Groups”.
2. Clause 3.2(4) of Council’s Standing Orders further states:

“Unless stated otherwise in the Terms of Reference of that Committee, the procedure for meetings of Committees and the order of business shall be the same as the procedure and the order of business for Council meetings”.

Under these Terms of Reference

1. The Presiding Member may invite any members of the public who have prior to the meeting commencing requested, as required under Clause 3.4 of Council’s Standing Orders, to address the Committee on a particular item just prior to the item being considered by Committee. If the Presiding Member invites the speaker/s forward to address the Committee, then it must also be before the item has been moved and seconded.
2. Committee members and Staff are not required to rise when speaking in a Committee meeting; and
3. A Committee member may speak more than once on a matter, but no more than twice on a matter, unless so agreed to by the Presiding member.

Membership


1. The Mayor and all Councillors will be members of the CWC.
2. Meetings of the Committee shall be open to the public, except where the Committee decides by resolution to conduct its business or any specified part thereof behind closed doors, in which case provisions of clause 3.12 inclusive of Council Standing Orders apply.

Meetings

1. The CWC will meet on the second Tuesday of each month with the exception of December and January.
2. In December, the Committee meeting will be held on first Tuesday of the month, to allow the Council Meeting to be held on the third Tuesday. In January, no Committee meetings or ordinary Council meetings are to be held.

Note: This does not exclude such circumstances that may occur from time to time which require the calling of Special Council meetings in December or January of each year.

14.5 Sustainable Nedlands Committee

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The purpose of this report is to appoint members of the Sustainable Nedlands Committee. Nominations for Community Members have been advertised and close on 30 October 2015, and will be presented to the Committee and Council for consideration.

Recommendation to Council

Council;

- 1) Council appoints one (1) elected member as delegate and one (1) elected member as deputy delegate to the Sustainable Nedlands Group.**
- 2) Notes the CEO has called for expressions of interest from the Community for the Community Member.**

Background

This is an internally formed committee of Council attended by two (2) Councillor Delegates. The Mayor and Councillor Shaw were the previous delegate/deputy delegate respectively. Councillor Binks was also a member of this Committee.

As the Committee comprises eight (9) members, seven (7) of which are members of the Community, Administration proposes the Committee be an advisory Committee to Council.

As an Advisory Committee, the Committee Members can determine their own terms of reference, preparing of meeting etc, without the need to strictly comply with the Council Standing Orders or other requirements of the Local Government Act 1995.

Terms of Reference for the Sustainable Nedlands Committee

Purpose

To provide research and advice to Council on sustainability issues as they relate to the City's Strategic Community Plan, projects, programs, services and operations. Sustainability is defined as being:

'Able to be sustained; designed or developed to have the capacity to continue operating perpetually, by avoiding adverse effects on the natural environment and depletion of natural resources' (Macquarie Dictionary 5th Edition).

Scope

The City of Nedlands Sustainable Nedlands Committee will:

1. Provide advice and recommendations to Council in the following areas:
 - Energy efficiency
 - Waste management
 - Water quality and conservation
 - Environmentally responsible design
 - Transport
 - Natural environment
 - Built environment
 - Air quality management
 - Social Sustainability
2. Monitor progress on issues for a productive and healthy community and report back to Council on developments.
3. Foster links with kindred groups and interested parties to maximise benefits to the City of Nedlands.
4. Advocate public education and awareness.
5. Provide advice on alternate funding options for the implementation of the Strategic Community Plan Corporate Business Plan, as they relate to sustainability.


Membership

1. Total Membership of 11 Committee members.
2. Two (2) Councillors of the City of Nedlands (to be approved / appointed by Council with a nominated proxy).
3. Members are to be residents or ratepayers of the City of Nedlands or own a business located within the City of Nedlands where 1 member position is allocated to a Secondary Student who resides within the City and has an interest in sustainability.
4. Members are appointed to the Committee for a period to the term of the current Council, however if the Member fails to attend three (3) consecutive meetings, their membership status will be revoked.

Procedure

1. Committee members will be appointed for a term expiring at the conclusion of the next Local Government election.
2. The Committee will meet at least bi-monthly, where Administration will prepare agendas and supply minutes to the City's administration which will be provided to Councillors.
3. One Councillor appointed to the Committee shall be elected as the Presiding Member of the Committee.
4. The quorum of the Committee will be six (6).
5. Meetings of the Committee will be open to the public.
6. If a quorum is not reached by the 15 minutes following the scheduled meeting commencement time the meeting will be abandoned.
7. The City's Administration will make a venue and modest catering available for meetings where a minimum of 2 weeks' notice is provided for a meeting.

14.6 Arts Committee

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The Purpose of this report is to appoint members of the Arts Committee. Nominations for Community Members have been advertised and close on 30 October 2015, and will be presented to the Committee and Council for consideration.

Recommendation to Council

Council;

- 1) Appoint the Mayor and four (4) councillors to the Arts Committee.**
- 2) Notes the CEO has called for expressions of interest from the Community for the Community Member.**
- 3) Adopts the Terms of Reference of the Arts Committee as below.**

Background

The Arts Committee was established in 2014 and meets from time to time.

Terms of Reference for the Art Advisory Committee**Purpose**

The Committee will be established under the Local Government Act to implement public art projects within the City of Nedlands.

Aim

To ensure that the City of Nedlands includes artworks of a high standard in the public domain.

Scope

The Committee will undertake the following within the City of Nedlands:

1. Initiate, consider and decide on proposals for public artworks.
2. Oversee the implementation of public artworks.
3. Consider external proposals for public artworks to be donated to the City of Nedlands.
4. Promote awareness of the City's existing public artworks.
5. Review the City's art collection and make recommendations to Council on its conservation.
6. Review Council's Public Art Policy as required and make recommendations to Council on any proposed changes.
7. Develop a draft Percent for Art Policy and make recommendation to Council on its adoption.

Procedure

After adoption of the City's budget by Council each year and before commencing its work for the ensuing year the Committee shall:

- Consider the budget and any other available funds for art works to be acquired in the ensuing year.
- Formulate a plan of priorities and objectives for the year including the proposed siting of any public art works.
- Present that plan for review and amendment or approval by the Council.

Delegated Authority

The Committee has delegated authority to implement public artworks to the value of the budget allocation approved by Council within the current financial year's budget.

Membership

1. Mayor and four Councillors, appointed by Council.
2. Two community representatives with professional expertise in public art, who are residents of the City.
3. One youth representative with an interest in public art, aged 12 – 25 years, who is a resident of the City.

Meetings

1. Meetings are open to community and Councillors.
2. Voting members are listed under Membership above.
3. Non-voting attendees will have observer status.
4. Meetings will be held monthly or as required.
5. Meetings will only be held if there is a quorum.
6. A quorum will be 50% or more of the current formal voting membership.

Staff

The following staff will attend meetings to provide support and advice:

- Manager Community Development, as required.
- Tresillian Coordinator, as required.
- Any other officer, as required.

Terms of Reference

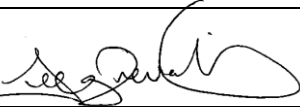
The Terms of Reference will be reviewed annually.

Approved / Reviewed

10 December 2013 – CM11.13 Arts Committee and Terms of Reference

15. Appointment of Delegates to External Committees and Internal Working Groups

15.1 Nedlands Aged Persons Homes Trust Inc

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The Nedlands Aged Persons Homes Trust (Inc.) is an external organisation and in terms of the Trust's Constitution, the City is invited to appoint two (2) Councillor Representatives to the Trust (Inc.). Councillor Horley and Binks were Council's previous delegate to the Trust.

Recommendation to Council

Council;

Appoints two (2) Councillors as Council's delegate to the Nedlands Aged Persons Homes Trust (Inc.) for a period ending immediately prior to the next Local Government Elections in 2017.


ABSOLUTE MAJORITY VOTE REQUIRED

Background

Meetings take place on the fourth Thursday of each month at 9.30 a.m. at Lisle Lodge in Mt. Claremont, however, no meetings are held during January.

This appointment will expire at the next ordinary election of Council in 2015 and thereafter Council will need to resolve a new delegate.

15.2 Swan River Trust

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

This is an externally formed committee and the City is usually represented by one Councillor Delegate and one Councillor Deputy Delegate. Previously, Council resolved to appoint Councillor Hay as the Delegate and Councillor Hassell as Deputy Delegate.

Recommendation to Council

Council;


Appoints one Councillor (one Councillor from any Ward) as Delegate and Councillor (one Councillor from any Ward) as Deputy Delegate to the Swan River Trust for a period ending immediately prior to the next Local Government Elections in 2017.

ABSOLUTE MAJORITY VOTE REQUIRED

Background

Meetings are held regularly at a venue/time advised before the meeting by the Swan River Trust. These appointments will expire at the next ordinary election of Council in 2017 and thereafter Council will need to resolve further delegations.

15.3 Western Suburbs Regional Organisation of Councils (WESROC)

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The Mayor is the City's representative on the WESROC Board which is attended by all Mayors and Chief Executive Officers of the Western Suburb Councils. The WESROC Executive meets on a three (3) monthly cycle and the WESROC Board meets as required.

Recommendation to Council


That Council endorses the representation of the Chief Executive Officer (or the Acting Chief Executive Officer in the CEO's absence) at WESROC Executive Meetings and the Mayor (or Deputy Mayor in the Mayor's absence) at the WESROC Board meetings.

ABSOLUTE MAJORITY VOTE REQUIRED

Background

WESROC is a liaison organisation of all Western Suburbs Councils and the Chief Executive Officer represents the City on the WESROC Executive Committee, a Committee comprising Chief Executive Officers of the Western Suburb Councils.

15.4 Development Assessment Panels

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The purpose of this report is to confirm the Council representatives on the Development Assessment Panels. Current representatives have been appointed to 26 April 2017.

Recommendation to Council

Council;

Confirms the Mayor and Councillor Shaw as members and Councillors Hassell and Smyth as alternative members for the City of Nedlands to the Development Assessment Panels.


ABSOLUTE MAJORITY VOTE REQUIRED

Background

The *Planning and Development (Development Assessment Panels) Regulations 2011* established the operational framework for Development Assessment Panels (DAP's) in Western Australia by gazettal on 24 March 2011.

Each council is requested to nominate two (2) members and two (2) alternate members for consideration of appointment. The current members are the Mayor and Councillor Shaw and the alternative members are Councillors Hassell and Smyth. These nominees have been appointed by the Minister for a term of two years ending 26 April 2017.

15.5 Lake Claremont Committee

| | |
|-----------------------|---|
| Council | 27 October 2015 |
| Applicant | City of Nedlands |
| Officer | Mike Cole – Director Corporate & Strategy |
| CEO | Greg Trevaskis |
| CEO Signature |  |
| File Reference | N/A |
| Previous Item | Nil |

Executive Summary

The purpose of this report is to appoint members of the Lake Claremont Committee. Previously, Council resolved to appoint Councillor Horley as the Delegate and Councillor Hodsdon as Deputy Delegate.

Recommendation to Council

Council;

Appoints one (1) Councillor as delegate and one (1) Councillor be appointed as deputy delegate to the Lake Claremont Committee for a period ending immediately prior to the next Local Government Elections 2017.

ABSOLUTE MAJORITY VOTE REQUIRED

Background

The Committee was established to prepare and implement a Management Plan for the Lake. Lake Claremont Committee, with community participation, ensures that they Lake is Managed by the Town of Claremont, as a healthy natural seasonal lake for both conservation and recreational purposes.

16. 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.

17. Elected Members Notices Of Motion Given At The Meeting For Consideration At The Following Ordinary Meeting On 24 November 2015.

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

Notices of motion for consideration at the Council Meeting to be held on 24 November 2015 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

18. Urgent Business Approved By The Presiding Member Or By Decision

Any urgent business to be considered at this point.

19. Confidential Items

Any confidential items to be considered at this point.

20. Declaration of Closure

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