******

***Minutes***

***Council Meeting***

***27 October 2020***

**Attention**

**These Minutes are subject to confirmation.**

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

**Table of Contents**

[Declaration of Opening 5](#_Toc56591094)

[Present and Apologies and Leave of Absence (Previously Approved) 5](#_Toc56591095)

[1. Public Question Time 6](#_Toc56591096)

[1.1 Mr Benjamin Lane, 28 Stanley Street, Nedlands 6](#_Toc56591097)

[1.2 Mr Jim Hancock, 66 Kingsway, Nedlands 7](#_Toc56591098)

[1.3 Mrs Robyn Hancock, 66 Kingsway, Nedlands 8](#_Toc56591099)

[1.4 Ms Denise Murray, 6 Sayer Street, Swanbourne 9](#_Toc56591100)

[2. Addresses by Members of the Public 9](#_Toc56591101)

[3. Requests for Leave of Absence 10](#_Toc56591102)

[4. Petitions 11](#_Toc56591103)

[4.1 37 Strickland Street, Mt Claremont – Short Term Accommodation 11](#_Toc56591104)

[4.2 Petition – Fast Food Outlets 11](#_Toc56591105)

[5. Disclosures of Financial / Proximity Interest 11](#_Toc56591106)

[6. Disclosures of Interests Affecting Impartiality 11](#_Toc56591107)

[6.1 Councillor Smyth – 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office 12](#_Toc56591108)

[6.2 Councillor Bennett – 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office 12](#_Toc56591109)

[7. Declarations by Members That They Have Not Given Due Consideration to Papers 12](#_Toc56591110)

[8. Confirmation of Minutes 12](#_Toc56591111)

[8.1 Ordinary Council Meeting 22 September 2020 12](#_Toc56591112)

[8.2 Special Council Meeting 20 October 2020 13](#_Toc56591113)

[9. Announcements of the Presiding Member without discussion 13](#_Toc56591114)

[10. Members announcements without discussion 14](#_Toc56591115)

[10.1 Councillor Coghlan thanked Mayor de Lacy for her 14](#_Toc56591116)

[10.2 Councillor Youngman 15](#_Toc56591117)

[10.3 Councillor Smyth 16](#_Toc56591118)

[10.4 Councillor McManus 17](#_Toc56591119)

[10.5 Councillor Hodsdon 17](#_Toc56591120)

[11. Matters for Which the Meeting May Be Closed 18](#_Toc56591121)

[12. Divisional reports and minutes of Council committees and administrative liaison working groups 18](#_Toc56591122)

[12.1 Minutes of Council Committees 18](#_Toc56591123)

[12.2 Planning & Development Report No’s PD46.20 to PD52.20 (copy attached) 19](#_Toc56591124)

[PD46.20](#_Toc56591125) [No. 60 Philip Road, Dalkeith – Residential - Single House and Ancillary Dwelling 19](#_Toc56591126)

[PD47.20](#_Toc56591127) [Scheme Amendment No. 4 – Fast Food Outlets 21](#_Toc56591128)

[PD48.20](#_Toc56591129) [Scheme Amendment No. 9 – Deep Soil Planting Requirements for Single and Grouped Dwellings 23](#_Toc56591130)

[PD49.20](#_Toc56591131) [Local Planning Scheme 3 – Amendments to Local Planning Policy Short Term Accommodation – Final Adoption 24](#_Toc56591132)

[PD50.20](#_Toc56591133) [Local Planning Scheme 3 – Draft Local Planning Policy - Melvista East Transition Zone 25](#_Toc56591134)

[PD51.20 Local Planning Scheme 3 – Local Planning Policy Community Engagement on Planning Proposals 27](#_Toc56591135)

[PD52.20 No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation) 29](#_Toc56591136)

[12.3 Technical Services Report No’s TS16.20 to TS17.20 (copy attached) 35](#_Toc56591137)

[TS16.20 Quintilian Road Traffic Calming, Parking and Shared Path 35](#_Toc56591138)

[TS17.20 Hampden Road Project – Budget Variation 39](#_Toc56591139)

[12.4 Community & Organisational Development Report No’s CM07.20 to CM08.20 (copy attached) 40](#_Toc56591140)

[CM07.20 Swanbourne Tigers Junior Football Club – Floodlight Upgrade Allen Park Lower Oval 40](#_Toc56591141)

[CM08.20 Draft Strategic Recreation Plan 2020-2030 42](#_Toc56591142)

[12.5 Corporate & Strategy Report No’s CPS22.20 to CPS29.20 (copy attached) 43](#_Toc56591143)

[CPS22.20 List of Accounts Paid – August 2020 43](#_Toc56591144)

[CPS23.20 UPDATE – Implications of COVID-19 on the City’s Tenancy Portfolio 44](#_Toc56591145)

[CPS24.20 Future of Nedlands Child Health Clinic – 152 Melvista Avenue, Nedlands 45](#_Toc56591146)

[CPS25.20 Future use of Haldane House, 109 Montgomery Avenue, Mt Claremont 47](#_Toc56591147)

[CPS26.20 Land Investment Strategy and Policy 49](#_Toc56591148)

[CPS27.20 Request for Funding to Engage a Consultant to Assess the need for Childcare Services 52](#_Toc56591149)

[CPS28.20 Corporate Business Plan - Review 54](#_Toc56591150)

[CPS29.20 Request for Tender RFT 2020-21.02 – Waste Management Services 55](#_Toc56591151)

[13. Reports by the Chief Executive Officer 56](#_Toc56591152)

[13.1 Review of Wards and Councillor Numbers 56](#_Toc56591153)

[13.2 Common Seal Register Report – September 2020 60](#_Toc56591154)

[13.3 List of Delegated Authorities – September 2020 61](#_Toc56591155)

[13.4 CEO KRA Quarterly Report – October 2020 76](#_Toc56591156)

[13.10 Reconsideration of Planning Refusal – No. 78 Waratah Avenue, Dalkeith – Five Grouped Dwellings 79](#_Toc56591157)

[13.13 Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office 111](#_Toc56591158)

[13.5 Monthly Financial Report – September 2020 117](#_Toc56591159)

[13.6 Monthly Investment Report – September 2020 123](#_Toc56591160)

[13.7 Proposed Children’s Hospice 126](#_Toc56591161)

[13.8 Land Swap Children’s Hospice Project 135](#_Toc56591162)

[13.9 Investigations into Use of Masons Gardens by Dog Owners and Options for Fenced Dog Parks 145](#_Toc56591163)

[13.10 Reconsideration of Planning Refusal – No. 78 Waratah Avenue, Dalkeith – Five Grouped Dwellings 153](#_Toc56591164)

[13.11 18 Doonan Road, Nedlands – x 5 Single houses SAT 20-1093 SAT Matter DR148/2020 154](#_Toc56591165)

[13.12 Local Planning Scheme No.3 – Infrastructure Contributions 160](#_Toc56591166)

[13.13 Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office 170](#_Toc56591167)

[14. Elected Members Notices of Motions of Which Previous Notice Has Been Given 171](#_Toc56591168)

[14.1 Councillor Smyth – Street Tree Replacement – 24 Godetia Gardens, Mt Claremont 171](#_Toc56591169)

[14.2 Councillor Youngman – Point Resolution Childcare Centre – Fee Increase 174](#_Toc56591170)

[14.3 Councillor Mangano – CGM Communications Contract Termination 176](#_Toc56591171)

[15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 24 November 2020 179](#_Toc56591172)

[16. Urgent Business Approved By the Presiding Member or By Decision 179](#_Toc56591173)

[17. Confidential Items 179](#_Toc56591174)

[Declaration of Closure 179](#_Toc56591175)

**City of Nedlands**

**Minutes of an Ordinary Meeting of Council held online via Teams and livestreamed for the public and onsite in the Ellis Room at the Bendat Basketball Centre, 201 Underwood Avenue, Floreat on Tuesday 27 October 2020 at 7 pm.**

# Declaration of Opening

The Presiding Member declared the meeting open at 7.02 pm and drew attention to the disclaimer below.

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

**Councillors** Her Worship the Mayor, C M de Lacy (Presiding Member)

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Councillor P N Poliwka Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor G A R Hay Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

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

Ms M Granich Acting Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr J Duff Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Public** There were 30 members of the public present and 12 online.

**Press** Nil.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Nil.

**Disclaimer**

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

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

# Public Question Time

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.

## Mr Benjamin Lane, 28 Stanley Street, Nedlands

Question 1

Why were residents of Stanley Street not explicitly notified of this meeting?

Answer 1

Presumably this refers to the recent meeting of Council which dealt with the Woolworths development.  All meeting agendas of Council are available on the website and the City doesn’t typically separately notify every household.  The City was aware that councillors were in contact with the community on this matter.

Question 2

Why was the city prepared to increase traffic by such magnitude when there is a school and kindergarten two blocks down the street as well as the new, safe active street?

Answer 2

The City is responding to a development application, which will generate significant traffic.  The application is now with the State Administrative Tribunal and the matter will be determined.  The City has to seek a solution that deals with competing issues including the additional traffic, safe access and egress to the site and Stirling Hwy and the desire for a community space in Florence Road.

Question 3

With a school as such an important stakeholder, why was the meeting set in school holidays?

Answer 3

The timeline is not to the City’s choosing. It is being driven by the State Administrative Tribunal.

Question 4

Why were Stanley Street residents signalled out to bear the brunt of this development?

Answer 4

Refer to Answer 2.

Question 5

Why was a concerned resident denied the right to speak on behalf of his home when it was the city’s communication that had failed to provide adequate warning?

Answer 5

Residents wishing to speak at a Council meeting are required to complete an intention to address form with sufficient advance notice under the City’s Standing Orders Local Law.  There were many who did.

Question 6

Why, out of 10 scenarios, did not a single one include the mitigation of southbound Stanley street traffic?

Answer 6

This was considered. The trade-off is the viability of the community space in Florence Road, which was Council’s position.  Restricting southbound traffic on Stanley Street will likely mean loss of the Florence road plaza.  Council may accept this outcome.

Question 7

Why, given his willingness to sacrifice the rights of the Stanley Street residents, should the CEO be trusted to represent the city on this matter going forward?

Answer 7

It is the Council that represents the ratepayers. The CEO presents the options.

## Mr Jim Hancock, 66 Kingsway, Nedlands

Question 1

In the past 2 years, have there been any code of conduct issues with any City of Nedlands employees?

Answer 1

Employee performance is managed against the City's policies and procedures through a performance management system. Reference to the Code of Conduct is made from time to time in performance management. The Code of Conduct contains broad statements regarding appropriate behaviour. Additionally, it specifically considers organisational arrangements and decision making (at meetings), use of local government property, public relations and communications, conflict of interest, gaining personal benefits and dealing with gifts. The CEO has not had any alleged Code of Conduct breaches reported to him against an Employee under item 13, reporting and dealing with Code of Conduct breaches, in the past two years.

Question 2

If so, how many in total?

Answer 2

Nil.

Question 3

If so, the maximum number associated with any one employee?

Answer 3

Nil.

Question 4

Has any code of conduct issue arisen associated with use of social media?

Answer 4

Not in the past two years.

Question 5

If so, how many?

Answer 5

Nil.

## Mrs Robyn Hancock, 66 Kingsway, Nedlands

Question

On the 20th October special meeting I sent in a question about whether or not the community of Nedlands had been wasting it’s time trying to save our suburb. I don’t believe the actual question was answered. A simple yes or no is all I am after.

Answer

The answer provided on the 20th October 2020 at the Special Council Meeting stands.  Community members would need to make their own estimation as to the value of their time on this matter.

## Ms Denise Murray, 6 Sayer Street, Swanbourne

Regarding community engagement that was conducted by Council on the Your Voice website, relating to the proposal to construct a Children's Hospice within Allen Park, Swanbourne, the summary given in the 27/10/20 Agenda Item 13.7 is confusing. Would the CEO please confirm that:

* Of the 114 respondents overall, only 38 were from the City of Nedlands?
* Of those 38, 24 lived in Swanbourne (City of Nedlands)?
* 92% of those residents did not support the project being built in Allen Park (yet support the concept in principle of a Children's Hospice being built somewhere)?

Answers

The answers to these questions are in item 13.7 of this agenda.

# 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.

Moved – Councillor Bennett

Seconded – Councillor Youngman

**That the order in which the below addresses are given are rearranged to allow those speakers who can’t stay for an extended period be allowed to speak first.**

**CARRIED 12/1**

**(Against: Cr. Poliwka)**

Ms Fiona Argyle, 39 Kinninmont Avenue, Nedlands PD47.20

(spoke in opposition to the recommendation)

Mrs Elizabeth Gibson, 41 Louise Street, Nedlands PD47.20

(spoke in opposition to the recommendation)

Mr Benjamin Lane, 28 Stanley Street, Nedlands

(spoke in relation to Nedlands Town Centre)

Mr Robert Adam, 14 Stanley Street, Nedlands

(spoke in relation to Florence Road Access Options)

Mr Warrick Turton, 3 Elizabeth Street, Nedlands

(spoke in relation to Safe Active Street concern - Elizabeth Street between Kingsway and Viewway)

Mr Andrew James, 60 Philip Road, Dalkeith PD46.20

(spoke in support of the recommendation)

Mr Steven Kerr, 39 Strickland Street, Mt Claremont PD52.20

(spoke in opposition to the recommendation)

Mr Stuart Brown, 38 Strickland Street, Mt Claremont PD52.20

(spoke in opposition to the recommendation)

Mr David Joseph, 37 Strickland Street, Mt Claremont PD52.20

(spoke in support of the recommendation)

Ms Emma Tomkinson, 2 Scott Street, Claremont CPS27.20

(spoke in support of the recommendation)

Mr Ian Long, 28 Quintilian Road, Nedlands TS16.20

(spoke in support of the recommendation)

Ms Susan Stevens, 65 Melvista Avenue, Nedlands 13.9

(spoke in opposition to the recommendation)

Mr Petar Mrdja, Urbanista Planning, 231 Bulwer Street, Perth 13.10

(spoke in support of the recommendation)

The Mayor suspended standing orders to allow Councillors to ask questions of Mr Mrdja as this item did not go before the Committee where questions are permitted.

Councillor Wetherall left the meeting at 8.03 pm and returned at 8.04 pm.

Ms Helen Beech, 44 Waroonga Road, Nedlands 14.2

(spoke in support of the recommendation)

# Requests for Leave of Absence

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

Moved – Councillor Youngman

Seconded – Councillor Bennett

**That Councillor Horley be granted leave of absence from 1 March to 30 April 2021.**

**CARRIED UNANIMOUSLY 13/-**

# Petitions

Petitions to be tabled at this point.

## 37 Strickland Street, Mt Claremont – Short Term Accommodation

Mark Goodlet, Chief Executive Officer tabled a petition on behalf Stuart Brown and 31 others requesting Council refuse the application by the resident of 37 Strickland Street, Mt Claremont to use their residence for short term accommodation.

Moved – Councillor Coghlan

Seconded – Councillor Wetherall

**That the petition be received.**

**CARRIED UNANIMOUSLY 13/-**

## Petition – Fast Food Outlets

Mark Goodlet, Chief Executive Officer tabled a petition on behalf of Ms Elizabeth Gibson and 232 others requesting Council amends clause 17 of the Local Planning Scheme No. 3 (Zoning Table) to specify Fast Food Outlets as and “X” (not permitted) use in all zones.

Moved – Councillor Coghlan

Seconded – Councillor Youngman

**That Council receive the petition.**

**CARRIED UNANIMOUSLY 13/-**

# Disclosures of Financial / Proximity Interest

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

There were no disclosures of financial interest.

# Disclosures of Interests Affecting Impartiality

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

## Councillor Smyth – 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office

Councillor Smyth disclosed an impartiality interest in Item 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office. Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 2nd November 2020. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth declared she would not stay in the room and debate the item, or vote on the matter.

## Councillor Bennett – 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office

Councillor Bennett disclosed an impartiality interest in Item 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office. Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 2nd November 2020. As a consequence, there may be a perception that his impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett declared he would not stay in the room and debate the item, or vote on the matter.

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

Nil.

# Confirmation of Minutes

## Ordinary Council Meeting 22 September 2020

Moved – Councillor Hodsdon

Seconded – Councillor Hay

**The Minutes of the Ordinary Council Meeting held 22 September 2020 be confirmed.**

**CARRIED 11/2**

**(Against: Crs. Bennett & Coghlan)**

## Special Council Meeting 20 October 2020

Moved – Councillor Hodsdon

Seconded – Councillor McManus

**The Minutes of the Special Council Meeting held 20 October 2020 be confirmed.**

**CARRIED 12/1**

**(Against: Cr. Hay)**

# Announcements of the Presiding Member without discussion

This morning at 9.30am the CEO and I finally met with the Hon Roger Cook and his senior policy advisor about the Children’s hospice project.

I found the meeting quite insightful as to the Minister’s understanding of how he believed the project had been progressing since February. Key relationships he thought were well and truly established were unfortunately not, for various reasons. There is much water under the bridge now as to how the process has unfolded however, it has caused me more angst than anything else has in the 4 years since I became involved in local politics as a community group leader and now on Council.

That’s because the only reason I became involved in local politics is because I care.

I care about people.

I care about the environment.

I care about the future.

To read in public submissions that “Cilla de Lacy needs to stop wasting time, money and grow a heart” and “I also resent the Mayor’s negative attitude to this important project. It is very short sighted and petty politics” is heartbreaking. This is only an example of the communications I have received with others similarly coming via email and through phone calls. As a parent of two boys who sat on Hollywood Primary School Board and worked with Ronald McDonald House, who has coached junior sport, and who put parenting above career this is very hard to take.

Councillor Mangano left the meeting at 8.20 pm.

Unfortunately, I feel very alone in this. I feel unsupported.

I have done my best to find the middle ground on every issue that comes before this Council. It is exhausting. I have faced challenges before in my life, as we all do, but nothing as unrelenting as this. I really need the support and help of Councillors around this table. I have spent the last three weeks on stress leave.

I am very concerned not just about our Council but about local government in general. Nothing short of an inquiry into the entire sector is going to address the systemic problems that persist and grow every day. We need clarity about local government’s role. Do we really have a political voice on issues that face local communities or are we just service providers in charge of relatively large asset portfolios? Because at the moment we are painfully caught somewhere in between and at the mercy of trying in vain to help people who feel increasingly disempowered when it comes to having a say about the future and what matters to them.

Councillor Mangano returned to the meeting at 8.22 pm.

# Members announcements without discussion

Written announcements by Councillors were tabled at this point.

## Councillor Coghlan

Councillor Coghlan advised that on Friday 23 October 2020 the new Public Art acquisition by the City of Nedlands and the Annie Dorrington Park was officially opened by the Deputy Lord Mayor McManus.

Councillors from Coastal Ward, the Mayor and other councillors also attended.  We were all extremely proud of the sculpture in this beautiful location in Annie Dorrington Park.  The artist Tony Pankiw proudly told us all about his sculpture and how it both reflects and incorporates the talents of Annie Dorrington. The large sculptures light up at night bringing a different perspective to the daytime experience. The 40 guests who were present were able to hear a little of the history of Annie Dorrington after whom the park is named. Cr Kerry Smyth was pivotal in orchestrating the naming of the Park. Also, some of Annie Dorrington's relatives who were present would have really appreciated her being honoured in this way.  It was a warm, late afternoon.  I recommend a visit to view the artworks and to enjoy the park.

The park is next to the restored Montgomery Hall (heritage listed). Both the sculpture and the older building complement each other.  This is particularly relevant because Annie had some experience staying there. She suffered from depression which required treatment during her stay in this facility.

 If you would like to read more about this remarkable lady and her achievements, please go to Your Voice news feed. Annie is also one of the artists who contributed to the Australian flag.

<https://yourvoice.nedlands.wa.gov.au/st-johns-wood-boulevard-a-new-park-being-planned-for-the-area/news_feed/park-name-chosen>

Later that evening I and Councillors Bennett and Youngman attended the Tresillian Art Exhibition "for the asking". it was presented by the very talented Judy Rogers who is also one of the art teachers at the centre.

Her exhibition provoked the observer to question their interpretation of the relationship between food and art.  This exhibition is still on until 13 November 2020.  The paintings are very dynamic, and Rogers is to be congratulated for her insight into "joy and awareness by attending the minor and seemingly insignificant- colours patterns and textures".

On Sunday I attended the City of Bunbury Regional Art Gallery, formerly a convent of the Mercy Group.  There were many exhibitions running concurrently within the various gallery spaces.  The Iluka Visions 2020 exhibition is a professionally run display celebrated the creativity of artists in South West High Schools. I walked through the many displays including short films.  I was very impressed with the diversity of art displayed, and  the maturity   of creative expression demonstrated by many of the students artists.

Interestingly, the winner of the Education Support award, artist Gabi Magno painted a watercolour appreciation for Sidney Nolan.

None of the student art was for purchase however, once they make it back to the artists or their families they will proudly reflect on their entries.

I also had the privilege of viewing the art purchased by the City of Bunbury for their own art collection. I particularly noticed the Sidney Nolan paintings and the Wim Boissevian (O.B.E )  paintings that the City has had the foresight to purchase .The more local indigenous, Collie artist Paul Hansen  (a Vietnam Veteran) had several colourful artworks purchased by the City on display.

## Councillor Youngman

Councillor Youngman gave the following apology at the meeting:

“I wish to sincerely apologise to the City of Nedlands planners if I used wording that they interpreted as my thinking their work is unprofessional. I do not recall uses the words suggested but during my presentation to MINJDAP I lost some of my objectivity when I believed one of the panel members was ignoring what I was saying.

The City of Nedlands planners are doing a commendable job in the difficult circumstances that we find ourselves in since the introduction of LPS3 and have my full support.”

## Councillor Smyth

List of events and meeting attended by Cr Kerry Smyth during September & October 2020

Opening Celebration for Annie Dorrington Park and ‘Windows into the Past’ launch of public art installation - 23 October 2020

Metro Inner North JDAP meeting #46 – 27 October 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Cr Bennett.

Lot 685 & 686 (137 & 139) Broadway, Nedlands

Six Storey Multiple Dwelling development

The RAR recommendation for approval with modifications was moved and CARRIED 3/2

And

Lot 15368 (37) Lemnos Street, Shenton Park

Expansion of existing data storage facility

The RAR recommendation for approval with modifications was moved and CARRIED 5/-

Metro Inner North JDAP meeting #44 – 20 October 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Cr Bennett.

Lot 565 (101) Monash Ave, Nedlands

Addition (car park) to Hospital

The RAR recommendation for approval with modifications was moved and CARRIED 4/1

Metro Inner North JDAP meeting #38 – 29 September 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Mayor de Lacy.

Lot 689 (5) Hillway, Nedlands

10 Multiple Dwellings

SAT Reconsideration of previously JDAP refused DA.

The RAR recommendation for approval with modifications was moved and CARRIED 3/2

Metro Inner North JDAP meeting #36 – 23 September 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Mayor de Lacy.

Lot 142 & 141 (21-23) Louise St, Nedlands

Residential Development consisting of 7 two storey grouped dwellings, 6 apartments over three storeys and basement car parking.

The RAR recommendation for deferral was moved and CARRIED 3/2

JDAP SUMMARY (since November 2019)

|  |
| --- |
| RARs = 24 |
| RAR Approval = 12 (JDAP then approved 12) |
| RAR Refusal = 11 (JDAP then approved 3, refused 3, deferred 5) |
| RAR Deferral = 1 (JDAP then deferred 1) |
|  |
| JDAP = 24 |
| JDAP Approval = 15 |
| JDAP Refusal = 3 |
| JDAP Deferral = 6 (3 deferrals subsequently became approvals, 3 are still in play) |

## Councillor McManus

Councillor McManus advised that on 23rd October he conducted the opening of Annie Dorrington Park in Mt Claremont and the commissioning of the artwork Windows into the Past by Tony Pankiw at the park. An enthusiastic crowd attended, and Councillor McManus thanked the Council’s Public Art Committee and Chairman Ben Hodsdon for all their good work.

Councillor McManus also mentioned that he had heard that Director Lorraine Driscoll was leaving the Council, but by a head nod from the CEO, that she will be returning from leave and attending a Council meeting before she leaves or he would say some words of thanks to Lorraine now. A head nod was received.

## Councillor Hodsdon

Councillor Hodsdon thanked the City of Nedlands Administration for facilitating and installing the artwork at Annie Dorrington Park in Mount Claremont. A well organised event saw Deputy Mayor McManus commissioning the artwork Windows into the Past by Tony Pankiw. Many thanks to the Public Art Committee and administration for the success of this work. The artwork, like all good artwork, respects its context but challenges both the location and viewing public. Another fantastic addition to the rich public artwork tapestry of Nedlands.

# Matters for Which the Meeting May Be Closed

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

Nil.

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

## Minutes of Council Committees

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

Moved – Councillor Hodsdon

Seconded – Councillor Senathirajah

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

**Audit & Risk Committee 5 October 2020**

Circulated to Councillors on 9 October 2020

**Public Art Committee 12 October 2020**

Circulated to Councillors on 20 October 2020

**Council Committee 13 October 2020**

Circulated to Councillors on 23 October 2020

**CARRIED 11/2**

**(Against: Crs. Bennett & Coghlan)**

**Note: As far as possible all the following reports under items 12.2, 12.3, 12.4, 12.5 and 13.1 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.**

En Bloc

Moved - Councillor Mangano

Seconded – Councillor Youngman

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4, 12.5 and 13.1 with the exception of Report Nos. PD46.20, PD47.20, PD48.20, PD49.20 PD50.20 PD51.20, PD52.20, TS16.20 CM08.20, CPS23.20, CPS24.20, CPS25.20, CPS26.20 CPS28.20 and 13.1 are adopted en bloc.**

**CARRIED 10/3**

**(Against: Crs. Bennett Youngman & Poliwka)**

## Planning & Development Report No’s PD46.20 to PD52.20 (copy attached)

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

|  |  |
| --- | --- |
| **PD46.20** | **No. 60 Philip Road, Dalkeith – Residential - Single House and Ancillary Dwelling** |
|  | |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Applicant** | Andrew James |
| **Landowner** | Sarah James |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA20-48864 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the City’s Administration recommending refusal for this application. |
| **Attachments** | 1. Applicant Justification Letter |
| **Confidential Attachments** | 1. Plans 2. Submissions 3. Assessment Sheet 4. Average Setback of Dwellings Map |

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

Moved – Councillor Youngman

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED 7/6**

**(Against: Crs. Horley Bennett Mangano Poliwka Coghlan & Hay)**

**Council Resolution / Committee Recommendation**

**That Council resolves to:**

**Approves the development application dated 4 June 2020 for a Single House and Ancillary Dwelling at Lot 312 (No. 60) Philip Road, Dalkeith with the standard planning conditions to be provided by Administration.**

Recommendation to Committee

Council resolves to:

Refuse the development application dated 4 June 2020 for a Single House and Ancillary Dwelling at Lot 312 (No. 60) Philip Road, Dalkeith for the following reasons:

1. The proposed development does not comply with Clause 26 (a) of the Scheme whereby Clause 5.1.2 (Street Setback) of the R Codes is modified by replacing deemed to comply requirement C2.1 I with (i) a minimum of 9 metres.
2. The proposed development does not comply with the City of Nedlands Local Planning Policy – Residential Development: Single and Grouped Dwellings as it seeks to vary the primary street setback requirement for dwellings and garages on properties zoned under R15. This does not satisfy the objectives of this policy and would be inconsistent with the established street setbacks along Philip Road. (refer to Advice Note a))
3. The development does not satisfy Clause 9(a) and (b) – Aims of Scheme under the Local Planning Scheme No. 3 as the reduced setback of less than 9.0m proposed for the dwelling and garage will not protect and enhance the local character and amenity of the area nor protect the established streetscape of Philip Road which is characterised by properties with generous primary street setbacks .
4. The development does not satisfy the Residential Zone objectives to protect and maintain the desired and established character and streetscape of residential areas in accordance with Clause 16(b) and (d) – Residential Zone Objectives.

Advice Note:

1. In regard to Point 2, there does not appear to be any reasonable impediment to the achievement of a compliant 9.0m primary street setback. However, that notwithstanding, the applicant has chosen to provide a 7.5m primary street setback for the dwelling and 8.28m setback for the garage.

|  |  |
| --- | --- |
| **PD47.20** | **Scheme Amendment No. 4 – Fast Food Outlets** |
|  | |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil |
| **Previous Item** | PD24.20 – OCM 26 May2020 |
| **Attachments** | 1. Justification Report – Scheme Amendment No. 4 2. Summary of Submissions |
| **Confidential Attachments** | 1. Full Submissions 2. Community Petition |

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

Moved – Councillor Youngman

Seconded – Councillor Bennett

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

(Printed below for ease of reference)

**CARRIED 9/4**

**(Against: Mayor de Lacy Crs. Horley Poliwka & Wetherall)**

**Council Resolution / Committee Recommendation**

**Council:**

* + - 1. **in accordance with Section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* does NOT support Scheme Amendment No. 4 to Local Planning Scheme No. 3 as detailed in Attachment 1 for the following reason:**
         1. **The amendment proposes inconsistencies within LPS3 between Table 3 – Zoning Table and the Scheme text. This inconsistency weakens the position of LPS3 and undermines its status in a judicial setting.**
      2. **in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment 4 to the West Australian Planning Commission; and**
      3. **instruct the CEO to prepare a new Scheme Amendment that prohibits (“X” use) Fast Food Outlets in all zones within the City except the Urban Development Zone.**

Recommendation to Committee

Council:

1. in accordance with Section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* does NOT support Scheme Amendment No. 4 to Local Planning Scheme No. 3 as detailed in Attachment 1 for the following reason:
   * + - 1. The amendment proposes inconsistencies within LPS3 between Table 3 – Zoning Table and the Scheme text. This inconsistency weakens the position of LPS3 and undermines its status in a judicial setting.
2. in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment 4 to the West Australian Planning Commission.
3. instruct the CEO to prepare a new Scheme Amendment that incorporates the following:
4. Prohibit (‘X’ use) Fast Food Outlets in the Mixed-Use Zone within Table 3 – Zoning table of LPS3; and
5. Create an Additional Use (A10) in Table 4 – Specified additional uses for zoned land in Scheme area of LPS3 and specify particular sites on Stirling Highway where ‘Fast Food Outlet’ shall be included as an Additional Use.
6. instruct the CEO to prepare a Local Planning Policy - Fast Food Outlets to provide guidance for development on those sites applicable under the proposed A10 provisions, with respect to built form and general amenity.

|  |  |
| --- | --- |
| **PD48.20** | **Scheme Amendment No. 9 – Deep Soil Planting Requirements for Single and Grouped Dwellings** |
|  | |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Reference** | Nil |
| **Previous Item** | PD05.20 – OCM March 2020  NOM 14.2 – OCM May 2020 |
| **Attachments** | 1. Scheme Amendment No. 9 Justification Report 2. Scheme Amendment No. 9 Schedule of Submissions |
| **Confidential Attachments** | 1. Scheme Amendment No. 9 Full Submissions |

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

Moved – Councillor Bennett

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED 12/1**

**(Against: Cr. Wetherall)**

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

**Council:**

1. **Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports without modification Scheme Amendment No. 9 to amend Local Planning Scheme No. 3 as follows:**
   1. **As detailed in Attachment 1 – Scheme Amendment No. 9 Justification Report**
2. **In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment No. 9 to the West Australian Planning Commission.**

|  |  |
| --- | --- |
| **PD49.20** | **Local Planning Scheme 3 – Amendments to Local Planning Policy Short Term Accommodation – Final Adoption** |
|  | |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil |
| **Previous Item** | PD30.20 – OCM 23 June 2020 |
| **Attachments** | * 1. Draft amended version - Short Term Accommodation LPP   2. Summary of Submissions |
| **Confidential Attachments** | 1. Full Submissions |

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

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED 9/4**

**(Against: Crs. Horley Bennett Mangano & Coghlan)**

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

**Council proceeds to adopt the amendments to the Short Term Accommodation - Local Planning Policy, with modifications as set out in Attachment 1 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(ii).**

|  |  |
| --- | --- |
| **PD50.20** | **Local Planning Scheme 3 – Draft Local Planning Policy - Melvista East Transition Zone** |
|  | |
| **Committee Date** | 13 October 2020 |
| **Council Date** | 27 October 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Reference** | Nil |
| **Previous Item** | Nil |
| **Attachments** | 1. Draft LPP – Melvista East Transition Zone |

**Regulation 11(da) – Council wished to further consider this matter before advertising with particular reference to the proposal to allow addition building heights in the area where a higher R – Code property e.g. R160 abuts a lower R Code e.g. R 60.**

Moved – Councillor Senathirajah

Seconded – Councillor Hay

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Lost 6/7

(Against: Crs. Horley Bennett Mangano Youngman

Hodsdon Poliwka & Coghlan)

Moved – Councillor Coghlan

Seconded – Councillor Bennett

**That Council resolves to:**

1. **not advertise the draft Melvista East Transition Zone Local Planning Policy;**
2. **instruct the CEO to carry out actions as necessary to reconsider going to advertising before Council has further information about the LPP with particular reference to the proposal to allow addition building heights in the area where a higher R – Code property e.g. R160 abuts a lower R Code e.g. R 60; and**
3. **instruct the CEO to undertake a comprehensive review, with direct Council and community involvement, of the proposal for transition zone local planning policies. The LPP should go back to a briefing on the 3 November 2020 and be further discussed by Council and sent to the city-wide Community Working Group for their input.**

Amendment

Moved – Mayor de Lacy

Seconded - Councillor Senathirajah

**That the first sentence in clause 3 be removed.**

**The AMENDMENT was PUT and was**

**CARRIED 7/6**

**(Against: Crs. Smyth Bennett Mangano Youngman Poliwka & Coghlan)**

**The Substantive Motion was PUT and was**

**CARRIED 12/1**

**(Against: Cr. Wetherall)**

**Council Resolution**

**That Council resolves to:**

1. **not advertise the draft Melvista East Transition Zone Local Planning Policy;**
2. **instruct the CEO to carry out actions as necessary to reconsider going to advertising before Council has further information about the LPP with particular reference to the proposal to allow addition building heights in the area where a higher R – Code property e.g. R160 abuts a lower R Code e.g. R 60; and**
3. **refers the LPP go back to a briefing on the 3 November 2020 and be further discussed by Council and sent to the city wide Community Working Group for their input.**

Committee Recommendation / Recommendation to Committee

Council prepares, and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4, Local Planning Policy – Melvista East Transition Zone.

|  |
| --- |
| **PD51.20 Local Planning Scheme 3 – Local Planning Policy Community Engagement on Planning Proposals** |

|  |  |
| --- | --- |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Previous Item** | Nil |
| **Attachments** | 1. Draft Local Planning Policy – Community Engagement on Planning Proposals 2. Local Planning Policy – Consultation of Planning Proposals with tracked changes 3. Summary of other amendments to the Local Planning Policy – Consultation of Planning Proposals |

Councillor Hay left the meeting at 9.18 pm.

**Regulation 11(da) – Council wished to further consider this matter at a briefing session.**

Moved – Councillor Coghlan

Seconded – Councillor Bennett

**Council Resolution**

**That Council delays proceeding further with the draft modified Local Planning Policy Community Engagement on Planning Proposals and does not proceed with advertising. Instead, Council further consider the proposed, comprehensive changes at a Council briefing.**

Councillor Hay returned to the meeting at 9.20 pm.

**CARRIED 9/4**

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

Committee Recommendation / Recommendation to Committee

Council proceeds with the draft modified Local Planning Policy – Community Engagement on Planning Proposals, Attachment 1, and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(2).

|  |  |
| --- | --- |
| **PD52.20** **No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)** | |
|  | |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Applicant** | David Joseph |
| **Landowner** | David Joseph and Christine Joseph |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA20/48595 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Applicant’s Justification Report |
| **Confidential Attachments** | 1. Plans 2. Management Plan 3. Submissions 4. Assessment |

**Regulation 11(da) – Council did not approve this application due to the number and type of complaints received.**

Moved – Councillor Wetherall

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Lost 6/7

(Against: Mayor de Lacy Crs. Horley Smyth Bennett

Mangano Coghlan & Hay)

Committee Recommendation

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information, and conditions of approval. It does not relate to any other development on the lot.
2. The approval period for the Holiday House is limited to 6 months from the date of this decision letter, after which time the matter will be brought back to council for review.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).
5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.
6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.
7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)
8. The Management Plan forms part of this approval and is to be complied with at all times to the City’s satisfaction.
9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.

Advice Notes specific to this proposal:

1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:

‘Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast’.

1. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City’s Planning Department for assessment prior to the completion of the 6 month temporary approval period. The applicant is advised to contact the City’s Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application after which time the matter will be brought back to council for review.
2. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.
3. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency
4. This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
5. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997.*
6. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).
7. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.
8. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.
9. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbours (in accordance with City requirements).
10. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.
11. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).
12. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will requirement reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017.*
13. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.

Recommendation to Committee

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
2. The approval period for the Holiday House is limited to 12 months (1 year) from the date of this decision letter.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).
5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.
6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.
7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)
8. The Management Plan forms part of this approval and is to be complied with at all times to the City’s satisfaction.
9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.

Advice Notes specific to this proposal:

1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:

‘Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast’.

1. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City’s Planning Department for assessment prior to the completion of the 12 month temporary approval period. The applicant is advised to contact the City’s Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application.
2. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.
3. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency
4. This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
5. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997.*
6. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).
7. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.
8. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.
9. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbors (in accordance with City requirements).
10. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.
11. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).
12. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will requirement reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017.*
13. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.

## Technical Services Report No’s TS16.20 to TS17.20 (copy attached)

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

|  |
| --- |
| **TS16.20 Quintilian Road Traffic Calming, Parking and Shared Path** |

|  |  |
| --- | --- |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Concept Design - Option 1 2. Concept Design - Option 2 3. Concept Design - Option 3 |
| **Confidential Attachments** | Nil. |

Councillor McManus left the meeting at 9.26 pm.

Moved – Councillor Smyth

Seconded – Councillor Mangano

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Councillor McManus returned to the meeting at 9.28 pm.

Councillor Youngman left the room at 9.28 pm and returned at 9.32 pm.

Lost 5/8

(Against: Mayor de Lacy Crs. Hodsdon Poliwka McManus Youngman Wetherall Hay & Senathirajah)

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

Moved – Councillor Wetherall

Seconded – Councillor Hay

**Council:**

1. **approves to undertake community consultation on Option 1;**
2. **approves, following a successful outcome of the public consultation process, to implement interim traffic calming measures on Quintilian Road in line with the available 2020/21 budget;**
3. **approves to include the outstanding work from Option 1 in the Five-Year Capital Works Program prioritisation review in February 2021; and**
4. **approves, following the Five-Year Capital Works Program prioritisation review in February 2021, to seek WA Bicycle Network grant approval from the Department of Transport.**

Amendment

Moved - Councillor Smyth

Seconded - Councillor Coghlan

That an additional clause 5 be added as follows:

5. the consultation area be extended to Mt Claremont.

Dissent motion

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the ruling of the Presiding Member that the amendment is in order is disagreed with.

Lost 6/7

(Against: Mayor de Lacy Crs. Horley Smyth Bennett

Youngman Hodsdon & Coghlan)

The AMENDMENT was PUT and was

Lost 6/7

(Against: Mayor de Lacy Crs. McManus Hodsdon Poliwka

Wetherall Hay & Senathirajah)

**The Mayor granted a recess for the purposes of a refreshment break.**

The meeting adjourned at 10.00 pm and reconvened at 10.15 pm with the following people in attendance:

**Councillors** Her Worship the Mayor, C M de Lacy (Presiding Member)

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Councillor P N Poliwka Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor G A R Hay Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

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

Ms M Granich Acting Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr J Duff Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

**Public** There were 11 members of the public present.

**The Substantive Motion was PUT and was**

**CARRIED 8/5**

**(Against: Crs. Horley Smyth Bennett Mangano & Coghlan)**

**Council Resolution**

**Council:**

1. **approves to undertake community consultation on Option 1;**
2. **approves, following a successful outcome of the public consultation process, to implement interim traffic calming measures on Quintilian Road in line with the available 2020/21 budget;**
3. **approves to include the outstanding work from Option 1 in the Five-Year Capital Works Program prioritisation review in February 2021; and**
4. **approves, following the Five-Year Capital Works Program prioritisation review in February 2021, to seek WA Bicycle Network grant approval from the Department of Transport.**

Committee Recommendation

Council:

1. approves to undertake community consultation on Option 1;
2. following the public consultation process, a further report be provided to Council noting the outcomes prior to implementation; and
3. the consultation area be extended to Mt Claremont.

Recommendation to Committee

Council:

1. approves to undertake community consultation on Option 1;
2. approves, following a successful outcome of the public consultation process, to implement interim traffic calming measures on Quintilian Road in line with the available 2020/21 budget;
3. approves to include the outstanding work from Option 1 in the Five-Year Capital Works Program prioritisation review in February 2021; and
4. approves, following the Five-Year Capital Works Program prioritisation review in February 2021, to seek WA Bicycle Network grant approval from the Department of Transport.

|  |
| --- |
| **TS17.20 Hampden Road Project – Budget Variation** |

|  |  |
| --- | --- |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | Nil. |

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

Moved – Councillor Mangano

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/3**

**(Against: Crs. Bennett Youngman & Poliwka)**

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

**Council approves the reallocation of $114,377 of the $145,726 budget for the Alfred Road (Narla to West Coast Highway) project to the Hampden Road project and directs the surplus to general revenue.**

## Community & Organisational Development Report No’s CM07.20 to CM08.20 (copy attached)

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

|  |
| --- |
| 0BCM07.20 Swanbourne Tigers Junior Football Club – Floodlight Upgrade Allen Park Lower Oval |

|  |  |
| --- | --- |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | 1. Letter from Swanbourne Tigers Junior Football Club |
| **Confidential Attachments** | Nil |

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

Moved – Councillor Mangano

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/3**

**(Against: Crs. Mangano Youngman & Poliwka)**

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

**Council:**

1. **agrees to repayment plan for Swanbourne Tigers Junior Football Club (STJFC) as an extension of credit terms to facilitate the Clubs cashflow for installed floodlighting as follows:**

* **$40,000 – 2020**
* **$20,000 – 2021**
* **$20,000 – 2022;**

1. **notes the upgrade of lights to game standard 100 lux, as recommended in Allen Park Master Plan;**
2. **agrees to manage the procurement and installation of game standard lighting, providing STJFC accepts 100% of project costs and payment is made to the City on completion of project;**
3. **approves the request to allow the Club to install a plaque acknowledging project donors on a floodlight pole, providing any necessary statutory approvals are obtained by STJFC.**

|  |
| --- |
| 1BCM08.20 Draft Strategic Recreation Plan 2020-2030 |

|  |  |
| --- | --- |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate and Strategy |
| **Attachments** | 1. Draft Strategic Recreation Plan 2020-2030 |
| **Confidential Attachments** | Nil |

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

Moved – Councillor Mangano

Seconded – Councillor Bennett

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

(Printed below for ease of reference)

**CARRIED 12/1**

**(Against: Mayor de Lacy)**

**Council Resolution / Committee Recommendation**

**That the item be deferred to a Councillor Briefing.**

Recommendation to Committee

Council endorses the draft Strategic Recreation Plan 2020 - 2030 to be released for public comment.

## Corporate & Strategy Report No’s CPS22.20 to CPS29.20 (copy attached)

|  |
| --- |
| **CPS22.20 List of Accounts Paid – August 2020** |

|  |  |
| --- | --- |
| **Committee** | 13 October2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing – August 2020; and 2. Credit Card and Purchasing Card payments – August 2020 (28 Jul – 27 Aug). |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Mangano

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/3**

**(Against: Crs. Bennett Youngman & Poliwka)**

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

**Council receives the List of Accounts Paid for the month of August 2020 as per attachments.**

|  |
| --- |
| **CPS23.20 UPDATE – Implications of COVID-19 on the City’s Tenancy Portfolio** |

|  |  |
| --- | --- |
| **Committee** | 13 October2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Proposed Amendments – Hardship Provisions Policy. |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Wetherall

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

**CARRIED 11/2**

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

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

**Council:**

1. **authorises Administration to:**
2. **recommence ‘normal’ pre-COVID-19 Hardship Provisions management of the City’s Tenancy Portfolio in line with obligations under each agreement, including charging rent as of 1 July 2020; and**
3. **amend Clauses 3, 5(c) and 5(d) of the Hardship Provisions Policy to reflect this decision; and**
4. **requests a further item be presented to Council, should the State suffer the effects of a ‘second-wave’ of infection and government restrictions on human movement and interaction are re-tightened to Phase 3, 2 or 1.**

|  |
| --- |
| **CPS24.20 Future of Nedlands Child Health Clinic – 152 Melvista Avenue, Nedlands** |

|  |  |
| --- | --- |
| **Committee** | 13 October2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Draft Management Licence – Department of Health 2. Building Maintenance Inspection – May 2020 3. Asset Management Inspection – May 2020 |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Mangano

Seconded – Councillor Bennett

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

(Printed below for ease of reference)

**CARRIED 10/3**

**(Against: Mayor de Lacy Crs. Poliwka & Wetherall)**

**Council Resolution / Committee Recommendation**

**That this item be deferred to a Councillor Briefing.**

Recommendation to Committee

Council:

1. a) endorses the draft Management Licence Agreement as contained in Attachment 1, and accepts the variances requested by the Department of Health, with the exclusion of the request to reduce the Licence Fee to $5,000 per annum; and
2. instructs the CEO to advise the Department of Health that the City’s final offer for a Licence Fee will remain at $10,000 per annum.
3. should the Department of Health accept the City’s terms, approves the Mayor and CEO to execute the agreement and apply the City’s common seal.
4. should the Department of Health decline to accept the City’s terms, instruct the CEO to request the Department vacate the premises, giving 3 months’ notice and request Administration investigate possible cost-neutral or revenue generating options for the facility, including detail and cost implications surrounding demolition of the facility and provide a further report to Council.

OR

1. a) endorses the draft Management Licence Agreement as contained in Attachment 1, and accepts the variances requested by the Department of Health, including the request to reduce the Licence Fee to $5,000 per annum; and
2. b) Approves the Mayor and CEO to execute the agreement and apply the City’s common seal.

OR

1. a) Instructs the CEO to request the Department vacate the premises, giving 3 months’ notice; and

b) Requests Administration investigate possible cost-neutral or revenue generating options for the facility, including detail and cost implications surrounding demolition of the facility and provide a further report to Council.

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

|  |  |
| --- | --- |
| **Committee** | 13 October2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – Council wished to see a broader investigation on the future use of Haldane House.**

Moved – Councillor McManus

Seconded – Councillor Smyth

**Council Resolution**

**That Council:**

1. **notes that Haldane House is currently vacant;**
2. **instructs the CEO to commence an investigation into the future use of Haldane House; and**
3. **requests a further report to Council outlining the results of the investigation.**

**CARRIED UNANIMOUSLY 13/-**

Committee Recommendation / Recommendation to Committee

Council:

1. notes that Haldane House is currently vacant.
2. instructs the CEO to commence an investigation into the feasibility of moving the operations of the Nedlands Community Care Service to Haldane House.
3. requests a further report to Council outlining the results of the investigation and a recommendation on whether the movement of the Nedlands Community Care Service is viable.

|  |
| --- |
| **CPS26.20 Land Investment Strategy and Policy** |

|  |  |
| --- | --- |
| **Committee** | 13 October2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Schedule of City Freehold Land Portfolio; 2. Current ‘Disposal and Acquisition of Land’ Policy 3. Current ‘Disposal and Acquisition of Land’ Policy with Track Changes 4. Proposed Updated ‘Retention, Acquisition, Improvement and Disposal of Land’ Policy; 5. 12x Identified Projects for Possible Investigation; and 6. Anticipated Timeline. |

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

Moved – Councillor Wetherall

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED 7/6**

**(Against: Crs. Horley Bennett Mangano Youngman Coghlan & Hay)**

**Council Resolution / Committee Recommendation**

**Council:**

1. **adopts the proposed changes to the City’s ‘Disposal of Land’ Policy including the additional words ‘environmental value’ after each of 3 occurrence of the words ‘financial value’ and ‘social value’ in the policy, with the policy to be known as the ‘Retention, Acquisition, Improvement and Disposal of Land’ Policy for the purpose of public comment; and**

**2a. authorises administration to commence the undertaking of a formal ‘Land Investment Strategy’, to be presented to Council by June 2021, with the strategy to include detail surrounding the identification of potential projects and the due process for investigation and consultation with the community and Council; and**

**2b. acknowledges there will be costs associated with the preparations of the Land Investment Strategy and agrees to allocate funds in the forthcoming budget review to facilitate the Land Investment Strategy following a briefing to Council to be held prior to the forthcoming midyear budget review in December 2020;**

**3a. approves the $40,000 currently budgeted to prepare a business case detailing the options considered and whole-of-life cost/benefit analysis for relocation of Broome Street Depot be reallocated to the ‘Land Investment Strategy’ as part of a holistic approach to land investment; and**

**3b. notes that the business case into the potential relocation of the Broome Street Depot is to be re-captured at a later date in line with the prioritisation of the potential ‘Land Investment Strategy’ projects;**

1. **approves the CEO to commence the 56 Dalkeith Road Sump Project and in particular project investigation into the ‘best and highest use’ of the site, undertake community and stakeholder consultation and provide a report to Council for consideration; and**
2. **notes that these recommendations are consistent with the CEO’s Key Result Areas in particular;**

***5.3 Improved Asset and Wealth Management,***

***5.3.1 Develop an Asset, Investment and Wealth Management Policy and Guidelines for Council Adoption***

***5.3.2 Review the City’s tangible assets with the intention of enhancing services, reducing costs and debt, and where possible increasing rate of return generated by assets.***

Recommendation to Committee

Council:

1. adopts the proposed changes to the City’s ‘Disposal of Land’ Policy, with the policy to be known as the ‘Retention, Acquisition, Improvement and Disposal of Land’ Policy for the purpose of public comment; and

2a. authorises administration to commence the undertaking of a formal ‘Land Investment Strategy’, to be presented to Council by June 2021, with the strategy to include detail surrounding the identification of potential projects and the due process for investigation and consultation with the community and Council; and

2b. approves a budget request of $100,000 which is to be used in the current financial year to resource the development and implementation of the ‘Land Investment Strategy’ and to secure external expert advice to review and make recommendations on the future use of the City’s land asset portfolio; and

3a. approves the $40,000 currently budgeted to prepare a business case detailing the options considered and whole-of-life cost/benefit analysis for relocation of Broome Street Depot be reallocated to the ‘Land Investment Strategy’ as part of a holistic approach to land investment; and

3b. notes that the business case into the potential relocation of the Broome Street Depot is to be re-captured at a later date in line with the prioritisation of the potential ‘Land Investment Strategy’ projects;

1. approves the CEO to commence the 56 Dalkeith Road Sump Project and in particular project investigation into the ‘best and highest use’ of the site, undertake community and stakeholder consultation and provide a report to Council for consideration; and
2. notes that these recommendations are consistent with the CEO’s Key Result Areas in particular;

*5.3 Improved Asset and Wealth Management,*

*5.3.1 Develop an Asset, Investment and Wealth Management Policy and Guidelines for Council Adoption*

*5.3.2 Review the City’s tangible assets with the intention of enhancing services, reducing costs and debt, and where possible increasing rate of return generated by assets.*

|  |
| --- |
| **CPS27.20 Request for Funding to Engage a Consultant to Assess the need for Childcare Services** |

|  |  |
| --- | --- |
| **Committee** | 13 October2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Andrew Mangano

Seconded – Councillor Noel Youngman

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/3**

**(Against: Crs. Bennett Youngman & Coghlan**

**Council Resolution / Committee Recommendation**

**Council:**

1. **approves funding of up to $40,000 for the engagement of a consultant to undertake the necessary research and stakeholders consultations, and provide to Council a report on:**
2. **the future demand and suitable sites for Childcare Services in the City of Nedlands south of Stirling Highway; and**
3. **the desirability and financial sustainability of the City continuing to manage the provision of Childcare Services at Point Resolution Childcare Centre compared to the privatisation of the provision of services at that site; and**

**2. instructs the CEO to arrange for quotations for the provision of these services and to appoint a consultant who demonstrates best value for money and the ability to deliver the requirements.**

Recommendation to Committee

Council:

1. approves funding of $40,000 for the engagement of a consultant to review and provide a report on the need for Childcare Services in the area south of Stirling Highway; and

2. instructs the CEO to arrange for quotations for the provision of these services and to appoint a consultant who demonstrates best value for money and the ability to deliver the requirements.

|  |
| --- |
| **CPS28.20 Corporate Business Plan - Review** |

|  |  |
| --- | --- |
| **Committee** | 13 October2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Corporate Business Plan Review |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor McManus

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED 7/6**

**(Against: Mayor de Lacy Crs. Horley Bennett Mangano Youngman Coghlan)**

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

**Council receive the report on the progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.**

|  |
| --- |
| **CPS29.20 Request for Tender RFT 2020-21.02 – Waste Management Services** |

|  |  |
| --- | --- |
| **Committee** | 13 October2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | Nil. |
| **Confidential Attachments** | 1. RFT 2020-21.02 Tender Evaluation and Recommendation Report |

**Regulation 11(da) - \***

Moved – Councillor Mangano

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/3**

**(Against: Crs. Bennett Youngman & Poliwka)**

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

**Council:**

1. **approves the award of the contract for Waste Management Services to Suez Pty Ltd in accordance with the City’s Request for Tender number RFT 2020-21.02 and comprising of that request, the City’s Conditions of Contract, the Suez tender submissions inclusive of the Schedule of Rates and all post tender clarifications and negotiations;**
2. **instructs the CEO to arrange for a Letter of Acceptance and a Contract document to be sent to Suez Pty Ltd to be executed; and**
3. **Instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.**

# Reports by the Chief Executive Officer

## Review of Wards and Councillor Numbers

|  |  |
| --- | --- |
| **Committee** | 13 October 2020 |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. A Review of Wards and Representation for the City of Nedlands - Options and Discussion |

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

Moved – Councillor Mangano

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED 12/1**

**(Against: Mayor de Lacy)**

**Council Resolution / Committee Recommendation**

**That the item be deferred to an informal Councillor discussion.**

Recommendation to Committee

Council:

1. endorses the Ward Review and Councillor Numbers Discussion Paper for the purposes of seeking public submissions; and
2. instructs the Chief Executive Officer to give local public notice of its intention to carry out a review of Wards and Councillor numbers and invites submissions as required under Clause 6(1) of Schedule 2.2 of the Local Government Act 1995.

**Executive Summary**

Local Governments are required to assess Wards and Councillors numbers every eight years. This report commences this process and recommends public consultation be undertaken.

**Discussion/Overview**

The City of Nedlands has four wards; Coastal, Hollywood, Melvista and Dalkeith.

The City of Nedlands has 12 councillors and a Mayor. Three councillors are elected from each ward.

#### Table: City of Nedlands elector to Councillor ratios - current situation

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Ward** | **Number of**  **Electors1** | **Number of**  **Councillors** | **Councillor/ Elector Ratio** | **% Ratio**  **Deviation** |
| Coastal | 4,320 | 3 | 1:1,440 | +12.16% |
| Hollywood | 4,046 | 3 | 1:1,349 | +5.04% |
| Melvista | 3,508 | 3 | 1:1,169 | -8.92% |
| Dalkeith | 3,533 | 3 | 1:1,178 | -8.28% |
| **Total** | **15,407** | **12** | **1:1,284** | Not applicable |

1. Number of electors at close of roll for the 19 October 2019 ordinary election.

The current local government reform process is considering prescribing Councillor numbers to population though this has no legal standing presently. It would likely reduce the number of Councillors in the City of Nedlands if it went forward.

**Key Relevant Previous Council Decisions:**

The most recent ward and Councillor numbers assessment was carried out in 2012. No changes were made to the ward boundaries or Councillor numbers at that time.

**The Review Process**

The review process involves a number of steps:

* The Council resolves to undertake the review (this report)
* Public submission period opens
* Information provided to the community for discussion
* Public submission period closes
* The Council considers all submissions and relevant factors and makes a decision
* The Council submits a report to the Local Government Advisory Board (the Board) for its consideration
* If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister will be in place for the next ordinary election where possible.

**Assessment of the Options**

Attachment 1 provides a discussion paper on the following options:

Ward Numbers

* 4 Wards
* 2 Wards
* No Wards

Councillor Numbers

* 12 Councillors
* 8 Councillors
* 6 Councillors (not suitable for a 4 Ward system. All other options are available)

The public consultation process will also provide for submission of other proposals for Ward and Councillor numbers.

**Implementation of Proposed Changes**

The local government can indicate to the Board when it prefers the implementation of proposed changes to take place. In most cases this will be at the next ordinary elections day however, there may be some instances where proposed changes to representation (e.g. a reduction in the number of offices of councillor created by a vacancy can take place the day after the date of gazettal) occur as soon as possible.

When offices of councillor are to be redistributed into new wards, or there is a reduction or increase in the number of offices of councillor, the implementation method should give consideration to clauses 1 and 2 of Schedule 4.2 of the *Local Government Act 1995*. As near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years.

**Consultation**

Consultation will be carried out following approval to do so by Council.

**Strategic Implications**

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

Not Applicable

**Who benefits?**

The community.

**Does it involve a tolerable risk?**

Yes.

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

Yes.

**Budget/Financial Implications**

**Can we afford it?**

How well does the option fit within our Long Term Financial Plan? What do we need to do to manage he costs over the lifecycle of the asset / project / service?

The direct impact of Councillor number reductions are discussed in the options paper in Attachment 1. It is not possible to quantify indirect financial impacts of different ward or Councillor numbers in terms of decision-making and strategic direction.

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

The direct impact of Councillor number reductions are discussed in the options paper in Attachment 1.

## Common Seal Register Report – September 2020

Moved – Councillor Hodsdon

Seconded – Councillor McManus

**The attached Common Seal Register Report for the month of September 2020 be received**.

**CARRIED UNANIMOUSLY 13/-**

**September 2020**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 949 | 4 September 2020 | Planning & Development | Special Council Meeting  3 September 2020  Item 9 | Scheme Amendment No. 7 – Amendment to Density Coding on Broadway, Hillway, Kingsway, Edward and Elizabeth Street submission to Western Australian Planning Commission |

## List of Delegated Authorities – September 2020

Moved – Councillor Mangano

Seconded – Councillor Youngman

**The attached List of Delegated Authorities for the month of September 2020 be received with the complete addresses added.**

**CARRIED UNANIMOUSLY 13/-**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date of use of delegation of authority** | **Title** | **Position exercising delegated authority** | **Act** | **Section of Act** | **Applicant / CoN / Property Owner / Other** |
| **Month Year** | | | | | |
| 1/09/2020 | BA122425 - Certified Building Permit - Gatehouse and Front Fence - 16 Viking Road Dalkeith | A/Manager Building Services | Building Act 2011 | Section 20.1 | Mercedes Group Pty Ltd T/As Zorzi Builders |
| 1/09/2020 | BA123156 - Amendment to BA55174 - 31 Mountjoy Rd Nedlands | A/Manager Building Services | Building Act 2011 |  | Mitchell Construction (WA) Pty Ltd |
| 1/09/2020 | BA123180 - Certified Building Permit - Two Storey Dwelling - 8 Bedford Street Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Webb & Brown Neaves Pty Ltd |
| 1/09/2020 | BA123063 - Verge Materials Permit - 30 Dalkeith Road, Dalkeith | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Proud Holdings Pty Ltd |
| 1/09/2020 | BA123817 - Verge Materials Permit - 13 Doonan Road, Nedlands | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Essential First Choice Homes |
| 2/09/2020 | BA122962 - Certified Building Permit - Forward Works (basement) - 30 Dalkeith Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Proud Holdings Pty Ltd |
| 2/09/2020 | BA123831 - Uncertified Building Permit - Patio - 89 Hardy Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | K Johansson |
| 2/09/2020 | (APP) - DA20-48561 - 25 Godetia Gardens, Mount Claremont - Additions to Single House (patio) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Sertorio Homes |
| 2/09/2020 | BA123886 - Verge Materials Permit - 59 Watkins Road, Dalkeith | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Mercedes Group Pty Ltd |
| 2/09/2020 | 3047513 - Withdrawn Parking Infringement Notice - Vehicle Breakdown | Manager Health and Compliance | Local Government Act 1995 | Sections 9.20\6.12(1) | Ralph Newton |
| 3/09/2020 | (APP) - DA20-49126 - 114A Victoria Avenue, Dalkeith - Additions to Single House (deck) | principal planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Cross Design Group |
| 3/09/2020 | 3043521 - Withdrawn Parking Infringement Notice - Vehicle Breakdown | Manager Health and Compliance | Local Government Act 1995 | Sections 9.20/6.12(1) | Jake Eckersley |
| 3/09/2020 | 3043513 - Withdrawn Parking Infringement Notice - Officer Error | Manager Health and Compliance | Local Government Act 1995 | 9.20\6.12(1) | Caroline Hughes |
| 4/09/2020 | BA123117 - Occupancy Permit - 103a Waratah Ave Dalkeith | A/Manager Building Services | Building Act 2011 | Section 58.1 | Helen Clarke |
| 4/09/2020 | BA122624 - Building Approval Certificate - 10-26 Broome Street Nedlands | A/Manager Building Services | Building Act 2011 | Section 58.1 | Sasha Brasnett |
| 4/09/2020 | BA124164 - Certified Building Permit - Pool & Barrier - 5 Vix St Dalkeith | A/Manager Building Services | Building Act 2011 | Section 20.1 | Barrier Reef Pools |
| 4/09/2020 | (APP) - DA20-52252 - 127 Rochdale Road Mount Claremont - Front Fence and Gate | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Kai Constructions |
| 4/09/2020 | BA122630 - Certified Building Permit - 4 Grouped Dwellings | A/Manager Building Services | Building Act 2011 | Section 20.1 | Soveriegn Building Company |
| 7/09/2020 | (APP) - DA20-46493 - 96 Clement Street, Swanbourne - Single Dwelling | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Distinctive Homes WA |
| 7/09/2020 | BA123513 - Certified Building Permit - Wall Removal - 9 Bedbrook Place, Shenton Park | A/Manager Building Services | Building Act 2011 | Section 20.1 | Western Building Pty Ltd |
| 7/09/2020 | BA124264 - Certified Building Permit - Front Fence - 62 Williams Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | West to West Carpentry Services Pty Ltd |
| 7/09/2020 | BA123852 - Certified Building Permit - Alterations & Additions - 41 Taylor Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Reece Beresford T/A Tru-Line Construction |
| 7/09/2020 | BA124252 - Building Approval Certificate - Rear Fence - 62 Williams Street Nedlands | A/Manager Building Services | Building Act 2011 | Section 58.1 | Connor Morrison |
| 7/09/2020 | BA123400 - Certified Building Permit - Pool and Temporary Barrier - 10 Mayfair Street Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Aquatic Leisure Technologies Pty Ltd |
| 9/09/2020 | BA123783 - Certified Building Permit - Additions - 31 North Street Swanbourne | A/Manager Building Services | Building Act 2011 | Section 20.1 | Veronique Plazy |
| 9/09/2020 | BA124358 - Certified Building Permit - Additions | A/Manager Building Services | Building Act 2011 | Section 20.1 | Mulvay Pty Ltd T/A Mulvay Builders |
| 9/09/2020 | BA122409 - Uncertified Building Permit - Patio - 27 Meriwa Street Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Patio Perfect |
| 9/09/2020 | (APP) - DA20-49169 - 22 Edward Street, Nedlands - Patio and ancillary dwelling | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | M J Penfold |
| 9/09/2020 | (APP) - DA20-49169 - 22 Edward Street Nedlands - Patio and Ancillary Dwelling | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | M J Penfold |
| 9/09/2020 | 3044042 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | Sections  9.20/6.12(1) | Casey Hall |
| 10/09/2020 | BA123797 - Certified Building Permit - Two Storey Dwelling & Retaining - 13 Doonan Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Essential First Choice Homes |
| 10/09/2020 | BA123759 - Certified Building Permit - Two Storey Dwelling - 10 Kirwan Street Floreat | A/Manager Building Services | Building Act 2011 | Section 20.1 | Kingscrest Holdings Pty Ltd T/A Nicolaou Constructions |
| 10/09/2020 | BA124442 - Demolition Permit - Full site - 131 Circe Circle Dalkeith | A/Manager Building Services | Building Act 2011 | Section 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 10/09/2020 | BA124840 - Verge Materials Permit - 41 Taylor Road,Nedlands | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Tru-line Constructions |
| 10/09/2020 | 3047463 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Justin Warren |
| 10/09/2020 | BA124450 - Verge Materials Permit - 1b Second Avenue, Claremont | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Paul Poliwka |
| 11/09/2020 | BA124187 - Certified Building Permit - Two storey dwelling - 8a Bedford Street, Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Webb & Brown-Neaves Pty Ltd |
| 11/09/2020 | BA121281 - Certified Building Permit - Additions & Retaining - 21 Colin Street, Dalkeith | A/Manager Building Services | Building Act 2011 | Section 20.1 | Sertorio Homes |
| 11/09/2020 | (APP) - DA20-49126 - 4 The Marlows - Additions | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | R Paolucci |
| 14/09/2020 | 3047505 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Julia Xie |
| 15/09/2020 | BA123206 - Uncertified Building Permit - Alterations - 6 Blenheim Lane Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Andrew Nunan |
| 15/09/2020 | BA125134 - Verge Materials Permit - 14 Cross Street, Swanbourne | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Ocean Corporation Australia Pty Ltd |
| 15/09/2020 | 3044073&3043547 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | Sections 9.20\6.12(1) | Chris Wright |
| 16/09/2020 | BA124219 - Uncertified Building Permit - reconstruct stairs - 9a Webster Street Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | CASM Construction |
| 16/09/2020 | BA123310 - Certified Building Permit - Ancillary Accommodation - 12 Bedford Street Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Albec Construction |
| 16/09/2020 | BA121846 - Demolition Permit - Full site - 9 Lisle Street Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 21.1 | AAA Demolition & Tree Service |
| 16/09/2020 | BA124145 - Demolition Permit - Full site - 17 Doonan Road Nedlands | A/Manager Biulding Services | Building Act 2011 | Section 21.1 | AAA Demolition & Tree Service |
| 16/09/2020 | BA124237 - Certified Building Permit - Pergola - 75 Dalkeith Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Landscape by Design |
| 16/09/2020 | BA124461 - Demolition Permit - Full Site - 36 Strickland Street Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 16/09/2020 | BA125090 - Demolition Permit - Full Site - 66 Watkins Road Dalkeith | A/Manager Building Services | Building Act 2011 | Section 21.1 | Maxbay Pty Ltd |
| 16/09/2020 | (APP) - DA20-49908 - 500 Railway Road, Nedlands - Additions to Cemetery | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Slavin Architects Pty Ltd |
| 16/09/2020 | (APP) - DA20-49923 - 78 Kirwan Street, Floreat - Additions (Cabana to Single House) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Kerri Fennell |
| 16/09/2020 | 3047805 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | Section 9.20/6.12(1) | Sarah Ware |
| 16/09/2020 | 3044084 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | Section 9.20\6.12(1) | Alfred Koech |
| 17/09/2020 | (APP) - DA20-50945 - 32 Kirwan Street, Floreat - Additions to Single House (Cabana, Patio & Front Fence) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Principle Landscapes |
| 17/09/2020 | BA124666 - Demolition Permit - Full Site - 44 Waratah Avenue Dalkeith | A/Manager Building Services | Building Act 2011 | Section 20.1 | Maxbay Pty Ltd |
| 17/09/2020 | BA121122 - Certified Building Permit - Repairs to boundary wall - 7 Finsbury Grove Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121114 - Certified Building Permit - Repairs to boundary wall - 5 Finsbury Grove Mt Claremont | A/Manager Buiding Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121093 - Certified Building Permit - Repairs to boundary wall - 7 Lambeth Mews Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121129 - Certified Building Permit - Repairs to boundary wall - 9 Finsbury Grove Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121086 - Certified Building Permit - Repairs to boundary wall - 5 Lambeth Mews Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121107 - Certified Building Permit - Repairs to boundary wall - 3 Finsbury Grove Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121064 - Certified Building Permit - Repairs to boundary wall - 1 St Johns Wood Blvd Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121071 - Certified Building Permit - Repairs to boundary wall - 1 Lambeth Mews Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA122463 - Certified Building Permit - Repairs to boundary wall - 15 Finsbury Grove Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121143 - Certified Building Permit - Repairs to boundary wall - 13 Finsbury Grove Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121079 - Certified Building Permit - Repairs to boundary wall - 3 Lambeth Mews Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121100 - Certified Building Permit - Repairs to boundary wall - 9 Lambeth Mews Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA121136 - Certified Building Permit - Repairs to boundary wall - 11 Finsbury Grove Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Angularem Pty Ltd |
| 17/09/2020 | BA123908 - Demolition Permit - Full site - 65 Dalkeith Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 21.1 | Maxbay Pty Ltd |
| 17/09/2020 | BA124402 - Certified Building Permit - Pool and Barrier - 35 Langham Street Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Barrier Reef Pools Perth |
| 17/09/2020 | BA124957 - Building Approval Certificate - Pergola and Deck - 21 Ord Street Nedlands | A/Manager Building Services | Building Act 2011 | Section 58.1 | Specialised Building Solutions Pty Ltd |
| 17/09/2020 | (APP) - DA20-50736 - 61-63 The Avenue, Nedlands - Amendment to DA18-32722 (Removal of Condition 2) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Ernest Tan |
| 18/09/2020 | BA125257 - Certified Building Permit - Pool Barrier - 74 Dalkeith Rd Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Aquatic Leisure Technologies |
| 18/09/2020 | BA123290 - Certified Building Permit - Dwelling, Studio, Pool, Barrier & Fence - 35 Mayfair St Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Matthew Deal |
| 18/09/2020 | 3047856 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | Sections 9.20/6.12/(1) | Hira Shaukat |
| 18/09/2020 | 3043549 - Withdrawn Parking Infringement Notice - Officer Error | Manager Health and Compliance | Local Government Act 1995 | 9.20/6.12(1) | A R Mowla |
| 21/09/2020 | (APP) - DA20-50320 - 54 Taylor Road Nedlands - Additions to Single House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Hanna Construction Co Pty Ltd |
| 21/09/2020 | (APP) DA20-50950 - 98 Melvista Avenue - Amendment to DA20-45406 | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Averna Pty Ltd |
| 21/09/2020 | (APP) - DA20-50623 - 25 Kirwan Street - Additions (Carport to Single House) | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Austin Developments |
| 21/09/2020 | (APP) - DA20-48846 - 38 Jutland Parade - Gatehouse and Fence to Existing House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Urbanista Town Planning |
| 21/09/2020 | (APP) - DA20-48843 - 36 Jutland Parade - Gatehouse and Fence to Existing House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Urbanista Town Planning |
| 21/09/2020 | (APP) - DA20-48849 - 40 Jutland Parade - Gatehouse and Fence to Existing House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Urbanista Town Planning |
| 21/09/2020 | 3047857 - Withdrawn Parking Infringement Notice - Compassionate Grounds | Manager Health and Compliance | Local Government Act 1995 | Sections  9.20/6.12(1) | Matt Harding |
| 21/09/2020 | BA125580 - Verge Materials Permit - 35 Wavell Road, Dalkeith | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Mulvey Pty Ltd |
| 22/09/2020 | BA124536 - Certified Building Permit -Dwelling & Retaining Walls - 22 Gallop Road Dalkeith | A/Manager Building Services | Building Act 2011 | Section 20.1 | Webb & Brown-Neaves Pty Ltd |
| 22/09/2020 | BA124682 - Demolition Permit - partial site - 7 Vix Street Dalkeith | A/Manager Building Services | Building Act 2011 | Section 21.1 | Maxbay Pty Ltd |
| 22/09/2020 | BA124852 - BA19 (amendment to BA58421) - 105 Melvista Avenue Nedlands | A/Manager Building Services | Building Act 2011 |  | Springate Constructions Pty Ltd |
| 22/09/2020 | BA125561 - Demolition Permit - Full site - 22 Gallop Road Dalkeith | A/Manager Buildign Services | Building Act 2011 | Section 21.1 | Hazelton Property Group Pty Ltd |
| 22/09/2020 | BA125462 - Demolition Permit - Full site - 16 Adderley Street Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 21.1 | Hazelton Property Group Pty Ltd |
| 22/09/2020 | BA125626 - Certified Building Permit - Louvred Pergola - 26 Vincent St Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Louvre Shade |
| 22/09/2020 | BA125454 - Demolition Permit - Full Site - 58 Browne Avenue Dalkeith | A/Manager Building Services | Building Act 2011 | Section 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 22/09/2020 | (APP) - DA20-50724 - 51 Wood Street, Swanbourne - Additions and Alterations | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | D4 Design |
| 22/09/2020 | 3043512 - Withdrawn Parking Infringement Notice - Officer Error | Manager Health and Compliance | Local Government Act 1995 | Sections 9.20/6.12(1) | Mellisa |
| 23/09/2020 | BA123600 - Uncertified Building Permit - Additions - 10 Viewway Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Heritage Homes |
| 23/09/2020 | BA124771 - Occupancy Permit - 91 Monash Av Nedlands | A/Manager Building Services | Building Act 2011 | Section 58.1 | Breast Cancer Research Centre WA |
| 23/09/2020 | BA124890 - Certified Building Permit - Two Storey Dwelling - 11 Sadka Lane Shenton Park | A/Manager Building Services | Building Act 2011 | Section 20.1 | Castle Projects |
| 23/09/2020 | BA120548 - Demolition Permit - Full Site - 90 Mountjoy Rd Nedlands | A/Manager Building Services | Building Act 2011 | Section 21.1 | Mr Cut Demolition |
| 23/09/2020 | BA124622 - Certified Building Permit - Pergola - 46 Mountjoy Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Addstyle Constructions Pty Ltd |
| 23/09/2020 | BA60858 - Building Approval Certificate - Ancillary Dwelling & Patio - 22 Edward St Nedlands | A/Manager Building Services | Building Act 2011 | Section 58.1 | Matthew Penfold |
| 23/09/2020 | BA125233 - Certified Building Permit - Pool and Temporary Barrier - 75 Dalkeith Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Aquatic Leisure Technologies Pty Ltd |
| 23/09/2020 | (APP) - DA20-47504 - 88 Tyrell Street, Nedlands - Residential - Single House | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Distinctive Homes WA |
| 23/09/2020 | BA125876 - Verge Materials Permit - 54 Taylor Road, Nedlands | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Hanna Construction Co Pty Ltd |
| 23/09/2020 | BA125778 - Verge Materials Permit - 56 Minora, Dalkeith | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | John McMath |
| 24/09/2020 | (APP) - DA20-49536 - 64 Mayfair Street, Nedlands - 2 x Grouped Dwellings | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Distinctive Homes WA |
| 25/09/2020 | BA124597 - Certified Building Permit - Retaining & Pool Barrier - 31 Wavell Rd Dalkeith | A/Manager Building Services | Building Act 2011 | Section 20.1 | TDL Pty Ltd |
| 25/09/2020 | BA125644 - Demolition Permit - Full site - 89 Florence Road Nedlands | A/Manager Building Services | Building Act 2011 | Section 21.1 | Maxbay Pty Ltd |
| 25/09/2020 | BA125155 - Certified Building Permit - Pool & Temporary Pool Barrier - 39 Strickland Street Mt Claremont | A/Manager Building Services | Building Act 2011 | Section 20.1 | Aquatic Leisure Technologies Pty Ltd |
| 25/09/2020 | BA125060 - Certified Building Permit - Shop Fitout - 29 Broadway Nedlands | A/Manager Building Services | Building Act 2011 | Section 20.1 | Redstone Constructions Pty Ltd |
| 25/09/2020 | BA123879 - Certified Building Permit - Two Storey Dwelling - 59 Watkins Road Dalkeith | A/Manager Building Services | Building Act 2011 | Section 20.1 | Mercedes Group Pty Ltd |
| 25/09/2020 | BA125570 Demolition permit - Full site - 32 Tyrell Street Nedlands | Manager Building Services | Building Act 2011 | Section 21.1 | Brajkovich Demolition & Salvage Pty Ltd |
| 25/09/2020 | BA125310 - Building Approval Certificate - Shed & Garage - 5 Reeve Street Swanbourne | A/Manager Building Services | Building Act 2011 | Section 58.1 | Russell Building Approvals |
| 25/09/2020 | BA125948 - Verge Materials Permit - 8 Bedford Street, Nedlands | A/Manager Building Services | Local Government (Uniform Local Provisions) Regulations 1996 | Section 6.1 | Webb & Brown Neaves Pty Ltd |
| 29/09/2020 | BA124824 Certified building permit - Pool - 59 Kirwan Street, Swanbourne | Manager Building Services | Building Act 2011 | Section 20.1 | Aquatic Leisure Technologies Pty Ltd |
| 29/09/2020 | BA125321 Certified building permit - Alterations - 5 Reeve Street, Swanbourne | Manager Building Services | Building Act 2011 | Section 20.1 | Mr P S Phillips |
| 29/09/2020 | BA125109 Certified building permit - Re-roof - 129 North Street, Swanbourne | Manager Building Services | Building Act 2011 | Section 20.1 | Bower Roofing & Restoration |
| 30/09/2020 | (APP) - DA20-49487 - 59 Riley Road - Residential - Two Storey Single House and Primary Street Fencing | Principal Planner | Planning and Development (Local Planning Schemes) Regulations 2015 | Regulation 82 | Building Corporation WA Pty Ltd |

## CEO KRA Quarterly Report – October 2020

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | The CEO declares a financial interest in this item, given the Key Results Areas form part of the CEO’s contract. The CEO will leave the room for this item. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. KRA Summary TLR |
| **Confidential Attachments** | Nil |

Mark Goodlet, left the meeting at 10.58 pm.

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

Moved – Councillor Wetherall

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED 10/3**

**(Against: Crs. Bennett Mangano & Hay)**

**Council Resolution / Recommendation to Council**

**That Council:**

1. **receives the attached Key Results Area (KRA) Traffic Light Report; and**
2. **notes that the CEO will provide a further report to Council, for endorsement, in November 2020 which deals with the following;**
3. **“key issues” identified in this first report;**
4. **actions proposed;**
5. **timeframes for actions;**
6. **delivery methods; and**
7. **proposed updates to KRAs (if required)**

**Executive Summary**

This report introduces the CEO Key Results Area (KRA) quarterly progress report.

The KRA report covers the following metrics:

* Ten (10) Key Result Areas (KRAs)
* Seventeen (17) Goals – that are set to achieve the KRAs
* Fifty-Two (52) Actions – that will be tracked throughout the year to show progress

These actions will help Council identify progress towards the target dates set for completion and allow the CEO to raise key issues with Council as they progress. This forms the first of the CEO KRA reports. Further presentation refinements will be implemented in future reports.

**Discussion/Overview**

**Background**

**Discussion/Overview**

**Background**

CEO KRAs were set by Council to establish a clear baseline and measure progress against Council’s objectives.

A straightforward system for ongoing reporting is provided in Attachment 1 so the Council will obtain a similar KRA report from the CEO quarterly.

The KRA report baseline reviewed all required actions along with any progress to date. This captured key notes as shown on the report and all activity was assessed against the following colour coding to allow simple viewing of results:

KRA Report Colour Coding

|  |  |  |
| --- | --- | --- |
|  | On Track | Action is on track to meet target date |
|  | Some Issues but Likely to be Resolved | Action has some minor issues but these are likely to be resolved and the action should be completed on time. |
|  | Key Issues | Action has major issues and unless rectification is completed then it is unlikely to be completed on time. |
|  | Completed | Action has been completed and systems or processes are in place. |
|  | Not Started | Action has not yet been started. |

**Key Relevant Previous Council Decisions:**

Council Resolution – Ordinary Council Meeting - 28 July 2020

Council Resolution

That Council:

1. having considered Councillor feedback on Chief Executive Officer Mark Goodlet’s performance, approves and endorses the finding of “satisfactory” performance;
2. approves the revised draft CEO Key Result Areas (as amended in Confidential Attachment 3) to apply to the CEO for the next 12 months, such KRA’s having been provided to the CEO for review and comment and finalised by the CEO Performance Review Committee; and
3. notes the WA Salaries and Allowances Tribunal determination is to not increase salary bands for the 2020/2021 financial year and recommends to Council that the CEO’s remuneration remains unchanged until the next annual review in 2021.

**Consultation**

These KRAs were developed through the CEO Performance Review Committee and adopted by Council.

**Strategic Implications**

This KRA report supports the delivery of Council’s Strategic Community Plan by giving Council a high-level view of key components of the Corporate Business Plan, that the CEO is required to deliver. In addition, it will ensure these are aligned and being completed within required timescales.

**Budget/Financial Implications**

This KRA report is designed to be updated by the CEO and key officers going forward, as part of their normal duties. Therefore, there are no budget or financial implications going forward.

Mark Goodlet, returned to the meeting at 11.06 pm.

Moved – Councillor Coghlan

Seconded – Councillor Bennett

**That items 13.10 & 13.13 be brought forward.**

**CARRIED UNANIMOUSLY 13/-**

**Please note this item was brought forward from page 151.**

## Reconsideration of Planning Refusal – No. 78 Waratah Avenue, Dalkeith – Five Grouped Dwellings

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | Urbanista Town Planning |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson, Director of Planning & Development |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Applicant’s Justification Report 2. Applicant’s Assessment Against State Planning Policy 7.0 3. Acoustic Report 4. Waste Management Report 5. Summary of Submissions 6. Extract of Agenda of August 2020 Ordinary Council Meeting 7. Extract of Minutes of August 2020 Ordinary Council Meeting |
| **Confidential Attachments** | 1. Plans 2. Submissions 3. Assessment 4. WAPC Approved Subdivision Plan 5. Amended Site, Floor and Elevation Plans dated 29 September 2020 6. Landscaping Plan dated 29 September 2020 7. Render of development dated 29 September 2020 |

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

Moved – Mayor de Lacy

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED 9/4**

**(Against: Crs. Bennett Mangano Coghlan & Hay)**

**Council Resolution / Recommendation to Council**

**That Council, in accordance with Section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*, the provisions of City of Nedlands Local Planning Scheme No. 3 and the Metropolitan Region Scheme, approves the development application dated 20 November 2019, with amended plans received on 22 May and 29 September 2020 for five (5) Grouped Dwellings at Strata Lots 1, 2 and 3 on Strata Plan 24132 (No. 78) Waratah Avenue, Dalkeith, subject to the following conditions and advice notes:**

1. **This approval is for a ‘Residential’ (grouped dwellings) land use and the subject land may not be used for any other use without prior approval of the City.**
2. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
3. **This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
4. **Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan dated 29 September 2020, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
5. **The approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to be implemented and maintained at all times to the satisfaction of the City of Nedlands.**
6. **The location of any bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or public place and constructed to the City’s satisfaction.**
7. **The acoustic report (Attachment 3) prepared by Sealhurst dated 22 January 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the *Environmental Protection (Noise) Regulations 1997* are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
8. **All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
9. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
10. **Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level located behind the street setback area shall be set back in accordance with element 5.4.1 of the Residential Design Codes Volume 1, in direct line of sight within the cone of vision from the lot boundary, a minimum distance as prescribed in C1.1 of Clause 5.4.1 – Visual Privacy of the Residential Design Codes. Alternatively, the major openings are to be screened in accordance with the Residential Design Codes by either;**
11. **fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;**
12. **timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
13. **a minimum sill height of 1.60 metres as determined from the internal floor level; or**
14. **an alternative method of screening approved by the City of Nedlands.**

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

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

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

1. **The parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1-2004 prior to the occupation or use of the development.**
2. **Prior to occupation of the development, the proposed visitor car parking bay shall be provided with 1.5m x 1.5m visual truncations in accordance with AS2890.1 on both sides of the bay to the satisfaction of the City of Nedlands.**
3. **Prior to the occupation of the development, the car parking designated for visitors shall be clearly marked or signage provided to the specification and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.**
4. **Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing ventes and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
5. **Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.**
6. **Prior to construction or demolition works, a Construction and Demolition Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.**

**Advice Notes specific to this proposal:**

1. **This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.**
2. **The applicant is advised that in relation to condition 5, the maximum number of bins permitted on the verge is eight (8) bins at any time.**
3. **In accordance with section 35, (3) (b) of the Health Local Law, Waste and recycling bins storage enclosure in accordance with the Waste Management Plan for No. 78 Waratah Avenue, Dalkeith.**
4. **All internal bins located at individual dwellings shall be purchased and maintained by the strata management or owners by private arrangement.**
5. **In relation to Condition 5, the proposal requires compliance with the City’s *Health Local Laws 2017*, which requires an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:** 
   1. **Sufficient in size to accommodate all receptacles used on the premises;**
   2. **Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;**
   3. **Walls not less than 1.8m in height and access of not less than 1.0m in width fitted with a self-closing gate;**
   4. **Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;**
   5. **Easily accessible to allow for the removal of the receptacles;**
   6. **Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;**
   7. **Provided with a tap connected to an adequate supply of water; and**
   8. **Adequately ventilated, such that they do not create a nuisance to residences.**
6. **In relation to Condition 16, the applicant shall seek independent expert advice from a suitably qualified consultant\* detailing the particulars of the application, specifications of the type of lighting proposed and certifying\*\* that the proposed lighting will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard\*\*\*;** 
   1. **A full site plan indicating the proposed siting of lighting columns including details of their proposed height;**
   2. **Times of operation;**
   3. **A Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;**
   4. **Details of orientation and hooding and/or other measures to minimise their impact in the interests of pedestrian and/or vehicular safety and amenity; and**
   5. **Details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard\*\*\*.**
7. **The applicant is advised that in relation to Condition 17, the Construction and Demolition Management Plan is to address but is not limited to the following matters**
8. **Construction operating hours;**
9. **Contact details of essential site personnel;**
10. **Noise control and vibration management;**
11. **Dust, sand and sediment management;**
12. **Stormwater and sediment control;**
13. **Traffic and access management;**
14. **Protection of infrastructure and street trees within the road reserve and adjoining properties;**
15. **Dilapidation report of adjoining properties;**
16. **Security fencing around construction sites;**
17. **Site deliveries;**
18. **Waste management and materials re-use**
19. **Parking arrangements for contractors and subcontractors;**
20. **Consultation plan with nearby properties; and**
21. **Complaint procedure.**
22. **The applicant is advised to apply dust control measures during construction in accordance with City of Nedlands Health Local Laws 2017 and DWER requirements.**
23. **A separate noise management plan will be required to be prepared, submitted to the City and approved by the CEO if it is desired to work outside of normal hours of operation during construction of the project (i.e. 0700 hours and 1900 hours on any day that is not a Sunday or Public Holiday). This will be subject to the subject to the Clause (6) of the *Environmental Protection (Noise) Regulations 1997*, that is detailed in section 3.4.1 of the acoustic report.**
24. **The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.**
25. **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.**
26. **All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.**
27. **The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**
28. **Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.**
29. **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 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.**
30. **The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.**
31. **This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.**
32. **The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit.  Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City’s Planning Department is encouraged prior to lodgment.**
33. **This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.**
34. **The contractor/developer shall protect the City’s street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City’s policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).**

**Executive Summary**

Pursuant to the Orders set by the State Administration Tribunal, the purpose of this report is for Council to reconsider its refusal of a Development application for five two-storey grouped dwellings at No. 78 Waratah Avenue, Dalkeith (the subject site).

A development application for five grouped dwellings was received from the Applicant on 20 November 2019. The application was refused by Council on 25 August 2020 at the Ordinary Council Meeting against the Administration’s recommendation.

The Applicant subsequently lodged an application for review (DR185/2020) with the State Administrative Tribunal (SAT) dated 14 August 2020. Following a Directions Hearing and Mediation, amended plans including the introduction of arbors along the common property, a landscaping plan and a render were submitted by the applicant to support a reconsideration by Council.

It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) Volume 1 and is unlikely to have a significant adverse impact on local amenity and character.

**Background**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R60 |
| **Land area** | 1012m2 |
| **Land Use** | Existing – Residential Use for a Single House  Proposed – Residential Use for Grouped Dwellings |
| **Use Class** | Permitted (P) |

**Discussion/Overview**

**Key Relevant Previous Council Decisions**

A development application, for five grouped dwellings was received from the Applicant on 20 November 2019. The application was refused by Council (item PD37.20) on 25 August 2020 against the recommendation of Administration (see Attachment 7) for the following reasons:

1. Insufficient street setbacks;
2. Too many lot boundary walls (one lot boundary wall to the parent lot); and
3. Insufficient open space

The Applicant subsequently lodged an application for review of the decision (DR 185/2020) with the State Administrative Tribunal (SAT) on 14 August 2020

Given Administration had recommended approval, Allerding and Associates were appointed to represent Council for the application. Following a Directions Hearing held on 11 September 2020 and Mediation on 22 September 2020, amended plans and additional information were submitted to the City on 29 September 2020.

Pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA), the SAT invited the City to reconsider its decision. The report has been prepared to allow Council to reconsider its decision in the light of the revised plans.

A further directions hearing has been scheduled for 30 October 2020 to consider Council’s decision.

**Subject Site Details**

The subject property currently comprises of one lot at No. 78 Waratah Avenue and one lot at No. 78b Waratah Avenue which have recently been cleared. There was a driveway along the east for access to No. 78b Waratah Avenue, Dalkeith. This application proposes the common property driveway for access along the eastern lot boundary.

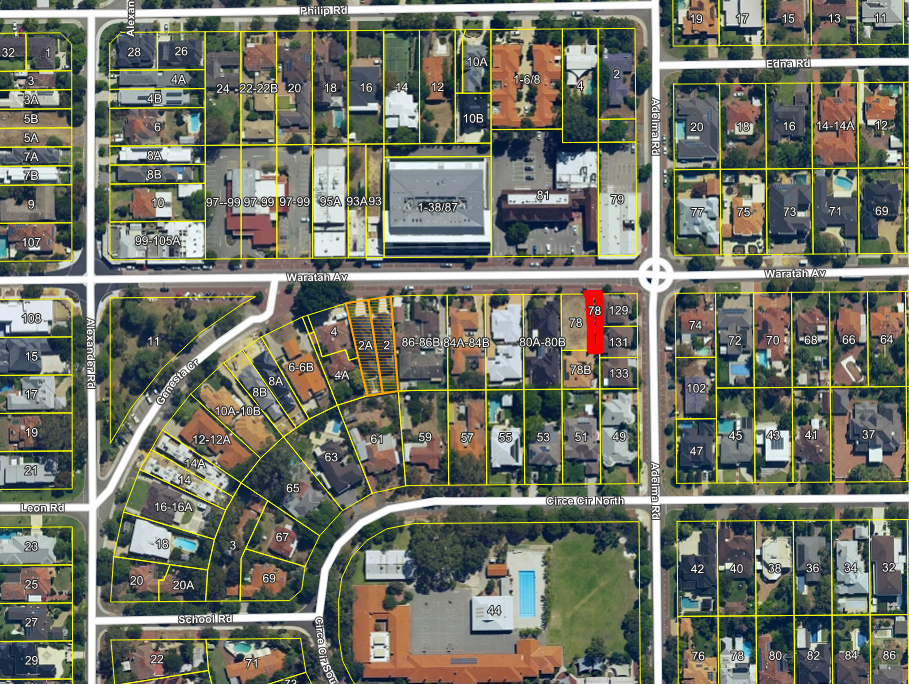


Site Photo

The site slopes very gently towards the north, from a ground level of 18.29m AHD in the south eastern corner to 15.46m AHD in the north eastern corner. A sewer line runs parallel to the rear lot boundary with the adjoining property.

As shown in the aerial map below, the subject property is surrounded by a mix of Single Houses and Grouped Dwellings to the east, south and west. To the north of the subject property, there are a variety of retail and commercial tenancies at Waratah Village. Approximately 70m to the south of the subject property is the Dalkeith Primary School.

To the west of the subject property within the 200m radius, there are a variety of single subdivided lots, grouped dwellings and built strata properties from No. 2 – No. 20 Genesta Crescent, Dalkeith which is shown below. A large majority of these dwellings along Genesta Crescent have been recently constructed.



Aerial Map

**Subdivision**

On 14 February 2020, the subject property received Subdivision Approval from the Western Australian Planning Commission (WAPC) for five lots, a visitor bay to the front (north) of the property and a common property driveway along the eastern lot boundary. The WAPC Approved Subdivision Plan is contained as Confidential Attachment 4.

The Subdivision is still awaiting the clearance of conditions imposed by the WAPC.

**Consultation**

**External Consultation**

The Orders from the Directions Hearing held on 11 September 2020 outlined had Mediation was to be held on 22 September 2020. The applicant has provided the following information for the reconsideration of the Planning Refusal:

* Renderings to demonstrate the appearance of the development when viewed from the street and for occupants using the premises and
* A Landscaping Plan that addresses all proposed landscaping on the site and within the reduced street setback areas to the common property driveway.

The applicant provided the above information on 29 September 2020 and the respondent (i.e. the City of Nedlands) is invited to reconsider its decision on or before 27 October 2020. Details of the amended plans and additional information are as following:

* An amended site plan, ground floor plan and upper floor plan show two arbors. One arbor is proposed over the common property which leads to the entry door of Lot 2 and the other arbor leads to the entry door of Lot 3.
* A Landscaping Plan showing the proposed landscaping in the form of various trees and planting. The total landscaped area contributes to 15.2% of the site, with existing trees, 10x proposed small trees and 5x proposed medium trees
* A render of the development, taken from Waratah Avenue showing the visual perspective of the grouped dwellings, common property driveway, arbors over the entry paths to Lot 2 and Lot 3 and the landscaping.

The additional plans, landscaping plan and render submitted by the applicant were not advertised in accordance with the City of Nedlands Consultation of Planning Proposals Local Planning Policy as there was insufficient time to advertise the plans for 14 days and present the s31 reconsideration report to Council by 27 October 2020 as required by the Orders from the SAT.

The changes made to the proposal help to ameliorate and improve the design of the development through additional landscaping and arbors along the common property. As there are no further variations presented by the application and the additional plans improve the design of the proposal, no further consultation was considered necessary.

**Internal referrals**

Administration review of the Landscaping Plan contained as Confidential Attachment 6 demonstrates that the tree species proposed in the landscaping plan are suitable and will grow adequately in the common courtyard areas. There were no issues raised with the plant varieties identified in the landscaping plan. As such, the landscaping plan is supported by the City and is seen to be a positive outcome for subject property and adjoining sites through the provision of additional trees and vegetation to soften the impact of the built form of the development.

**Assessment of Statutory Provisions**

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

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. The City has assessed the application and additional information received against clause 67 (following):

|  |  |
| --- | --- |
| **Provision** | **Assessment** |
| * + 1. the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area; | Refer to Section 6.2.1 below for an assessment against of clause 9 of LPS 3 – Aims of Scheme. |
| * + 1. the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving; | The development proposal has achieved all deemed to comply and relevant design principles of the R-Codes and is consistent with the expected development for the R60 density code. |
| * + 1. any approved State planning policy; | The development proposal has been assessed against State Planning Policy 7.0 – Design of the Built Environment, with a detailed assessment provided against the 10 Design Principles in Section 6.3.1 of this report.  The development proposal has been assessed against State Planning Policy 7.3 – Residential Design Codes (Volume 1), with a detailed assessment provided against the Design Elements in Section 6.3.2 of this report. |
| (g) any local planning policy for the Scheme Area | The proposal is considered to be compliant against the City of Nedlands Residential Development Local Planning Policy. |
| (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; | The Zoning Table in LPS 3 classifies all residential development as a ‘P’ use in the Residential Zone. Therefore, the suitability of the land use is not in question.  The development itself is either generally consistent with or exceeds the default building height and street, side and rear setbacks of the R-Codes.  The development is consistent with the expected built form of the medium density code (R60) to which it relates. |
| (n) the amenity of the locality including the following —  (i) environmental impacts of the development;  (ii) the character of the locality;  (iii) social impacts of the development; | 1. The applicant has provided a landscaping plan which displays a total landscaping provision of 15.2% of the whole site, which represents 154m2 of landscaping. The applicant is proposing to retain existing trees on the site along the common property driveway. 10 small trees and 5 medium trees are proposed in the landscaping plan. Various planting is also proposed, including low groundcovers, screening planting and turf. The landscaping plan proposed is considered to successfully improve the amenity of the locality by improving the environmental impact of the development with trees and vegetation which will assist in reducing the urban heat island effect. 2. The City considers that the proposed two storey grouped dwellings are consistent with the local character of this particular locality. 3. The development is seen to contribute to a sense of place, with its location directly opposite the existing retail and commercial centre and community services in the Waratah Village Town Centre. The provision of an additional dwelling typology of a Grouped Dwelling and an increased density will contribute to increased vibrancy of the local area. |
| (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved. | The proposal maintains verge trees and existing mature trees along the common property driveway. This is seen to be a successful outcome for the site as the applicant has ensured to retain these trees through the demolition of the remainder of the structures on the site.  As shown on the landscaping plan provided, adequate provision has been made for landscaping around the site, with a particular focus of landscaping within the common property areas and the outdoor living areas which are provided with ornamental trees. |
| (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals; | The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.  The proposed development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a community facility, a primary school and shops where the mix of activities will bring people together and strengthen local relationships.  The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics. |

**City of Nedlands Local Planning Scheme No. 3**

**Clause 9: Aims of the Scheme**

|  |  |  |
| --- | --- | --- |
| **Requirement** | **Proposal** | **Satisfies** |
| 1. Protect and enhance local character and amenity | The surrounding area is characterised by Single Houses to the south of Waratah Avenue and a mix of retail and commercial tenancies in Waratah Village to the north of Waratah Avenue.  To the west of the subject property within the 200m radius, there are single subdivided lots, grouped dwellings and built strata properties from No. 2 – No. 20 Genesta Crescent, Dalkeith which was previously shown on a map of this report. A majority of these dwellings along Genesta Crescent have been recently constructed.  The residential area is characterised by two storey, contemporary dwellings, with a mix of pitched and concealed roof forms. There are some original homes in the locality, although most homes have been designed to a more contemporary style.  The City considers that the proposed two storey grouped dwellings are consistent with the local character and amenity of this particular locality.  Furthermore, the dwelling at Unit 1 presents as a single house to the street, rendering it relatively consistent with the existing streetscape.  The applicant is proposing to retain existing trees on the site along the common property driveway. 10 small trees and 5 medium trees are proposed in the landscaping plan. Various planting is also proposed, including low groundcovers, screening planting and turf. The landscaping plan proposed is considered to protect and enhance the character and amenity of the locality, which is typically a green leafy suburb. | Yes |
| 1. Respect the community vision for the development of the district; | The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.  The proposed development is also seen to complement the City of Nedlands Strategic Community Plan 2013 – 2020 in that the development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a community facility, a primary school and shops where the mix of activities will bring people together and strengthen local relationships. | Yes |
| 1. Achieve quality residential built form outcomes for the growing population; | The built form of the development has been assessed and is considered to achieve the relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R60 density coding. | Yes |
| 1. To develop and support a hierarchy of activity centres; | The medium-rise development is consistent with the intent of the R60 density code. It will also support a medium density catchment to the Waratah Village local activity centre. | Yes |
| 1. To integrate land use and transport systems; | The development is located on Waratah Avenue which is categorised as a Local Distributor in the City of Nedlands Functional Road Hierarchy.  There are bus services which provide public transport options along Waratah Avenue with a bus stop located near from the site. | Yes |
| 1. Facilitate improved multi-modal access into and around the district; | The subject site is located in close proximity to walking and cycle networks.  The subject site is also in close proximity to Dalkeith Primary School to the south. | Yes |
| 1. Maintain and enhance the network of open space | The proposed development does not impact the City’s network of open space. | Yes |
| 1. Facilitate good public health outcomes; | The development is not considered to adversely affect the desired public health outcomes. | Yes |
| 1. Facilitate a high-quality provision of community services and facilities; | The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability. | Yes |
| 1. Encourage local economic development and employment opportunities; | The development is considered to positively contribute to the support of local businesses, during and post-construction.  Following the construction of the grouped dwellings, the development will be able to positively contribute to the support of local businesses at Waratah Village directly north of the subject site. | Yes |
| 1. To maintain and enhance natural resources; | The development retains two verge trees and eight pine trees along the eastern lot boundary on the common property, which is considered a positive outcome for this type of application.  The development also proposes the planting of additional trees and vegetation which is a positive outcome of the development proposal. | Yes |
| 1. Respond to the physical and climatic conditions; | The development maintains solar access to adjoining properties by having appropriate setbacks.  The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation.  The maintenance of existing trees on site and on the verge, and the proposal of planting additional trees and vegetation through the landscaping plan will assist in reducing the urban heat island effect and assist with climate control. | Yes |
| 1. Facilitate efficient supply and use of essential infrastructure; | The development does not negatively impact this objective. | Yes |

**Clause 16: Residential Zone Objectives**

|  |  |  |
| --- | --- | --- |
| **Requirement** | **Proposal** | **Satisfies** |
| 1. To provide for a range of housing and a choice of residential densities to meet the needs of the community; | The proposal is considered to positively contribute to the City’s housing diversity. | Yes |
| 1. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas; | . The amended plans and landscaping plan are considered to provide a high-quality design through employing hard and soft landscaping to create external environments which interact in a considered manner with the built form.  The amended site, ground floor and upper floor plan show two arbours that lead to the entry points of Lot 2 and Lot 3, which will permit vertical landscaping of creepers on the arbours. The arbours provide visual interest and help to reduce the impact of building bulk upon the common property driveway and the streetscape. The arbours will act as a feature and a buffer between the buildings and the setbacks to the eastern lot boundary.  The landscaping proposed in the landscaping plan improves design of the site and aids in reducing the building bulk on the common property driveway and primary street. | Yes |
| 1. To provide for a range of non-residential uses, which are compatible with and complementary to residential development; | This objective is not applicable to the subject application as this application only proposes the use of the land for residential purposes. | N/A |
| 1. To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks; | The development is considered to achieve a balance between the existing streetscape character and the future character of this area.  The proposal complements the local character and amenity of the site, with the two storey height proposed consistent with the surrounding area.  Furthermore, the dwelling at Unit 1 presents as a single house to the street, rendering it relatively consistent with the existing streetscape.  Where discretion is sought for lot boundary setbacks, the proposal is considered to satisfy the Design Principles for clause 5.1.2 – Street setback and clause 5.1.3 – Lot Boundary Setbacks as explained in Section 6.3.2 of this report.  Where discretion is sought for the reduced setbacks to the common property, the amended plans showing arbours along the common property and additional landscaping in the common property are seen to contribute to an attractive streetscape setting. | Yes |

**Policy/Local Development Plan Consideration**

**State Planning Policy 7.0 – Design of the Built Environment**

The intent of State Planning Policy 7.0 is to address design quality and built form outcomes in Western Australia. The Policy aims to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes in the State.

Administration has assessed this application against the 10 Design Principles of the Policy in the table below:

|  |  |
| --- | --- |
| **Design Principle** | **Officer Comment** |
| 1. **Context and Character**   Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place. | The grouped dwellings are seen to successfully correspond to the future scale and character of the area which has recently been up-coded as a result of the gazettal of LPS 3.  The development corresponds to the natural contours of the land, with each building stepped up along the length of the common property access leg. This will match the natural rise of the land and minimise the level difference between the subject property and adjoining sites.  The development is seen to contribute to a sense of place, with its location directly opposite the existing retail and commercial centre and community services in the Waratah Village Centre. The provision of an additional dwelling typology of a grouped dwelling and an increased density will contribute to increased vibrancy of the local area.  The development integrates into its townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development.  The development features a dwelling to Unit 1 that is oriented to the street, including the provision of landscaping in the front setback area which complements to the existing streetscape of Waratah Avenue.    Administration is of the view that the landscaping plan provided is a beneficial outcome for the site. It will provide 10 small trees and 5 medium trees in addition to the trees which have been retained on the site and within the verge. The landscaping provided is considered to complement the distinctive characteristic and sense of place of Dalkeith as a green leafy suburb.  This principle is considered to have been met as the design positively contributes to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood. |
| 1. **Landscape Quality**   Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context. | In making its recommendation to Council, Administration has considered the merit of retaining 8 mature pine trees along the eastern lot boundary along the common property driveway. These will have a greater ecological and aesthetic value than lawn or small bushes. The additional landscaping proposed will provide a high-quality design through employing hard and soft landscaping to create external environments which interact in a considered manner with the built form.  It is also further noted that Council’s proposed landscaping provision contained within the approved LPP – Residential Development was refused by the WAPC at its Special Committee Meeting on 30 June 2020.  The vehicle access to all five grouped dwellings is from the common property driveway, using the existing crossover. This will allow the two existing street trees in the front verge to be retained.  The combination of the retention of the two verge trees and eight mature trees on site are seen to be an outcome of good design. This recognises the landscaping significance of the trees in comparison to a new development site which demolishes all trees and vegetation from the subject site.  Administration is supportive of the proposed landscaping plan which proposes 154m2 of additional trees and planting of vegetation on the site. This will contribute to the appearance and amenity of the development for the residents and provide shade and reduce the urban heat island effect on the site.  This principle is considered to have been met as the design protects existing environmental features and considers environmental factors such as site conditions, tree canopy and urban heat island effect by employing hard and soft landscaping that interact in a considered manner with the built form, local identity and streetscape character. |
| 1. **Built form and scale**   Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area. | The proposal is seen to provide an appropriate built form and scale for an R60 density site, with two-storey grouped dwellings that are consistent with the existing development in the locality.  All dwellings are provided with compliant side setbacks and limited portions of parapet walls to the eastern and western lot boundaries. The parapet walls are located behind the front setback areas and designed to maintain privacy and useability of the outdoor living areas of adjoining properties.  The impact of the built form and scale is seen to be softened with the proposal of the landscaping which mitigates the potential for negative amenity impacts on both private land and the public realm.  The arbours proposed to the entrances of Lot 2 and Lot 3 provide an articulation of the built form to define the public domain (common property). The arbours provide a good level of amenity for people at the ground level, directing people to the entrances of Lot 2 and Lot 3.  This principle is considered to have been met as the new development positively responds to the built form and topography of the surrounding buildings. The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity of the locality. |
| 1. **Functionality and build quality**   Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle. | The development has been designed with aging-in-place in mind, with all dwellings having capacity for a lift should the need arise. The provision of the lift shafts enables the dwellings to be flexible and adaptable to maximise their utilisation and accommodate appropriate future requirements without the need for major modifications.  All rooms are of an appropriate size and the layout is straight-forward so as to provide functional environments and spaces that are suited to their intended purpose and arranged to facilitate ease of use.  The principle is considered to have been met as the design provides functionality and build quality without detriment to the appearance, functionality and serviceability of the dwellings. |
| 1. **Sustainability**   Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes. | The applicant is proposing to retain existing trees on the site along the common property driveway and trees on the verge. 10 small trees and 5 medium trees are proposed in the Landscaping Plan.  Various planting is also proposed, including low groundcovers, screening planting and turf. The landscaping plan proposed is considered to successfully improve the amenity of the locality by improving the environmental impact of the development with trees and vegetation which will assist in reducing the urban heat island effect. In turn, the landscaping will assist in reducing reliance on technology for cooling and resource consumption, which is a sustainable outcome.  This principle is considered to have been met as the design responds to site conditions by providing appropriate orientation, landscaping and natural ventilation. |
| 1. **Amenity**   Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy. | The proposed design is seen to provide a successful mix of indoor and outdoor activity, with the provision of the outdoor living areas.  The development itself contributes to the vitality of the locality, the provision of grouped dwellings as a medium-density housing option in close proximity to a retail and commercial centre.  The design of the dwellings mitigates overshadowing and overlooking into the adjoining residential properties to the east, south and west.  The proposed landscaping of trees and vegetation will contribute to well-designed external spaces, comfortable environments with effective shade and screening. The landscaping design mitigates the negative impacts on surrounding building and places, including building bulk.  This principle is considered to have been met as the design delivers internal amenity and includes the provision of appropriate levels of acoustic protection, visual privacy, adequate storage space, and is accessible. |
| 1. **Legibility**   Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around. | The entry to Unit 1 is clear and easily accessed from the street, via a defined pedestrian path. All remaining dwellings are accessed via the communal driveway.  The arbours proposed to the entries of Lot 2 and Lot 3 direct pedestrians to the main doors of the respective units. The arbours allow a clear distinction between the pedestrian entry into the dwelling vs the vehicle entry into the garages. The arbours contribute to good legibility, especially in considering that they provide a design which uses the arbours as visual cues to direct pedestrians to the entry of the dwellings.  Each dwelling provides a major opening from a habitable room of the dwelling facing the street and pedestrian and vehicular driveway.  The visitor parking bay at the entrance of Unit 1 is also clearly defined and accessible for the use of visitors to the site.  This principle is considered to have been met as the design makes the site easy to navigate, with recognisable entry and exit points. It is also well-connected to existing movement networks including Waratah Avenue. The sight lines are well-considered and the movement through the development is logical. |
| 1. **Safety**   Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use. | Each dwelling has a major opening or balcony facing the driveway or street, providing adequate passive surveillance. Furthermore, there are no areas capable of being used for concealment.  This principle is considered to have been met as safety and security is promoted by maximising opportunities for passive surveillance of public and communal areas and minimising areas of concealment. The design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to the adjacent public realm. |
| 1. **Community**   Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction. | The development contributes to medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.  The provision of lift shafts in each of the units also encourages ‘aging in place’ and attracting residents looking to downsize in the local area.  This principle is considered to have been met as the new development has the capacity to adapt to changing demographics, an ageing population, new uses and people with a disability. The design provides a housing choice for different demographics and accommodating all ages and abilities. |
| 1. **Aesthetics**   Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses. | The proposed materials are considered high-quality and the development is consistent with the contemporary homes and buildings within the surrounding area.  The retention of the two street trees in the verge and landscaping in the front setback area is seen to soften the appearance of the development and improve upon the streetscape aesthetics of the site.  The landscaping proposed provides a balance between the built form and nature, which makes for an attractive development.  The arbours proposed provide visual interest from the streetscape and the common property, showing good design of the development.  This principle is considered to have been met as the design delivers outcomes that are logical and guided by a consideration of the experiential qualities that it will provide. The proposal is a well-conceived design which addresses scale, the articulation of building form with detailing of materials and building elements which enables an integrated response to the character of the locality. |

The applicant has also provided an assessment against the 10 Design Principles of the State Planning Policy 7.0 which is contained in Attachment 2 to this report.

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

Volume 1 of the R-Codes apply to single and grouped dwellings in all density codes. The document provides a comprehensive basis for control of residential development. When assessing applications for development the City must have regard to the following objectives:

* to provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives;
* to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local amenity and place;
* to encourage design that considers and respects heritage and local culture; and
* to facilitate residential development that offers future residents the opportunities for better living choices and affordability.

The development is consistent with all the objectives cited above. The development is of an appropriate design for the R60 density code, balances the existing streetscape character with the planned character of a medium-rise transitional area between an R-AC3 zoning to the north and an R10 zoning to the south. The proposal also satisfies all relevant scheme objectives as previously outlined. The development proposal is considered to cater for a wider range of demographics and responds to the local context by retaining a two-storey built form, consistent with surrounding single houses and grouped dwellings in the vicinity.

The applicant is seeking assessment under the Design Principles to the departures from the R-Codes for the provisions addressed in the below tables:

Clause 5.1.2 – Street Setback

|  |
| --- |
| **Design Principles** |
| P2.1 - Buildings set back from street boundaries an appropriate distance to ensure  they:   * contribute to, and are consistent with, an established streetscape; * provide adequate privacy and open space for dwellings; * accommodate site planning requirements such as parking, landscape and utilities; and * allow safety clearances for easements for essential service corridors.   P2.2 - Buildings mass and form that:   * uses design features to affect the size and scale of the building; * uses appropriate minor projections that do not detract from the character of the streetscape; * minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and * positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.” |
| **Deemed-to-Comply Requirement** |
| A grouped dwelling which is not adjacent to the primary street, has its main frontage to a communal street, right of way or shared pedestrian access way; the deemed-to-comply street setback is 2.5m |
| **Proposed** |
| The applicant seeks assessment under the Design Principles which are as follows:  Unit 2:   * Ground: 1.7m * Upper: 0.8m   Unit 3:   * Ground: 1.7m * Upper: 1.0m   Unit 4:   * Upper: 2.0m   Unit 5:   * Ground: 1.0m * Upper: 0.7m |
| **Administration Assessment** |
| The street setbacks to the common property driveway are seen to meet the Design Principles as outlined below.  The setback variations face the internal common property driveway and do not directly face the primary street. The street setback to the primary street (Waratah Avenue) meets the deemed-to-comply provisions and as such, are consistent and contribute to the established streetscape. The reduced setbacks to an internal common property driveway is not considered incongruous with its setting.  The two-storey bulk is predominately fixated towards the common property driveway as a means to increase site lot boundary setbacks to adjoining landowners with a lower density (especially at the rear) and act as a transitional built form buffer. This in turn facilitates more efficient use of a useable outdoor living space for internal residents, whilst maintaining the amenity and privacy of adjoining sites. Collectively, this approach is considered more desirable.  Provision has been made for windows to face the common property driveway which is considered to make a positive contribution to the streetscape in terms of public surveillance and activity. Whilst the major openings facing the common property driveway provide for passive surveillance, they are also setback in compliance with the deemed-to-comply setbacks for Clause 5.4.1 – Visual Privacy.  Each site can accommodate parking, landscaping and utilities and there are no easements or essential service corridors to consider.  The applicant has provided a landscaping plan, with a total landscaped area of 15.2% of the site, comprised of existing trees which will be retained, 10 proposed small trees, 5 medium trees, low groundcovers and screening planting. The landscaping plan proposed is considered to protect and enhance the character and amenity of the locality, which is typically a green leafy suburb.  The proposed landscaping is seen to be a feature that minimises the proportion of façade at the ground level taken up by building services, vehicle entries, parking and walls by providing visual interest and softening the built form.  The design of the development incorporates various articulations of the wall lengths on the ground and upper floors so as to ensure the building mass and form is not excessive. In addition, the arbours over the entries to Lot 2 and Lot 3 provide visual interest and help to reduce the impact of building bulk upon the common property driveway and the streetscape.  The arbours will act as a feature and a buffer between the buildings and the setbacks to the common property driveway and the eastern lot boundary.  The development utilises a range of materials and architectural treatments, including the arbours on the ground floor and a balcony on the upper floor facing Waratah Avenue thereby minimising any perceived bulk as viewed from the street.  The height of the development is consistent with the surrounding area and is below the deemed-to-comply 10m height limit.  In relation to the primary street, the streetscape is not dominated by building services, vehicle entries, blank walls or infrastructure. Along the primary elevation (Elevation 1 on the plan), there is no vehicle access point facing Waratah Avenue from Unit 1. There are a variety of major openings to habitable rooms which contribute to passive surveillance over the primary street. There is a visitor bay located outside Unit 1 which is a requirement for a proposal of 5 grouped dwellings. The location of the visitor bay outside Unit 1 is seen appropriate as it ensures that visitors to the site are easily able to locate the bay.  Further to the above, Administration notes that the definition of a “Secondary Street” in the R-Codes (Volume 1) is “in the case of a site that has access from more than one public road, a road that is not the primary street.” As such, the common property for this site is a secondary street for Units 2, 3, 4 and 5. For an R60 site, Table 1 of the R-Codes (Volume 1) states that a 1m secondary street setback is required. This is in contradiction to the deemed-to-comply requirement outlined in Clause 5.1.2 – Street Setbacks. However, Administration has used the higher setback requirement (2.5m) for assessment purposes.  In light of the above, the street setbacks for Units 2, 3, 4, and 5 to the common property driveway (secondary street) are not considered incongruous within its setting that would prejudice the objectives of the zone and as such, are considered to meet the Design Principles. |

Clause 5.1.3 – Lot Boundary Setbacks

|  |
| --- |
| **Design Principles** |
| P3.1 - Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:   * reduce impacts of building bulk on adjoining properties; * provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and * minimise the extent of overlooking and resultant loss of privacy on adjoining properties.   P3.2 - Buildings built up to boundaries (other than the street boundary) where this:   * makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; * does not compromise the design principle contained in clause 5.1.3 P3.1; * does not have any adverse impact on the amenity of the adjoining property; * ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and * positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework. |
| **Deemed-to-Comply Requirement** |
| Boundary walls are only deemed-to-comply to one lot boundary to the parent lot |
| **Proposed** |
| Boundary walls are proposed to two boundaries – along the eastern and western lot boundaries, as well as internal boundary walls. |
| **Administration Assessment** |
| The boundary walls are supported and are considered to meet the design principle for the following reasons outlined below.  The development could have utilised the deemed to comply length and height permitted under Residential R60 which would have had a much greater impact on the adjoining properties. Instead the proposed boundary walls do not exceed the 3.5m height and 3.0m average height requirements. Therefore, the proposals impact on the amenity is considered lower than what is capable under the deemed to comply.  The boundary walls along the western lot boundary are relatively short, and have been designed with high quality materials, minimising their impact on the overall bulk and ventilation. Only one boundary wall is presented on the eastern lot boundary for the garage at Unit 5. The boundary wall abuts the outdoor living area of the neighbouring property. The proposed boundary wall contains no major openings and is considered to minimise the extent of overlooking.  In R60, building on boundary is permitted for two-thirds (66%) of the length of the balance of the lot boundary behind the front setback. On the western elevation, the total building on boundary is proposed for 35% of the length of balance of the entire lot boundary behind the front setback. Therefore, of the total lot boundary length, the building on boundary represents just over half of the permitted length in the R60 zoning. On the eastern elevation, the total building on boundary is for the Garage of Unit 5 at 16% of the total lot boundary behind the front setback. This is considered relatively minor as a comparison to the permitted 66% building on boundary permitted.  The boundary walls which are wholly located behind the front setback are a positive outcome from a streetscape perspective. As shown in the render provided by the applicant as Confidential Attachment 7, the boundary walls are not visible from Waratah Avenue, especially with the presence of the arbours with vertical planting (creepers) along the common property which provide visual interest and articulation.  The boundary walls along the western elevation have been broken up along Units 2, 3 and 4 so as not to present excessive building bulk upon the adjoining properties.  The boundary walls do not affect overshadowing as per element 5.4.2 of the R-Codes Vol. 1 as they cast shadow onto the subject site, not an adjoining property. As such, the proposed development does not unduly compromise the direct sun and ventilation to the building and open spaces upon the adjoining properties.  The boundary walls allow for an efficient use of space, especially with respect to the outdoor living areas, especially for Units 2, 3 and 4.  As shown in the landscaping plan, where there is building on boundary proposed, such as long the western, southern and eastern elevations, the applicant has proposed a variety of landscaping in the form of ornamental trees, layered planting, screening through trees and turf which to the outdoor living areas of Units 2, 3, 4 and 5 to:   * create more effective use of space of the residents who can enjoy their outdoor living areas in summer whilst the vegetation provides shade and cooling; * reduce any adverse impact on amenity of adjoining residents; and * reduce impact of building bulk on adjoining properties when the trees grow to their full height.   It is considered that the proposal of the grouped dwellings contributes to the prevailing development context and streetscape of the locality. The proposal also contributes to the future development context and streetscape of the locality, representing an appropriate development for the R60 density code. The development is seen to complement the future development context, with various other properties along Waratah Avenue, including No. 116 Waratah Ave and No. 130 Waratah Ave which have recently applied for grouped dwelling. It is noted that No. 116 Waratah Ave has received planning approval for 4 grouped dwellings. |

Clause 5.3.2 – Landscaping

|  |
| --- |
| **Design Principles** |
| P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that:   * contribute to the appearance and amenity of the development for the residents; contribute to the streetscape; * enhance security and safety for residents; * provide for microclimate; and * retain existing trees to maintain a local sense of place. |
| **Deemed-to-Comply Requirement** |
| C2 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following:   1. the street setback area developed without car parking, except for visitors’ bays, and with a maximum of 50 per cent hard surface; 2. separate pedestrian paths providing wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas; 3. landscaping between each six consecutive external car parking spaces to include shade trees; 4. lighting to pathways, and communal open space and car parking areas; 5. bin storage areas conveniently located and screened from view; 6. trees which are greater than 3m in height shall be retained, in communal open space areas which are provided for the development; 7. adequate sight lines for pedestrians and vehicles; 8. clear line of sight between areas designated as communal open space and at least two habitable room windows; 9. clothes drying areas which are secure and screened from view; and 10. unroofed visitors’ car parking spaces to be effectively screened from the street.   Draft Clause 4.8.1 - C3 of the City of Nedlands Residential Development Local Planning Policy requires Single and grouped dwelling developments to provide a minimum of 20% of the site area as landscaping, measured in accordance with clause 7.2 of the policy. However, as this has been refused by the WAPC, this no longer applies. |
| **Proposed** |
| * A lighting plan has not been included but is addressed by way of condition * The bin store location is accessible * Unit 2 proposes 16.6% landscaping * Unit 3 proposes 16.3% landscaping |
| **Administration Assessment** |
| The development is considered to meet design principle P2 for the following reasons outlined below.  The proposed landscaping is seen to contribute to the appearance and amenity of the development for the residents. The landscaping plan shows the provision of a tree within each of the outdoor living areas for Units 2, 3, 4 and 5. In the front setback area for Unit 1, there are a variety of trees and planting which will present a more attractive streetscape to Waratah Avenue. In addition to the above, there are also a variety of trees and planting proposed along the common property driveway. The provision of these trees is seen to contribute to the amenity of the development, rendering it more attractive for the residents living in the dwellings.  The development proposal maintains safety and security by limiting areas of concealment.  The City of Nedlands does not have any tree retention policies on privately owned land at the current time. The City can limit the tree removal within the verge. The application proposes the retention of two street trees and trees along the common property driveway.  The retention of existing trees will provide shade and reduce the urban heat island impact better than grass and small shrubs along the common property driveway. As such, the landscaping is considered to provide for the microclimate. The retention of the trees is also seen to maintain a local sense of place, including the retention of two verge trees on Waratah Avenue.  The 20% landscaping requirement for each grouped dwelling under the City of Nedlands Residential Development Local Planning Policy represents a Council adopted policy position. This clause, however, no longer applies as a deemed-to-comply provision under the Residential Design Codes (Volume 1) as the amended provision was refused by the WAPC. During the assessment of the application the City gave due regard to this provision and advertised the departure.  At the Special Council Meeting on 30/06/2020, the landscaping provision was refused by the WAPC and as such is no longer a deemed-to-comply requirement.  The provision of the landscaping plan by the applicant is seen to be a positive outcome for this development in that the landscaping proposed will contribute to the appearance and amenity of the development for the residents. The landscaping proposed in the front setback area will contribute to an attractive streetscape. Not only will the retention of existing trees and the proposal of new trees, vegetation and planting maintain a local sense of place in Dalkeith (which is regarded as a green leafy suburb), but it will also provide for a microclimate.  As such, the application is seen to successfully meet the Design Principles for landscaping. |

**Local Planning Policy – Waste Management**

The waste management plan provided with the application has been assessed by Administration. It has been assessed as compliant with the City’s waste management local planning policy and guidelines. It is recommended that in the event of approval, a condition be placed requiring the waste management plan contained as Attachment 4 be implemented and maintained at all times.

**Strategic Implications**

Nil.

**Budget/Financial Implications**

Nil. There are costs associated with the current SAT proceedings, but no direct financial implications associated with this determination

**Conclusion**

Whilst the proposal is a more intense form of development than what currently exists, it is compatible with the built form and scale of the redeveloped homes that predominate Waratah Avenue. The proposal meets the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area.

The five two-storey grouped dwellings proposed at No. 78 Waratah Avenue, Dalkeith have been assessed as consistent with the Residential R60 density code and are designed to complement the existing streetscape.

The additional plans showing arbours over the entries of Units 2 and 3, the landscaping plan and a render of the development highlight that this application satisfies the design principles of the Residential Design Codes. Further, it is in keeping with State and Local Planning Policies and does not prejudice the intent of the Residential zone and Objectives of the City of Nedlands Local Planning Scheme No. 3.

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

**Please note this item was brought forward from page 168.**

## Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | Xelemar Pty Ltd (Alex and Ruth Temelcos) |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Peter Mickleson, Director Planning & Development |
| **CEO** | Mark Goodlet |
| **Attachments** | * + - 1. Responsible Authority Report and Attachments – available at: <https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes> |
| **Confidential Attachments** | 1. Submissions |

**Councillor Smyth - Impartiality Interest**

Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 2nd November 2020. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth declared she would not stay in the room and debate the item, or vote on the matter.

**Councillor Bennett – Impartiality Interest**

Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 2nd November 2020. As a consequence, there may be a perception that his impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett declared he would not stay in the room and debate the item, or vote on the matter.

Councillor Smyth & Councillor Bennett left the meeting at 11.24 pm.

**Regulation 11(da) – Council had concerns as listed below regarding the development.**

Moved – Councillor Coghlan

Seconded – Councillor Mangano

**Council Resolution**

**That Council:**

1. **notes the Responsible Authority Report for the proposed development at 39 Kirwan Street, Floreat - Mixed Use Development Comprising Seven Multiple Dwellings and office**
2. **agrees to appoint Councillor Hodsdon and Councillor Poliwka to coordinate the Council’s submission and presentation to the Metro Inner-North JDAP;**
3. **provides the following areas of concerns for the Council’s position on the application:**

**a. parking shortfall;**

**b. extra storey;**

**c. plot ratio;**

**d. solar access;**

**e. landscaping issues; and**

**f. community opposition to development.**

**CARRIED 10/1**

**(Against: Cr. Wetherall)**

Recommendation to Council

That Council:

1. notes the Responsible Authority Report for the proposed development at 39 Kirwan Street, Floreat - Mixed Use Development Comprising Seven Multiple Dwellings and office
2. agrees to appoint Councillor (insert name) and Councillor (insert name) to coordinate the Council’s submission and presentation to the Metro Inner-North JDAP;
3. does/does not (remove one) support approval of the development; and
4. provides the following reasons for the Council’s position on the application:

a. ….

b. ….

**Executive Summary**

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Administration have prepared a Responsible Authority Report (RAR) in relation to the mixed use development at No. 39 (Lot 97) Kirwan Street, Floreat (the subject site) received on 22 July 2020.

Revised plans were received on 16 October 2020 addressing landscaping, waste management, parking and the acoustic report.

The purpose of this report is to inform Council of Administration’s recommendation to the JDAP.

**Discussion/Overview**

On 22 July 2020, the City received a development application for mixed use development comprising 7 multiple dwellings and an office use at the subject site which is to be determined by the Metro-Inner North Joint Development Assessment Panel. The subject site is zoned ‘Local Centre’ and has a density coding of R60.

The City submitted the Responsible Authority Report (RAR) on 22 October 2020, recommending that the JDAP approve the application. A copy of the RAR and associated documents are attached to this report

The Applicant seeks approval for the demolition of the existing office and the construction of a three storey mixed-use development comprising seven dwellings and a ground floor office with basement parking.

Basement

* 7 x residential parking bays
* 5 x shared-use parking bays
* 7 storerooms
* Bulk waste storeroom
* Bin storeroom

Ground

* 2 x dwellings
* 1 x Office (156m2 NLA)
* Communal lobby and garden area

First floor

* 3 x residential dwellings

Second floor

* 2 x residential dwellings

**Key Relevant Previous Council Decisions:**

There are no previous determination relevant to this application.

**Consultation**

The City advertised the development application in accordance with the City’s *Local Planning Policy – Consultation of Planning Proposals* for a period of 21 days. As the development is considered to be a complex development application it required:

* letters to be sent to all landowners, residents and businesses within 200m of the subject site;
* a sign to be placed on site,
* a local newspaper advertisement;
* a notice placed on the City’s notice board (outside of the administration building);
* a post on the City’s social media (Facebook);
* All information (plans and reports) was placed on the City’s engagement website (Your Voice Nedlands); and
* A community information session was held on the 4th October 2020 at the City’s offices.

In response to consultation the City received 65 submissions, of which 24 were in support, and 41 objected to the proposal. Three separate petitions were received, with a total of 65 signatories. It is noted that one petition was made by Mcleod Legal on behalf of 27 residents. The schedule of submissions is contained as **Confidential** **Attachment 1**.

Submissions received in support of the proposal provided the following justification in support of the proposal:

* the design was contextual;
* the dwelling typology would enable downsizers to relocate within their current area;
* the location is well suited for infill; and
* the development would improve a degraded streetscape.

The key issues raised through the objections are summarised below.

|  |  |
| --- | --- |
| **Issue Raised** | **Officer comments** |
| Land use | Refer to the planning assessment of land use for further detail in Attachment 1. |
| Building height | The development is consistent with the intended building height for Residential R60 and nearby development. Refer to the planning assessment of Building Height in Attachment 1 |
| Plot ratio | The plot ratio is 2:1. Refer to the planning assessment of plot ratio in Attachment 1 for further detail. |
| Traffic | The Applicant provided a Transport Impact Assessment as part of the application contained as Attachment 1. The City’s Technical Services reviewed the TIS and supports its findings that the development will not adversely affect the road network. |
| Parking | The parking shortfall has largely been addressed via the modified car parking arrangement and the parking management plan received as amendments dated 16  October 2020 (Attachment 1). Refer to the planning assessment of parking for further detail. |
| Context and character | Refer to the planning assessment of SPP7.0 for further detail. |
| Adverse impact on Lawler Park and streetscape | Co-locating higher density development with public open space is a key urban design objective, particularly relating to principals of crime prevention through environmental design (CPTED).  The current interface between the local centre and Lawler Park is considered poor - predominated by parking areas and vehicular access. Although the City acknowledges that visitors to the park will have a different outlook, the City is of the view that the development will positively contribute to this locality through increased opportunity for passive surveillance. |

**Strategic Implications**

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

The development is consistent with the strategic vision for a local centre.

**Who benefits?**

Visitors to and residents of the area will benefit from improvements to the verge.

**Does it involve a tolerable risk?**

The development does not involve an intolerable risk.

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

Attachment 1 contains the assessment of the development proposal.

**Budget/Financial Implications**

The City will benefit from the proposed Grasby Street footpath as well as underground power being paid for by the landowner.

**Can we afford it?**

The application does not involve a cost to the City.

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

If the application is constructed, it would result in a small increase in rates.

Moved – Councillor Youngman

Seconded – Councillor Mangano

**That the meeting be adjourned until Thursday 29 October 7pm.**

**CARRIED UNANIMOUSLY 11/-**

The meeting adjourned at 11.49 pm and reconvened at 7 pm on Thursday 29 October 2020 with the following people in attendance:

**Councillors** Deputy Mayor L J McManus (Presiding Member)

Mayor, C M de Lacy

Councillor F J O Bennett Dalkeith Ward

Councillor W R B Hassell Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Councillor P N Poliwka Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor G A R Hay Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor N B J Horley Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

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

Ms M Granich Acting Director Corporate & Strategy

Mr P L Mickleson Director Planning & Development

Mr J Duff Director Technical Services

Mrs N M Ceric Executive Assistant to CEO & Mayor

## Monthly Financial Report – September 2020

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 30 September 2020 2. Capital Works & Acquisitions – 30 September 2020 3. Statement of Net Current Assets – 30 September 2020 4. Statement of Financial Activity – 30 September 2020 5. Borrowings – 30 September 2020 6. Statement of Financial Position – 30 September 2020 7. Operating Income & Expenditure by Reporting Activity – 30 September 2020 8. Operating Income by Reporting Nature & Type – 30 September 2020 |

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

Moved – Councillor Hodsdon

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 13/-**

**Council Resolution / Recommendation to Council**

**Council receives the Monthly Financial Report for 30 September 2020.**

**Executive Summary**

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

**Discussion/Overview**

The financial impact of COVID-19 is reflected with effect from April, the Hardship policy endorsed at the Special Council Meeting of 14 April 2020 introduced measures to support the City’s many stakeholders these are also reflected in the financials.

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

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

This report gives an overview of the revenue and expenses of the City for the year to date 30 September 2020 together with a Statement of Net Current Assets as at 30 September 2020.

The operating revenue at the end of September 2020 was $29.5m which represents $262k favourable variance compared to the year-to-date budget.

The operating expense at the end of September 2020 was $7.6m, which represents $481k favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 60,777

Revenue: Unfavourable variance of $ (34,318)

The favourable expenditure variance is mainly due to:

* WESROC expenses of $75k not spent,
* Office expenses of $31k not spent yet,
* Other employee cost of $30k not spent yet,
* Invoice for election cost of $18k not received yet,
* Professional fees of $10k not spent yet,
* The salary reduction of $442k as resolved by Council at the adoption of the budget has been shown as a reduction in salaries of approximately $36k per month in Governance as a temproray budget item until the actual savings across the business units are identified and actioned. Thereafter the budget savings will be moved to the respective business units. The above list of savings of $164k is off-set against the $108k salary savings yet to be realised, though underway.

The unfavourable revenue variance is due to moving of all the WESROC services to another local government and no income to receive. For the past 5 years the City of Nedlands has hosted the WESROC Environmental Officer’s position and managed expenses and invoicing of WESROC local governments. This position has now moved to the Town of Claremont, along with the associated management of the WESROC financials. This reduces employee costs and numbers as a CEO KRA outcome, though it has a net nil effect on the budget.

The budget for WESROC expense and revenue will be adjusted at mid-year budget review to reflect the move of the WESROC services to the Town of Claremont.

**Corporate and Strategy**

Expenditure: Unfavourable variance of $ (49,555)

Revenue: Favourable variance of $ 141,014

The unfavourable expenditure variance is mainly due to:

* Profiling issue of ICT expenses and special projects in corporate services for smart office system and FOI consultancy of $101k, off-set by
* Professional fees of $50k not spent yet,

The favourable revenue variances is mainly due to:

* Higher finance fees and income of installment interest and admin charges of $177k offset by lower term deposit interest income of $35k.

**Community Development and Services**

Expenditure: Favourable variance of $ 76,797

Revenue: Favourable variance of $ 156,157

The favourable expenditure variance is mainly due to:

* Special projects and operational activities of $35k not expensed yet,
* Tresillian courses fees of $11k,
* Nedlands library office and other expenses of $16k not yet expensed.

The favourable income variance is mainly due to:

* Increase fees and charges from Tresillian, Positive Ageing and PRCC of $152k.

**Planning and Development**

Expenditure: Favourable variance of $ 3,921

Revenue: Favourable variance of $ 36,900

The favourable expenditure variance is mainly due to:

* Urban Planning projects and professional cost of $18k not spent yet,
* Environmental conservation cost of $63k not spent yet,
* Other employee costs not spent yet of $16k, off-set by
* Urban planning salaries over spent by $93k

The favourable revenue variance is mainly due to:

* Increase in income in Environmental Health, Rangers and Building services of $37k

**Technical Services**

Expenditure: Favourable variance of $ 388,916

Revenue: Unfavourable variance of $ (38,096)

The favourable expenditure variance is mainly due to:

* Infrastructure and building maintenance expense of $353k not expensed yet offset by lower on-cost charge out of $313k,
* Waste expense of $167k not expenses yet,
* Infrastructure depreciation over-budget by $147k,
* Utilities under-spent by $33k due to delay in receiving utility bills.

The unfavourable revenue variance is mainly due to:

* Less fees & charges from Waste of $21k.
* Delay in invoicing to leased property charges of 15k.

**Borrowings**

At 30 September 2020, we have a balance of borrowings of $5.3 M.

**Net Current Assets Statement**

At 30 September 2020, net current assets was $25.4 M compared to $25.7 M as at 30 September 2019. Current assets are higher by $2.6 M offset by higher liabilities $3.2m.

Outstanding rates debtors are $11.5 M as at 30 September 2020 compared to $10.5 M as at 30 September 2019. Breakdown as follows:

30 Sept 2020 30 Sept 2019 Variance

$’000 $’000 $’000

Rates 9,367 9,224 143

Rubbish & Pool 940 726 213

Pensioner Rebates 1,203 575 628

Pensioner rebates are in the process of being applied for.

**Capital Works Programme**

As at 30 September, expenditure on capital works was $1.13m with additional capital commitments of $1.39 M which is 31% of a total budget of $8.2 M.

**Employee Data**

|  |  |
| --- | --- |
| **Description** | **Number** |
| Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month | 182 |
| Number of contract staff (temporary/agency staff) as of the last day of the previous month | 2 |
| \*FTE (Full Time Equivalent) count as of the last day of the previous month | 156.58 |
| Number of unfilled staff positions at the end of each month | 16 |

Total active employees for the September month (full-time, part-time and casual) reduced by 1 to 182 from previous month. There are 2 temporary contract (temp) employees in the Corporate & Strategy Director being 1 in Finance Department and 1 in Information Management. There has been an increase of 1 vacancy to 16 vacancies overall for the month reflecting those positions not being filled as yet.

**Conclusion**

The statement of financial activity for the period ended 30 September 2020 indicates that operating expenses are under the year-to-date budget by 5.98% or $480k, while revenue is above the Budget by 0.90% or $261k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Strategic Implications**

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

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

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

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

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

The approved budget is prepared taking into consideration the Long Term Financial Plan, current economic situation and special consideration to the effect from COVID-19. The approved budget was in surplus of $976,898. Subsequent Council approval on budget changes has reduced the surplus to $863,974.

The adopted 2020/21 budget included 0% rates increase.

## Monthly Investment Report – September 2020

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Investment Report for the period ended 30 September 2020 |

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

Moved – Councillor Senathirajah

Seconded – Councillor Hay

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 13/-**

**Council Resolution / Recommendation to Council**

**Council receives the Investment Report for the period ended 30 September 2020.**

**Executive Summary**

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

**Discussion/Overview**

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

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

The Investment Summary shows that as at 30 September 2020 and 30 September 2019 the City held the following funds in investments:

|  |  |  |
| --- | --- | --- |
|  | 30-Sep-2020 | 30-Sep-2019 |
| Municipal Funds | $ 5,910,054 | $ 6,585,966 |
| Reserve Funds | $ 11,894,191 | $ 15,051,187 |
| Total investments | $ 17,804,246 | $ 21,637,153 |
|  |  |  |

The total interest earned from investments as at 30 September 2020 was $20,047.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $6,236,298 | 0.85% - 0.88% | 35.03% |
| Westpac | $5,501,727 | 0.85% - 1.05% | 30.90% |
| ANZ | $2,183,353 | 0.65% - 0.70% | 12.26% |
| CBA | $3,882,868 | 0.56% - 0.76% | 33.04% |
| **Total** | **$17,804,246** |  | **100.00%** |

**Conclusion**

The Investment Report is presented to Council.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Required by legislation: Yes  No

Required by City of Redlands policy: Yes  No

**Strategic Implications**

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

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

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

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

**Budget/Financial Implications**

The September YTD Actual interest income from all sources is $148,007 compared to the September YTD Budget of $104,503.

The approved budget is prepared taking into consideration the Long Term Financial Plan and current economic situation.

The adopted 2020/21 budget included a 0% rates increase.

## Proposed Children’s Hospice

|  |  |
| --- | --- |
| **Council** | Tuesday, 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Terms of Reference |
| **Confidential Attachments** | 1. Survey Information responses - CONFIDENTIAL 2. Site Assessment Working Group – candidate information and selected candidates - CONFIDENTIAL |

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

Moved – Councillor Horley

Seconded – Councillor Wetherall

**Council Resolution**

**Council:**

1. **notes the results of the community and stakeholder engagement summarised in this report;**
2. **endorses the Site Assessment Working Group (SAWG) Terms of Reference as per Attachment 1 of this report;**
3. **endorses the 12 candidates selected from the Ballot Selection Process held on the 14 October 2020 for the SAWG;**
4. **appoints Councillor Horley to chair this working group and Councillor Smyth as the Deputy Chair; and**
5. **formally establishes the SAWG.**

**CARRIED UNANIMOUSLY 13/-**

Recommendation to Council

Council:

1. notes the results of the community and stakeholder engagement summarised in this report;
2. endorses the Site Assessment Working Group (SAWG) Terms of Reference as per Attachment 3 of this report;
3. endorses the 12 candidates selected from the Ballot Selection Process held on the 14 October 2020 for the SAWG;
4. appoints Councillor (insert name) to chair this working group; and
5. formally establishes the SAWG.

**Executive Summary**

This report is to provide an update on the Council Resolutions from the Council meetings held on the 25 August 2020 and on 22 September 2020.

This report focuses on the following:

1. undertake community engagement, in compliance with Council’s Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020;
2. simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group, to commence October 2020.

**Discussion/Overview**

The City of Nedlands agreed at the Council meeting on 25 August 2020 to proceed with establishing a Site Assessment Working Group (SAWG) for the proposed Perth Children’s Hospice. The objectives of SAWG are to:

* + Foster stakeholder and community awareness and understanding of the proposed development in Allen Park and discuss any required variation to the Allen Park Master Plan;
  + Foster the City of Nedland’s awareness of community concerns and aspirations for the respective residence proposal at Allen Park and regularly report the results of this engagement to Council;
  + Obtain and provide local input and knowledge into the area as part of the review process;

Terms of Reference were created and will be agreed and finalised at the first SAWG meeting.

The SAWG was established by the City of Nedlands following public invitation for nominations from residents of Swanbourne. The SAWG members were randomly selected from the pool of applicants by City of Nedlands representatives.

The Community Working Group will consist of:

* + A Councillor appointed as Chairperson by Council;
  + 12 appointed members selected from the pool of applicants received; and
  + A secretary, appointed by the CEO.

**Key Relevant Previous Council Decisions:**

**Decision 13.6 - Council Meeting 25 August 2020**

Council requests the Chief Executive Officer to:

1. undertake community engagement, in compliance with Council’s Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020;
2. advise the Perth Children’s Hospital Foundation that joining the project control group, will be subject to a future Council decision to vary the Allen Park Master Plan with the residence project incorporated;
3. simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group, to commence October 2020;
4. Council requests the Mayor to advise the Minister for Health of its current position in respect to the Allen Park Masterplan and that any changes will be informed by transparent community and stakeholder engagement; and
5. If this proposed land resumption becomes inevitable the CEO is instructed to vigorously pursue a land swap for recreation purposes with the State Government to replace this recreational land.

**Decision 14.2 - Council Meeting 22 September 2020**

Council requests the Chief Executive Officer to:

1. undertake community engagement, in compliance with Council’s Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020, as resolved by Council;
2. advise the Minister for Health and the Chair of the Perth Children’s Hospital Foundation that the Council and City of Nedlands acknowledges the State Government decision for the location of the Children’s Hospice on the park land previously occupied by the Swanbourne Bowling Club. All land associated with the development (including bushfire protection measures and firebreaks) is to be contained within the site, preserving the adjacent bushland;
3. proceed with formation of the Swanbourne residents site assessment working group by October 2020 and to include in the terms of reference, the provision of feedback to the City on the project development;
4. consider further the invitation from the Chair of the Perth Children’s Hospital Foundation for him, or his delegate, to join this Project Control Group as a supporting member ensuring the City is informed as the Hospice development proceeds;
5. recommend to the Chair of the Perth Children’s Hospital Foundation that the Deputy Mayor be invited also to join the Project Control Group as a Council representative; and
6. continues to negotiate with the WA Government Minister for LG and Minister for Planning for a parcel of land within the City to replace the recreational land foregone for the Hospice, as there is a critical shortage of such land within the City of Nedlands. If the residence is going to proceed with an excision of the A Class Reserve, all remaining titles within Allen Park including the bushland Lot 150, are to be given A Class Reserve status.

**Consultation**

**Summary of Results from Consultation for the Children’s Hospice**

38 respondents were from the City of Nedlands representing 0.18% of the City of Nedlands population.

29 respondents were from Swanbourne suburb (Town of Clareomnt and City of Nedlands) representing 0.71% of the Swanbourne suburb population.

* Of 114 respondents overall, 111 supported the project in principle (97.4% in favour), with 2 not supporting and 1 neither supporting or not supporting
* Of 111 respondents supporting the project in principle, 92 supported the project at Allen Park (82.9%)
* Of 38 City of Nedlands responses, 36 supported the project in principle (94.7% in favour), 22 supported the project at Allen Park (57.9%)
* Of 29 Swanbourne responses (City of Nedlands and Town of Claremont), 26 supported the project in principle (89.7% in favour), 13 supported the project at Allen Park (44.8%)
* Of 24 Swanbourne responses (City of Nedlands only), 22 supported the project in principle (91.7% in favour), 9 supported the project at Allen Park (37.5%)

901 letters were mailed to residents located in Swanbourne inviting them to submit an Expression of Interest to join the SAWG which would consist of 12 elected members. 20 responses were received. All 12 successful candidates have now been advised of their selection and accepted a place on the SAWG.

In addition, all other community stakeholders in the Swanbourne area were contacted via email and invited to provide feedback on the proposal.

The Ballot Selection process ensured that all Swanbourne residents had the opportunity to put forward an Expression of Interest (EOI) to join the SAWG. Due to the proposed location of this proposed Perth Children’s Hospice, these residents may be the most impacted with this project being located in Allen Park, Swanbourne.

All community members, not just Swanbourne, had the opportunity to provide feedback on the proposed location via the following engagement channels:

* Your Voice page setup with a submission process in place which ran from the 12-26 September 2020.
* Posts placed on Facebook, Twitter and Instagram on the 12 September 2020 and another round of posts a week before the submission period closed. The posts included the link to Your Voice project page and associated documents.
* Advertisement placed in The Post on the 12 September 2020 about the EOI process.

This robust process ensured all community members could provide feedback or elect to be more involved as part of SAWG.

The Minister for Health and the Chair of the Perth Children’s Hospital Foundation have been advised of Council’s decision of 22 September 2020.

The Deputy Mayor and the Chief Executive Officer or his delegate have been invited to join the Children’s Hospice Project Control Group.

**Strategic Implications**

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

Council developed a focused vision in 2011 that appropriately responds to the Community’s vision aspirations. This vision guides the 2018-2028 Strategic Community Plan.

The Children’s Hospice is a departure from the Allen Park Master Plan which set the direction for this land into the future. A review of the Allen Park Master Plan will need to be undertaken at some point in the future.

Having a SAWG will assist the community to have a voice in the process relating to the proposed Perth Children’s Hospice.

**Who benefits?**

The children in need of hospice care and their families will benefit from this facility.

The voice of the residents will be aided by the creation of the SAWG.

**Does it involve a tolerable risk?**

The City is not the proponent for the Children’s Hospice project.

City risk may be mitigated through attendance and input at the Project Control Group and through the SAWG.

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

Yes. In terms of the candidate selection process the candidates were selected with two City representatives involved in the selection process and one City staff member acting as an observer.

Community members provided their feedback as part of the community consultation and their comments are confidentially attached for reference.

**Budget/Financial Implications**

The 2020/21 budget approved a 0.4 FTE administration role to assist the Executive Assistant to the CEO. This role will be a resource to support the SAWG.

No other budget implications are expected as part of this SAWG operating during 2020/21.

**Can we afford it?**

Costs to the City will include operational administrative assistance. Currently the SAWG will be established for 12 months.

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

Administrative and operational assistance will costs about 9,600 per annum, or 0.04% of annual rates.

## Land Swap Children’s Hospice Project

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Peter Mickleson |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil. |
| **Confidential Attachments** | Nil. |

**Regulation 11(da) – Council wished to seek inclusion of a larger area of bushland.**

Moved – Councillor Smyth

Seconded – Councillor Wetherall

**Council Resolution**

**Council instructs Administration to initiate and negotiate a land swap with the Minister for Health, the Department of Health and the Department of Planning Heritage and Lands for the Children’s Hospice Project, by requesting that as much of the land area of Reserve 20074 (but not less than 4,896 m2) immediately adjacent to Shenton Bushland Reserve be exchanged for 5,000 m2 of A Class Reserves 7804 and 19349 at Allen Park.**

Amendment

Moved - Councillor Horley

Seconded - Councillor Youngman

That a request be made to the Minister for Lands to request the boundary on the north and eastern sides of the proposed excision lot be moved away from the bushland and straightened in order to assist in preserving the bushland.

The AMENDMENT was PUT and was

Lost 6/7

(Against: Mayor de Lacy Crs. McManus Hodsdon Poliwka

Wetherall Hay & Senathirajah)

**The Original Motion was PUT and was**

**CARRIED 9/4**

**(Against: Crs. Horley Bennett Mangano & Coghlan)**

Recommendation to Council

Council instructs Administration to initiate and negotiate a land swap with the Minister for Health, the Department of Health and the Department of Planning Heritage and Lands for the Children’s Hospice Project, by requesting that 4,896 m2 of Reserve 20074 immediately adjacent to Shenton Bushland Reserve be exchanged for 5,000 m2 of A Class Reserves 7804 and 19349 at Allen Park.

**Executive Summary**

The Perth Children’s Hospital Foundation in partnership with the Department of Health’s Child and Adolescent Health Service propose to build a Children’s Hospice at Allen Park, Swanbourne. The proposed site consists of 5,000 m2 located on A Class Reserves 7804 and 19349 that are currently vested to the City for Parks and Recreation.

To compensate for the loss of the recreational community asset resulting from the development of the Children’s Hospice Project at Allen Park, Council has requested Administration pursue a land swap with the State Government. There is Reserve 20074 vested to the Department of Health at Shenton Bushland available for a land swap that would provide a recreational community asset. It is recommended that Council considers a negotiated land swap with the Department of Planning Heritage and Lands (DPHL) for 4,896 m2 at Shenton Bushland.

**Discussion/Overview**

**Background**

The City received a proposal from the Perth Children’s Hospital Foundation to build the first Children’s Hospice in Perth on 5,000 m2 of A Class Reserves 7804 and 13949 at Allen Park. The State Government fully supports the proposal from the Perth Children’s Hospital Foundation and the DPLH placed a Public Notice in The West Australian on Wednesday, 9 September regarding the creation of a new 5,000 m2 Lot at Allen Park for the development of the Perth Children’s Hospice as shown in Figures 1 and 2 below.



Figure 1: Proposed New Lot at Allen Park for the Children’s Hospice



Figure 2: Existing A Class Reserves 7804 and 13949

Councillors were informed of the proposal and its preferred location at a Briefing Session on Tuesday 4 August 2020. The matter was then considered at the Ordinary Council Meeting on Tuesday, 25 August 2020 where Council instructed the Chief Executive Officer to vigorously pursue a land swap with the State Government for recreation purposes in exchange for the recreational land they want to use for the Children’s Hospice at Allen Park. The purpose of this report is to provide information to support a potential land swap.

Shenton Bushland is located on Lemnos Street, Shenton Park and contains A Class Reserve 43161 vested to the City of Nedlands for Conservation and Recreation and covers an area of approximately 21 hectares (ha). Shenton Bushland also contains Reserves 20074 and 53001 vested to the Department of Health for Health Purposes – Hospital and Allied Purposes which cover an area of 8 ha. There is approximately 3.46 ha of bushland on Reserves 20074 and 53001 as shown on Figure 3 below.

A small area of bushland (0.11 ha) is also owned by the Department of Education on the north eastern edge of the Shenton College site. This small portion of bushland is located outside the school boundary fencing and is vested for School purposes.

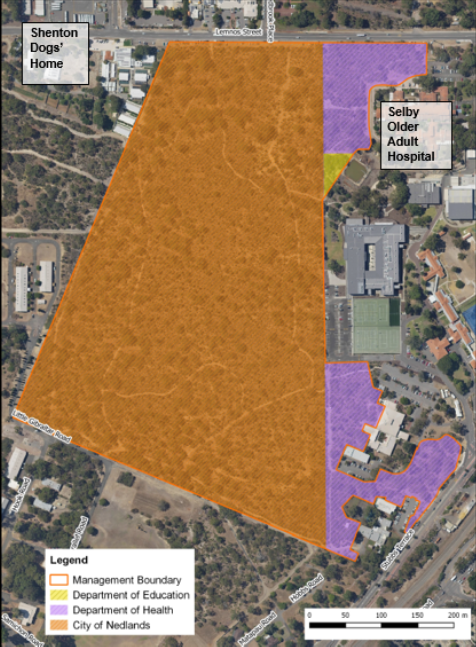


Figure 3: Shenton Bushland Vesting

The area proposed for the land swap is 4,896 m2 of Health Department vested crown land situated adjacent to Shenton Bushland as shown in Figure 4.



Figure 4: Proposed Land Swap - Reserve 20074

**Community Asset Value of Proposed Land Swap Area**

Shenton Bushland is considered high quality bushland, with approximately half the bushland being assessed as *Very Good* condition in the 2018 bushland condition assessment as shown in Figure 5.

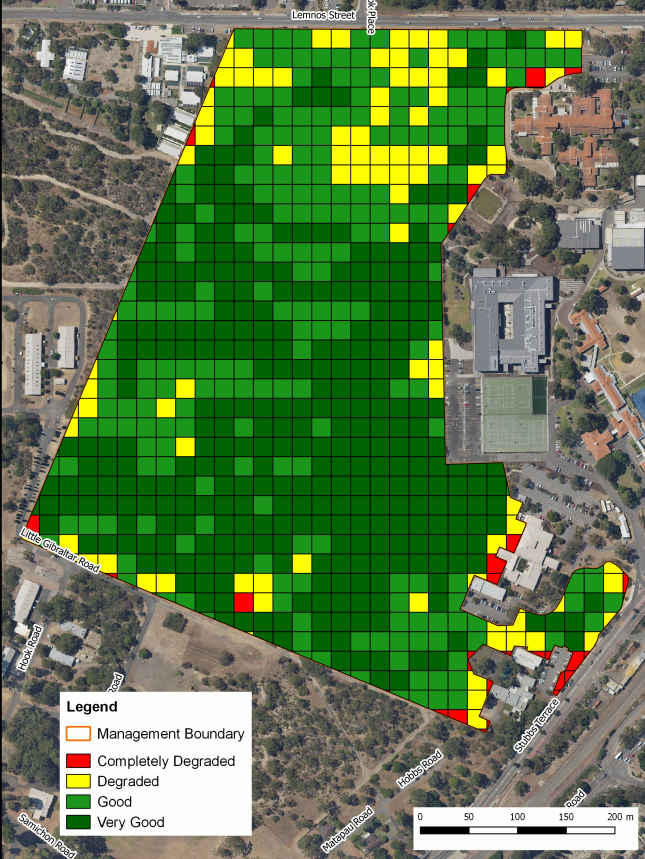


Figure 5: Shenton Bushland Condition Map 2018

The vegetation across the bushland is classed as Banksia Woodland, with the City of Nedlands vested section of the bushland being registered as Bush Forever Site 221.

Following a 2019 survey on Bush Forever Site 221 approximately 14 ha was assessed as the Banksia Woodlands of the Swan Coastal Plain ecological community. The Banksia Woodlands of the Swan Coastal Plain is a threatened ecological community, listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999*.

The 3.46 ha of bushland located on Reserves 20074 and 53001 is not a registered Bush Forever Site, however this bushland provides important corridor value as a linkage between two regionally significant bushland areas namely Underwood Avenue Bushland (Bush Forever Site 119) and Shenton Bushland (Bush Forever Site 221). Furthermore, it provides important habitat for Black-Cockatoo species with both the Carnaby’s and Forrest Red-Tailed Black-Cockatoos having known roost sites less than 1 km from the bushland.

Like the City of Nedlands vested part of the bushland, the majority of the Health Department vested bushland is classed as *Good to Very Good* condition, with some localised patches classified as *Degraded*.

The local and wider community use the bushland daily, primarily for passive recreation and the Shenton Dogs’ Refuge Home use the pathways to exercise their dogs. Furthermore, a number of Universities use the bushland for research projects. The recent development of the Montario Quarter will bring increased recreational use of Shenton Bushland which is likely to put pressure on the bushland as a community asset as well as other recreational assets across the City.

**Current Management of Land Swap Areas**

Allen Park and Shenton Bushland both have asbestos contamination that the City is managing in accordance with Asbestos Management Plans. The asbestos impact maps for the land swap areas are shown in Figures 6 and 7. The City of Nedlands vested land at Shenton Bushland is currently registered as a contaminated site under the *Contaminated Sites Act 2003,* however the Department of Health vested land is not classified as a contaminated site under the Act. The area is known for historical fly-tipping and such a find would not be unexpected. If material is found an investigation would be required and further investigative works would need to be undertaken to determine suitable methods for remediation.

The Allen Park site for the Children’s Hospice is classified as Possibly Contaminated – Investigation Required under the *Contaminated Sites Act 2003*. Asbestos management is currently costing the City $1,000 on the proposed Children’s Hospice site and it is expected that the Shenton Bushland land swap area will costs less than $1,000 annually. The proposed land swap is anticipated to have little effect on the City’s resources in relation to asbestos management although there are risks for the City if asbestos contaminated material is found. On the other hand the City will lose responsibility for the excised contaminated land thereby reducing risk.

There is some equivalency therefore in this proposed land swap, as shown in the figures below.

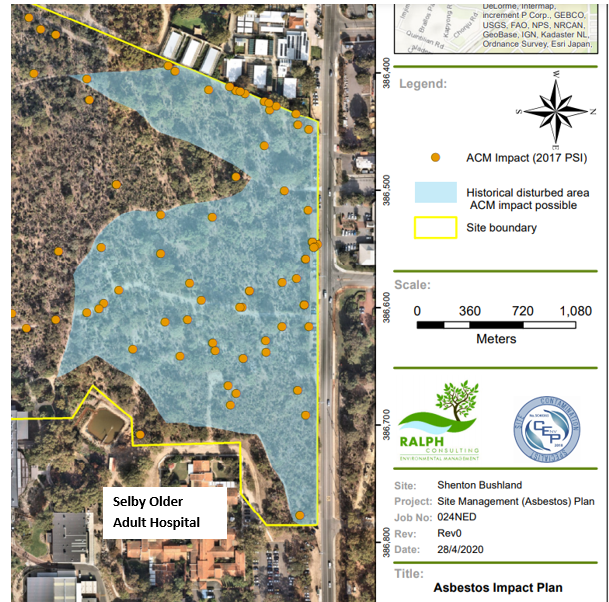


Figure 6: Shenton Bushland Asbestos Impact Plan



Figure 7: Allen Park Asbestos Impact Plan

Shenton Bushland has been collaboratively managed by the City of Nedlands, the Friends of Shenton Bushland and the Department of Health. With Memorandums of Understanding between the City and the Department of Health having been in place since 2013. These Memorandums of Understanding detail the Department of Health’s financial contribution towards natural area management on Reserves 20074 and 53001. The current Memorandum of Understanding is due to be reviewed in 2022. Annually the Department of Health provide $6,356.31 to the City to undertake natural area maintenance on Reserves 20074 and 53001. Some of this would be lost in a land swap.

**Key Relevant Previous Council Decisions:**

At the Ordinary Council meeting of 25 August 2020, Council resolved:

Item 13.6 – Residence Proposal for Allen Park

Council requests the Chief Executive Officer to:

1. undertake community engagement, in compliance with Council’s Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020;
2. advise the Perth Children’s Hospital Foundation that joining the project control group, will be subject to a future Council decision to vary the Allen Park Master Plan with the residence project incorporated;
3. simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group, to commence October 2020;
4. Council requests the Mayor to advise the Minister for Health of its current position in respect to the Allen Park Masterplan and that any changes will be informed by transparent community and stakeholder engagement; and
5. If this proposed land resumption becomes inevitable the CEO is instructed to vigorously pursue a land swap for recreation purposes with the State Government to replace this recreational land.

**Consultation**

The City undertook community engagement as detailed below:

* Residents located in Swanbourne were invited to express interest in joining the City's Site Assessment Working Group by 5pm Saturday 26 September 2020; and
* All community members of the City were invited to provide feedback on the proposal through the City’s ‘Your Voice’ community engagement hub.

The Perth Children’s Hospice Foundation undertook engagement with the City and its community as detailed below:

* Introduction of the proposal to the Chief Executive Officer;
* Discussions with some members of the Friends of Allen Park and a small number of Swanbourne residents; and
* Introduction of the proposal to the City of Nedlands Council.

In addition to the above engagement the Perth Children’s Hospice Foundation has gained full support from the State Government for the project and initiated a media campaign announcing the commencement of the project. Furthermore, the DPHL undertook engagement with the community by inviting feedback on the creation of a new 5,000 m2 Lot for the proposed development as shown in Figure 1.

**Strategic Implications**

The community will benefit from this project as it will result in no net loss of recreational land assets in the City. Furthermore it will implement the Strategic Community Plan 2018-2028 as the land swap fits well with the City’s vision and strategic priorities as the Strategic Community Plan refers to “Great Natural and Built Environment” and includes:

* A vision that “Our city will be environmentally sensitive, beautiful and inclusive place”;
* Values that “We protect our enhanced, engaging community spaces, heritage, the natural environment”; and
* Priorities that comprise of “Retaining Remnant Bushland and Cultural Heritage”.

Furthermore, key actions were identified in the Strategic Community Plan to contribute to retaining remnant bushland and recreational areas as a strategic priority. They are listed below:

* Revegetate remnant bushland areas;
* Develop greenway corridors;
* Undertake tree planting in public areas;
* Restore coastal and estuarine areas; and
* Maintain parks and other green spaces.

There are minor potential financial risks from taking over management of the Shenton Bushland site. Including the possibility that unknown fly tipped material containing asbestos may be encountered in future. This risk is considered a very low risk as the area has been subjected to a number of asbestos surveys over the years.

**Budget/Financial Implications**

The area proposed for the Perth Children’s Hospice at Allen Park costs approximately $4,000 annually. The main costs are turf management ($2,500), management of environmental weeds adjacent to the bushland areas ($500) and asbestos management ($1,000).

The expected annual cost to manage the 4,896 m2 of bushland at Shenton Bushland is $4,000 which include $3,000 for weed management and fuel loading activities and $1,000 for asbestos management.

Therefore, there would be no net cost to the City of Nedlands resulting from the land swap.

## Investigations into Use of Masons Gardens by Dog Owners and Options for Fenced Dog Parks

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **CEO** | Mark Goodlet |
| **Attachments** | Nil |
| **Confidential Attachments** | Nil |

**Regulation 11(da) – Council did not wish to be specific about the terms of discretion applied, but wished the discretion not to apply to uncontrollable or nuisance dogs.**

Moved – Councillor Senathirajah

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

Amendment

Moved - Councillor Poliwka

Seconded - Councillor Bennett

**In clause 3. after the word “discretion” delete the words “on compassionate grounds” and after the word “Gardens” add the words “save for uncontrollable or nuisance dogs”;**

**The AMENDMENT was PUT and was**

**CARRIED 9/4**

**(Against: Crs. Horley Mangano Youngman & Hay)**

Amendment

Moved - Councillor Mangano

Seconded - Councillor Youngman

That an additional clause 6 be added as follows:

That the CEO investigate a suitable fence be erected around the wetland areas and the children’s playground.

The AMENDMENT was PUT and was

Lost 6/7

(Against: Mayor de Lacy Crs. Smyth McManus Hodsdon

Wetherall Hay & Senathirajah)

**The Substantive Motion was PUT and was**

**CARRIED 8/5**

**(Against: Crs. Horley Bennett Mangano**

**Youngman & Coghlan)**

**Council Resolution**

**Council:**

**1. acknowledges the unique place Masons Gardens holds within the City as the only recreational reserve providing community focused amenities and diverse habitat for local wildlife where dogs are permitted on lead only pursuant to the *Dog Act 1976* and the City of Nedlands Dogs Local Law (Local Law);**

**2. acknowledges that amending the conditions by which dogs are allowed to access Masons Gardens is not in the broader community interest at this time;**

**3. consents to the CEO applying discretion to withhold or withdraw infringement notices associated with dogs being off lead at Masons Gardens save for uncontrollable or nuisance dogs;**

**4. acknowledges the future construction of a fenced dog park facility within the approved Stage 2 public open space landscape plan for the Montario Quarter development in Shenton Park; and**

**5. agrees to development of a set of draft guidelines for the locating, design and management of fenced dog park facilities providing the principles for a planned and coordinated approach to the location and development of new facilities, to be presented to Council for endorsement in early 2021.**

Recommendation to Council

Council:

1. acknowledges the unique place Masons Gardens holds within the City as the only recreational reserve providing community focused amenities and diverse habitat for local wildlife where dogs are permitted on lead only pursuant to the *Dog Act 1976* and the City of Nedlands Dogs Local Law (Local Law);

2. acknowledges that amending the conditions by which dogs are allowed to access Masons Gardens is not in the broader community interest at this time;

3. consents to the CEO applying discretion on compassionate grounds to withhold or withdraw infringement notices associated with dogs being off lead at Masons Gardens;

4. acknowledges the future construction of a fenced dog park facility within the approved Stage 2 public open space landscape plan for the Montario Quarter development in Shenton Park; and

5. agrees to development of a set of draft guidelines for the locating, design and management of fenced dog park facilities providing the principles for a planned and coordinated approach to the location and development of new facilities, to be presented to Council for endorsement in early 2021.

**Executive Summary**

This item is presented to Council to report the outcome of investigations into the use of Masons Gardens by dog owners and options for the provision of new fenced dog park facilities within the City in accordance with Council’s resolution of 23 June 2020.

**Discussion/Overview**

**Background**

The City of Nedlands Dogs Local Law (Local Law) was gazetted in 2012 following an extensive statutory process inclusive of a requirement to consult with the community. The Local Law prescribes 51 public reserves as ‘Places which are dog exercise areas’ and six (6) as ‘Places where dogs are prohibited absolutely’. Aside from prescribed dog exercise areas, dogs can only be in a public place on condition they are kept on a lead. A recent compliance matter has resulted in localised interest in regulation of dogs at Masons Gardens.

**Local Law Compliance**

General Local Law compliance activities are conducted by Rangers and include patrols, education, information, verbal cautions and the issuing of infringement notices as a last resort. Rangers increased patrols of parks in March 2020 to enforce compliance with the State’s COVID-19 directions which required closing of certain public facilities such as playgrounds. Between March 2020 and 1 August 2020, Rangers conducted 124 patrols of Masons Gardens. This resulted in 36 verbal cautions, two (2) written cautions and one infringement for having a dog off lead.

Complaints regarding dogs at Masons Gardens that have been received by the City include:

* August 2020 – ducklings living at Masons Gardens and having dogs off lead harassing the native wildlife.
* June 2020 – aggressive and uncontrolled dogs at Masons Gardens.
* June 2020 – dog entering the pond and allegedly attacked a native animal; dog seen with blood on its mouth.
* March 2020 – dogs off lead and requesting for infringement notices to be issued. Complainant commented that a designated dog exercise area is a short distance away at College Park.
* October 2019 – dogs off lead. Complainant was knocked over by dog not being on lead.
* August 2019 – dogs off lead. Comment regarding College park being a dog exercise area.
* August 2019 – dog off lead, not under effective control and harassing complainant. Complainant commented that a designated dog exercise area is a short distance away at College Park.
* August 2019 – dogs being walked off lead.
* March 2019 – dogs off lead and entering the playground.
* December 2018 – dogs being walked off lead contrary to signs.
* October 2018 – dog entering the swamp area and not under effective control.
* March 2017 – dog not under effective control.
* October 2016 – dog off lead chasing ducks and ducklings.
* December 2014 – dogs not being under effective control when City Officers are completing their duties.
* December 2012 – dog attack at Masons Gardens involving two dogs being walked off lead.
* December 2012 – dogs entering the pond and gradual degradation of the fauna due to the animal traffic.
* October 2012 – dogs being off lead and not under effective control.
* June 2012 – dog harassing birds and not under effective control.
* January 2011 – Dog attack at Masons Gardens involving a person.

**Safety and Equitable Access to Facilities**

The Administration considers it essential to provide opportunities where community members who are not comfortable interacting with dogs can engage in recreation without unwanted contact with dogs off lead. Masons Gardens is the only park in the City catering for a range of family activities that is a dog on lead area.

There is limited recorded evidence of dogs attacking people, other dogs or wildlife at Masons Gardens. It is problematic to draw conclusions from this as it is not clear to what extent the requirement to have dogs on lead has influenced the incidence of dog attacks since enactment of the Local Law. Notwithstanding, the City’s statistics indicate a high proportion of dog attacks (90%) are related to dogs being off lead. It would therefore not be unreasonable to conclude the risks associated with dogs at Masons Gardens increases when dogs are off lead.

Following investigation and consideration to all relevant matters, including equitable access to facilities, the Administration does not believe that there is a substantive regulatory imbalance currently that supports changing the arrangements for dog access at Masons Gardens.

**Fenced Dog Park Facilities**

Provision of more fenced dog park facilities has been identified as a priority in the City’s Strategic Community Plan 2018-28. Fenced dog parks are designated fenced facilities providing for off lead exercise and socilaisation of dogs. These facilities will not replace existing gazetted dog exercise areas. Their purpose is to provide additional community infrastructure to support an expected increased demand for dog exercise opportunities resulting from increasing urban density, population and dog ownership correlating with decreasing residential block sizes.

There is one dedicated facility in the City at present located at Carrington Park. This facility is extensively used resulting in degradation of turf areas and a history of general management difficulties. Planning is substantially advanced for development of another facility at the new Montario Quarter development in Shenton Park. This facility will be constructed by the developer (DevelopmentWA) and timeframes for construction are yet to be confirmed beyond estimates. The Allen Park Master Plan also identified a suitable and agreed location for a fenced dog park facility. A draft concept has been developed, however, dependent upon eventualities with the proposed Children’s Hospice, the project is at risk of not proceeding.

**Proposed Guidelines**

The Administration proposes to develop a set of guidelines for the locating, design and management of fenced dog park facilities. The objective of the guidelines will be to develop new facilities in a planned and coordinated manner through agreed decision-making principles associated with safe, equitably distributed, accessible, functional and manageable fenced dog park facilities. The guidelines will be developed in recognition of the demonstrated physical and mental health benefits, opportunities for social interaction and general community wellbeing these facilities provide. It is intended that the draft guidelines will be presented to Council for endorsement, after which priority projects will be developed and integrated into the 5 year Capital Works Program, through the Enviro-scape Master Plan program, for budget consideration.

**Key Relevant Previous Council Decisions:**

Council meeting – 23 June 2020 – item 14.6, Notices of Motion:

Council Resolution

Council instructs the CEO:

1. to investigate the use of Masons Gardens by dog owners to identify issues associated with the current restrictions of dogs on lead including (but not limited to) the:

a. need to protect turtles;

b. safe use by children of the playground;

c. extent of non-compliance with the Local Law; and

d. number of complaints regarding non-compliance;

2. to identify potential options for addressing the issues noting that the City’s Strategic Community Plan 2018-28 includes a priority to ‘explore options for the provision of more fenced dog parks (provided in addition to existing off-leash areas).’;

3. to report to Council in October 2020 with Recommendations to address the issues including an analysis of the social, economic and environmental costs and benefits of each option;

**Consultation**

Recent consultation and community feedback associated with dog regulation and fenced dog park facilities has primarily occurred through specific issues that have arisen. Broader consultation has occurred through engagement associated with the Strategi Community Plan. Feedback to the City has generally demonstrated support and a demand for fenced dog park facilities, however to what extent this broadly translates across the community is less clear. Further consultation is recommended as part of the process of developing the draft guidelines for locating, design and management of fenced dog park facilities.

**Strategic Implications**

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

Adopting guidelines for the locating, design and management of fenced dog facilities to enable progressing the planned and coordinated provision of facilities aligns with several strategic priorities:

* Renewal of Community Infrastructure (roads, footpaths, community and sports facilities)
  + Invest in parks infrastructure in accordance with enviro-scape master plans
  + Explore options for the provision of more fenced dog parks (provided in addition to existing off-leash areas)
* Providing for sport and recreation
  + Increase the level of service for parks, ovals and associated equipment
  + Formulate master plans for strategic recreation areas

**Who benefits?**

Provision of new community infrastructure that is well planned and coordinated ensuring that it is safe, equitably distributed, accessible, functional and manageable benefits the community broadly.

**Does it involve a tolerable risk?**

Risks associated with investment in provision of new facilities can be managed through appropriate planning. A project plan would be developed for drafting the guidelines inclusive of investigating demand, project scoping and assessment of a range of risk profiles with development of appropriate risk mitigation strategies and controls.

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

Further investigation is required to develop the proposed guideline document, this would be outlined in the project plan.

**Budget/Financial Implications**

**Can we afford it?**

There are no substantive budget implications associated with the proposed development of the guideline document. Any recommendations associated with development of fenced dog park facilities will be integrated into the 5-year Capital Works Program to be presented for Council’s consideration through the annual budget process.

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

This proposal will not impact rates in the immediate future. There will be a requirement to consider expenditure impacts as part of adopting future annual capital works program budgets.

## Reconsideration of Planning Refusal – No. 78 Waratah Avenue, Dalkeith – Five Grouped Dwellings

**Please note this item was brought forward see page 77.**

## 18 Doonan Road, Nedlands – x 5 Single houses SAT 20-1093 SAT Matter DR148/2020

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | Elberton Property 13 Pty Ltd |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director** | Peter Mickleson |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Council minutes of Item 7.1 from Special Council Meeting 29 September 2020 |
| **Confidential Attachments** | 1. Applicant’s justification for the proposed amendments to Conditions 3, 6, 9 and 14 |

Councillor Horley left the meeting at 8.29 pm.

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

Moved – Councillor Mangano

Seconded – Councillor Youngman

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

(Printed below for ease of reference)

Councillor Horley returned to the meeting at 8.31 pm.

**CARRIED 11/2**

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

**Council Resolution / Recommendation to Council**

**That Council:**

1. **agrees that the conditions of development approval relating to 18 Doonan Road, Nedlands (SAT Matter DR148/2020, SAT20-1093) applied by its resolution of 29 September 2020 may be altered by:**
2. **Replacing Condition 3 as follows:**
3. **Prior to occupation, the lots subject to the subdivision approval dated 17 February 2020, are to be created as green title lots, with Titles being issued.**
4. **Deleting Conditions 6, 9 and 14**
5. **Amending Condition 2 to read:**
6. **This development approval authorises the use of 5 single houses only.**
7. **authorises the City’s solicitors to sign a Minute of Consent Orders providing for the State Administrative Tribunal to vary the conditions in accordance with Recommendation 1.**
8. **gives the CEO delegated authority to negotiate what he considers to be any other minor and appropriate changes to conditions and instruct the City’s solicitors accordingly.**

**Executive Summary**

Council considered a development application (Reference SAT20-1093, SAT Matter DR148/2020) proposing the construction of five (5) x Single houses at its Special Council Meeting of 29 September 2020. Council was invited to reconsider the application following an order made by the State Administrative Tribunal (SAT) on 9 September 2020, pursuant to section 31(1) of the *State Administrative Tribunal Act 2004 (WA).*

Council resolved to approve the proposed development, as amended on 23 September 2020, subject to conditions (**Attachment 1**).

Following Council’s decision, the Applicant requested that the City modify the wording of Condition 3 to allow Certificates of Title for the five lots to be issued prior to the occupation of the development, and to delete Conditions 6, 9 and 14. Condition 2 also requires an amendment in light of Condition 3, to ensure it relates to the use of land.

The City’s current Register of Delegation does not delegate authority to any City of Nedlands officer to agree to the amendment of the conditions as the conditions were imposed via a Council decision.

The purpose of this report is to consider and consent to the modification of Conditions 2 and 3 and deletion of Conditions 6, 9 and 14.

**Discussion/Overview**

Council considered a development application (Reference SAT20-1093, SAT Matter DR148/2020) proposing the construction of five (5) x Single houses at 18 Doonan Road, Nedlands at its Special Council Meeting on 29 September 2020. Council was invited to reconsider the application following an order made by the State Administrative Tribunal on 9 September 2020, pursuant to section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*.

Council resolved to approve the proposed development, as amended on 23 September 2020, subject to conditions (**Attachment 1**).

Following Council’s decision, the applicant requested that the City modify the wording of Condition 3 to allow for titles to be issued prior to the occupation of the development and delete Conditions 6, 9 and 14.

Condition 3 currently requires:

3. Prior to the lodgment of an application for a Building Permit, the lots subject to the subdivision approval dated 17 February 2020, are to be created as green title lots, with Titles being issued.

The Applicant requests amendments to Condition 3 that would enable Certificates of Title to be issued for the new lots prior to occupation of the dwellings. The effect of this request is that construction of the dwellings would not be held up by the issuing of titles.

The justification for the Applicant’s request is included in **Confidential Attachment** **1**. The reasons are provided as a confidential attachment given the nature of ‘without prejudice’ discussions between the Applicant, the SAT and the City.

Accordingly, proposed Condition 3 is to read:

3. Prior to occupation ~~the lodgment of an application for a Building Permit~~, the lots subject to the subdivision approval dated 17 February 2020, are to be created as green title lots, with Titles being issued.

The City’s current Register of Delegation does not delegate authority to any City of Nedlands officer to agree to the amendment of the conditions as the conditions were imposed via a Council decision.

The Applicant’s request is considered below.

**Proposed amendment to Condition 3**

Condition 3 was originally intended to ensure that the development is completed as Single houses in accordance with Council’s approval, rather than Grouped dwellings. If it eventuated that the development was constructed without new titles being created, the development may become a Grouped dwelling development (five dwellings on a single lot).

The condition originally required that the new titles be created prior to the commencement of development (prior to the issue of a building permit) to ensure that any works being carried out would not be works associated with a Grouped Dwelling development.

However, in light of the WAPC subdivision approval and the Applicant’s current subdivision works program, Administration is satisfied that the risk new titles would not be created is low. Subdivision works must first be undertaken prior to seeking clearances for the relevant subdivision conditions and then making application for Certificates of Title.

In the event that titles are not created, the development would likely be in contravention of Conditions 1 and 2, which reference the fact that the approved development and use pertains to five (5) x Single houses only.

It is also noted that subdivision works have been delayed due to road works relating to the Safe Active Streets (SAS) program. Administration understands that the SAS roadworks have prevented the Applicant from accessing the site in order to commence subdivision works until mid-October 2020.

In principle, Administration is still of the view the Condition is reasonable. However, in interests of practicality, and in recognising recent delays to subdivision works, the likely low risk associated with titles not being created in the future and existing Conditions 1 and 2 (as amended – see below), Administration supports the proposed modification to Condition 3.

**Proposed deletion of Conditions 6, 9 and 14**

Conditions 6, 9 and 14 include the following requirements:

Condition 6. Prior to the lodgment of an application for a Building Permit, an amended landscaping plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.

Condition 9. This approval is limited to the construction of 5 single houses only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.

Condition 14. The location of any bin stores shall be behind the street alignment so as not to be visible from a street or public place and constructed in accordance with the City’s Health Local Law 1997 (refer advice note ‘u’).

The Applicant requests that Conditions 6, 9 and 14 be deleted for reasons provided in **Confidential Attachment 1**.The reasons are provided as a confidential attachment given the nature of ‘without prejudice’ discussions between the Applicant, the SAT and the City.

Administration supports the proposed deletion of the above conditions for the following reasons:

* A landscape plan was originally submitted with the application dated 20 May 2020 and Condition 6 sought to ensure that the original landscape plan was updated with the revised dwelling layout shown in the amended plans dated 23 September 2020. That notwithstanding, landscape plans are not generally required for Single house development applications. They are generally required for Grouped or Multiple dwelling applications, as per the R-Codes Volume 1 in order to assess the development against clause 5.3.2 Landscaping. Given the development approval relates to 5 x Single houses and not Grouped or Multiple dwellings, it is not imperative to endorse a landscape plan or require the installation or maintenance of landscaped areas in accordance with the plan. As such, the condition can be deleted.
* Condition 9 is a standard condition imposed by the City generally to ensure that approval is obtained for any relevant site works additional to those approved under the development approval. It is noted site works undertaken in addition to those permitted under the development approval would contravene Condition 1. The condition can be deleted.
* Condition 14 is generally applied to Grouped and Multiple dwelling developments. No bin stores are proposed for the Single houses and the City’s Health Local Law 2017 refers to bin stores being provided for developments of three or more dwellings (Part 4 Refuse, clause 35). This condition can be deleted.

**Proposed amendment to Condition 2**

Condition 2 states *“This development approval pertains to the construction of 5 single houses only.”*

In accordance with the proposed replacement of Condition 3, to enable development to commence prior to titles issuing, it is recommended that Condition 2 be amended to authorise the use, rather than construction, of five (5) Single houses.

It is proposed that Condition 2 be replaced with:

This development approval authorises the use of 5 single houses only.

**Key Relevant Previous Council Decisions:**

Council considered the development application (Reference SAT20-1093, SAT Matter DR148/2020) proposing the construction of five (5) x Single houses at its Special Council Meeting of 29 September 2020 (Item 7.1) where it resolved that Council:

“approves the development application dated 20 May 2020, as amended 23 September 2020, for the development of five (5) x Single houses at 18 Doonan Road, Nedlands, subject to the following approval conditions and advice notes.”

The minutes of this meeting are attached as **Attachment 1**.

**Consultation**

There is no requirement to engage with the community in respect of the proposed modification to Conditions 2 and 3 and deletion of Conditions 6, 9 and 14.

**Strategic Implications**

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

The proposal will enable the realization of Council’s resolution and the construction of 5 x Single houses at 18 Doonan Road, Nedlands without additional delays relating to the issue of titles. The development will contribute to the diversification of housing options in the City of Nedlands.

**Who benefits?**

The Applicant will directly benefit from the proposed amendment to Conditions 2 and 3 and deletion of Conditions 6, 9 and 14. The proposed amendments will allow construction to commence (pending the issue of a building permit) without the prior creation of Certificates of Titles for the five (5) lots. The deletion of Conditions 6, 9 and 14 will simplify the development approval. The community will indirectly benefit through the delivery of increased housing diversity.

**Does it involve a tolerable risk?**

There is no risk associated with the proposed modifications to Conditions 2 and 3 given that the dwellings, even if constructed, cannot be occupied prior to the issue of the new Certificates of Title. There is no risk associated with the deletion of Conditions 6, 9 and 14 given existing Condition 1 still applies, and a landscape plan or bin stores are not required for Single houses.

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

All required information has been provided.

**Budget/Financial Implications**

Should Administration’s recommendation be adopted as proposed, Council’s resolution will ensure that the conditions are amended, and that the scheduled hearing for SAT Matter DR148/2020 can be vacated and resolved via a consent order to vary the conditions. If Council does not agree to the proposed amendments to the conditions, any conditions or matters still in dispute would need to be considered by the SAT, possibly on the papers and with short written submissions. This would result in additional legal costs to the City.

Administration’s recommendation will not impact the City’s Long-Term Financial Plan or Council rates.

## Local Planning Scheme No.3 – Infrastructure Contributions

|  |  |
| --- | --- |
| **Council** | 27 October 2020 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Peter Mickleson – Director Planning & Development |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Draft State Planning Policy 3.6 - Infrastructure Contributions. 2. Draft State Planning Policy 3.6 – Infrastructure Contributions Guidelines. |

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

Moved – Mayor de Lacy

Seconded – Councillor Poliwka

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

(Printed below for ease of reference)

Amendment

Moved - Councillor Senathirajah

Seconded - Councillor McManus

That clause 3 be deleted.

The AMENDMENT was PUT and was

Lost 6/7

(Against: Mayor de Lacy Crs. Hodsdon Smyth Bennett

Youngman Poliwka & Coghlan)

**The Original Motion was PUT and was**

**CARRIED UNANIMOUSLY 13/-**

**Council Resolution / Recommendation Council**

**Council:**

1. **instructs the CEO to commence preparation of an Infrastructure Contributions Framework under Local Planning Scheme 3;**
2. **allocates funds of $40,000 to enable work to commence on the Infrastructure Contributions Framework under Local Planning Scheme 3, with a budget adjustment to be made in the 2020-21 mid-year budget review;**
3. **considers allocating $50,000 in the 2021-22 budget for the completion of the Infrastructure Contributions Framework under Local Planning Scheme 3; and**
4. **instructs the CEO to arrange a Councillor workshop prior to Council’s consideration of the report to formally initiate the Local Planning Scheme amendment to introduce the Infrastructure Contributions Framework.**

**ABSOLUTE MAJORITY REQUIRED FOR RECOMMENDATION 2**

**Executive Summary**

This report examines the formulation of an Infrastructure Contributions Framework under Local Planning Scheme No.3 and outlines the process (including indicative timing and funding) for development and adoption of this framework.

**Discussion/Overview**

**Background**

On 16 April 2019, the City’s Local Planning Scheme No.3 (LPS3) was gazetted. LPS3 contains no provisions to enable infrastructure contributions to be obtained from development, despite facilitating significant additional housing development that will transform specific areas of the City with intensive development of activity nodes and along the Stirling Highway corridor.

The State Government’s strategic planning document, Perth and Peel at 3.5 million establishes minimum housing targets for each local government area. For the City of Nedlands this *minimum* target for additional new dwellings is 4,400 (anticipated by the year 2050).

Prior to the formulation and ultimate gazettal of LPS3, the City prepared a Local Planning Strategy. This document was advertised and subsequently endorsed by the Western Australian Planning Commission (WAPC) on 26 September 2017. The Local Planning Strategy provides the long-term strategic direction for land use and development of the City of Nedlands. For purposes of this report and the future development of an infrastructure contributions framework, it also provides an assessment of the future infrastructure needs of the City’s growing community. This assessment is contained in Part 1 – Section 5 and Part 2 – Section 10 and in Appendix D – Community Facilities Audit.

Infrastructure contributions are controlled by State Planning Policy 3.6 (SPP3.6) – Development Contributions for Infrastructure. The current version of the policy, gazetted in November 2009 is currently at an advanced stage of review by the WAPC. In July 2019, the WAPC advertised a revised version of SPP3.6 (Attachment 1) together with detailed guidelines (Attachment 2). Recent advice from the Department of Planning Lands and Heritage (DPLH) is that the updated SPP3.6 is anticipated to be considered by the WAPC for finalisation by the end of 2020. Importantly, a key feature of the July 2019 draft SPP3.6 is a recognition that infrastructure contributions may be required to support infill areas planned to undergo significant intensification and redevelopment. The current version of SPP3.6 was more focused around infrastructure contributions for greenfield subdivision development, which had been a more dominant form development in Perth in the past. Another key aspect of the July 2019 draft SPP3.6 is the emphasis placed on linking the need for contributions to a Local Government’s Strategic Community Plan and 10-year Long Term Financial Plan. This provides a greater level of transparency and certainty regarding infrastructure need and delivery. This report has been prepared using the July 2019 draft SPP3.6 as the basis for consideration of an infrastructure contributions framework.

For the City of Nedlands, several detailed informing plans and strategies are important to the formulation of an Infrastructure Contributions Framework. These include the previously mentioned Strategic Community Plan, the 10-year Long Term Financial Plan and the Local Planning Strategy. It also includes the City’s Asset Management Plan, Strategic Recreation Plan, Town Centre Precinct Plans (such as for the new Nedlands Town Centre), and Public Open Space Strategy (currently in development and anticipated to be considered by Council in the second quarter of 2021). These plans identify in more detail the infrastructure needs directly related to the significant increases in development attributed to LPS3.

**Draft State Planning Policy 3.6 – Infrastructure Contributions (July 2019)**

It is important to appreciate the complexity of the Infrastructure Contributions approach established by the WAPC in SPP3.6 and the detailed requirements for justification of a contributions plan and for ongoing financial management, transparent reporting and delivery obligations placed on a local government.

It is also important to fully understand the basis upon which infrastructure contributions can been charged. Draft SPP3.6 outlines contributions for all infrastructure must be levied in accordance with the following principles:

1. Need and the nexus: The need for the infrastructure must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
2. Transparency: Both the method for calculating the infrastructure contribution and the way it is applied should be clear, transparent, and simple to understand and administer.
3. Equity: Infrastructure contributions should be levied equitably from all identified stakeholders within a contribution area.
4. Certainty: The scope, timing, and priority for delivering infrastructure items, and the cost of infrastructure contributions and methods of accounting for escalation, should be clearly identified and agreed.
5. Consistency: The system for infrastructure contributions for apportioning, collecting and spending contributions should be consistent, efficient and transparent.
6. Accountable: That there is accountability in the way infrastructure contributions are determined and expended.

Draft SPP3.6 establishes two types of local infrastructure for which contributions can be raised and notes local Infrastructure is fundamental to the economic and social wellbeing of any community. For the purposes of SPP3.6, local infrastructure includes (detailed examples are outlined in draft SPP3.6 – refer Attachment 1):

* Development Infrastructure (as detailed in draft SPP3.6 Schedule 1) – infrastructure required to facilitate development and to support the orderly development or redevelopment of an area.
* Community Infrastructure (as detailed in draft SPP3.6 Schedule 2) – infrastructure required for communities and neighbourhoods to function effectively.

For the City of Nedlands, development and community infrastructure are applicable when considering an infrastructure contributions framework. It is important to note that for community infrastructure the State Government proposes to cap the amount of contributions that can be raised at $2,500 per dwelling (with the cap increased to $3,500 per dwelling where a combination of local, district and regional community infrastructure is required and justification is supported by the WAPC). The draft SPP3.6 policy guidelines advises, “notwithstanding, the extent to which existing and future communities should be expected to contribute to the funding of community facilities should be limited, as it is considered that funding of such infrastructure should

largely be sourced from other funding mechanisms”.

For all infrastructure contributions Draft SPP3.6 also emphasises that contributions from development should not be identified as the sole source of funding unless the need and nexus for entire funding can been fully justified. In the case of infill development (as is occurring in the City of Nedlands) infrastructure contributions can be levied where there is significant change in the type or intensity of land use to achieve urban consolidation objectives of the State Government, that may require new infrastructure and facilities, or upgrades or capacity increases of existing infrastructure and facilities.

There are several approaches to obtaining contributions for infrastructure identified in draft SPP3.6:

1. Standard Contributions – consistent with the requirements of draft SPP3.6 (refer Attachment 1 - Schedule 1 for Standard Infrastructure Contributions) and applied directly via standard conditions of subdivision, strata subdivision or development, or other methods detailed in a local planning scheme.
2. Development Contribution Plans – where cost-sharing arrangements are proposed to deliver Development or Community Infrastructure consistent with the requirements of draft SPP3.6 (refer Attachment 1 - Schedule 1 for standard Development Infrastructure Contributions; and Schedule 2: Community Infrastructure items).
3. Developer Agreements − in limited circumstances, and pursuant to a request from the landowner or developer.

This report will address Development Contribution Plans. There will be instances where it is appropriate to impose standard conditions on development approval (on the WAPC imposing conditions on sub-division) that require standard infrastructure requirements to be delivered through the development because there is a direct requirement for the development to provide this infrastructure.

It is also likely the City will need to negotiate development agreements (such as for infrastructure for the Nedlands Town Centre) where a landowner/developer is required to deliver development or community infrastructure as part of their development or require the City to do so and have agreed to fund (or part-fund) the required works. These development agreements are not subject to WAPC approval or guided by SPP3.6 as they are a direct legal agreement between a developer and an infrastructure owner (e.g. a Local Government).

Other financial ‘contributions’ relating to cash-in-lieu for car parking or cash-in-lieu for open space are also not the subject of development contribution arrangements but separate decision making processes administered by the City (and supported by the WAPC in the case of open space). Similarly, financial contributions towards public art are also not applicable to development contributions arrangements but can be achieved through a relevant Local Planning Policy and Public Art Strategy adopted by Council.

**Development Contributions Plans**

The implementation of Development Contribution Plans into LPS3 must follow the statutory process outlined in draft SPP3.6 (as detailed in Figure 1 below):

A picture containing diagram

Description automatically generated

**Figure 1 – Process for Preparing Development Contribution Plans under SPP3.6**

This process of introducing a Development Contributions Plan involves extensive up-front detailed work by a local government to:

1. Identify infrastructure needs – this includes Development Infrastructure and Community Infrastructure and should be incorporated into the City’s adopted Strategic Community Plan or a Council adopted Community Infrastructure Plan.
2. Determine the catchments/area where infrastructure contributions will be collected – this requires the local government to logically set out development contribution areas with common characteristics so that contributions reflect future development potential.
3. Determine the cost of providing the infrastructure – this includes obtaining professional estimates of cost for identified infrastructure and incorporating this into a capital expenditure plan, such as a Council adopted 10-year Financial Plan.
4. Apportion cost contributions - in the case of infill development (as is occurring in the City of Nedlands) it is necessary to transparently apportion infrastructure costs between new development areas and existing areas, as the Development Contribution Plan can only be applied to infrastructure (or that portion of it) required as a direct result of new development areas (underpinned by the key principles of ‘Need and Nexus’).
5. Formally include Development Contribution provisions into LPS3, including defining development contribution areas – this involves initiating a Complex Scheme Amendment to LPS3 which is required to be publicly advertised to introduce the development contribution areas as Special Control Areas in LPS3. At the same time supporting documents (which do not form part of the Scheme) should also be advertised including the DCP Report and Cost Apportionment Schedule for each Development Contribution Area (DCA) which identifies:

* the strategic basis for inclusion of each infrastructure item in the DCP;
* the details of each infrastructure item, including the construction standards identified in the DCP;
* the authority responsible for delivering the infrastructure, and the priority and timing for the provision of infrastructure;
* the methodology by which the demand for proposed infrastructure is apportioned between existing development, future development beyond the lifespan of the DCP, and new development within the DCA; and
* the infrastructure contribution rate for each infrastructure network and the applicable unit of infrastructure demand set out in detail the calculation of the cost contribution for each owner in the DCA.

It should also be noted that Development Contributions Plans are required to have a defined timeframe (usually up to 10 years) and that infrastructure works detailed in the plan are expected to be delivered during life of the plan.

Plans are required to updated and reported on annually to ensure there is a high level of transparency for all those who are required to make contributions. The City can recoup the administration costs associated with the operation of the Development Contributions Plan (this includes staff time and accounting/auditing costs and costs for annual updates of infrastructure cost estimates).

**Preliminary Identification – Infrastructure Contribution Opportunities under a Development Contributions Plan**

An initial review of LPS3 indicates a number of areas in the City that infrastructure contributions can be levied as there has been a significant change in the type or intensity of land use in these areas as a result of urban consolidation objectives of the State Government (consistent with draft SPP3.6):

* Stirling Highway (the areas coded R-AC1, R160 and R60 areas) including transition areas.
* Nedlands Town Centre Precinct (as guided by the draft/future Precinct Plan).
* Hampden Road (west side)/Monash Avenue (the areas coded R-AC3, R60 and R40) including transition areas.
* Broadway (west side) (the areas coded R-AC3, R160 and R60) including transition areas.
* Waratah Avenue precinct (the area coded R-AC3) and surrounding transition areas.

An initial analysis of infrastructure contributions includes:

* New Nedlands Town Centre – Florence Road Plaza streetscape, laneway/s, stormwater drainage and other local road upgrades;
* Local Public Open Space – Nedlands/Stirling Highway (including land acquisition and open space development – including local facilities and landscaping) as this is identified as deficient in local POS provision and is subject to significant intensification of development;
* Local Roads – in intensification precincts, includes elements such as car bays, streetscape upgrades, street trees, drainage, lighting, and laneways. For each precinct, this will require further analysis and scoping.
* Community Infrastructure – including contributions to new community centre (which can serve multiple purposes) and library. It should be noted that development contributions for community infrastructure are proposed under draft SPP3.6 are proposed to be capped at $2500 per dwelling and are not intended to fully fund community infrastructure, but will assist the City to provided facilities suitable to meet the needs of its growing population.

**Key Relevant Previous Council Decisions:**

At the Council meeting of 28/30 July 2020 Council considered the Nedlands Town Centre Florence Road Plaza and in respect to a future Development Contributions Framework resolved that Council:

“Instructs the CEO to provide a further report to Council on the development of a contribution framework/plan for public and community infrastructure associated with Local Planning Scheme No 3 by October 2020.”

**Consultation**

Should Council resolve to commence the preparation of a Development Contributions Framework under Local Planning Scheme 3, public consultation will be required when an amendment is initiated by Council to the City’s Local Planning Scheme.

**Strategic Implications**

The City of Nedlands Strategic Community Plan 2018-2028 identifies the estimated dwelling growth anticipated in the City of Nedlands (with a State Government minimum target of 4400) and identifies that infrastructure investment will be required to support the City’s existing and growing community, including public open space and a high standard of urban design in growth areas.

The City’s Strategic Community Plan also strongly emphasises the importance of community facilities to meet the needs of the City’s current and future community and aligns the City’s 10 year financial plan with the need to fund the infrastructure needs of the community. While a Development Contributions Plan will not fully fund all required infrastructure in the growth areas of the City, it is an important element in the funding mix.

**Budget/Financial Implications**

A preliminary analysis of the scope of work required to prepare a Development Contribution Plan is detailed below:

1. Identify infrastructure needs – using existing City of Nedlands information. Each infrastructure element will need be documented with an outline of scope. It is proposed that this be done in house with some consultant assistance. If additional community needs research is required, further studies may be necessary.
2. Determine the catchments/area where infrastructure contributions will be collected – based on redevelopment areas identified in LPS3.

1. Determine the cost of providing the infrastructure – utilising professional services of a cost consultant (quantity surveyor or suitably qualified engineer).
2. Apportion cost contributions – this will be completed with a clear methodology developed for each development contribution area or key infrastructure project.
3. Development Contribution Complex Scheme Amendment to LPS3, including defining development contribution areas (DCAs) and DCP Report and Cost Apportionment Schedule for each Special Control Area for Development Contribution (SCA) and preparation of Amendment documentation, DCP Report and the Cost Apportionment Schedule for each SCA, information for stakeholders, advertising all the documentation, and consideration of public submissions, liaison with the DLPH and the WAPC.

It is estimated that steps 1 to 4 above, which precedes initiating the Scheme Amendment required to introduce Development Contribution Plans would take 6 to 8 months to prepare. The formulation, advertising and consideration of the associated LPS3 Amendment documentation could take at least 12 months to reach ultimate finalisation by the Minister for Planning and gazettal. The total project timeframe is estimated to take 18 to 20 months. A more detailed project plan would be prepared should Council support the development of a Development Contributions Plan.

The estimated costs to prepare Development Contributions Plans under LPS3 are expected be in the order of $70,000 to $90,000, spread over two (possibly three) financial years. The final costs involved will be dependent on the complexity and number of Development Contribution Plans required. The cost of preparation of the Plan and its future administration can be recouped by the City as part of the Development Contribution arrangements.

In order to initiate the preparatory work that is required for a Development Contributions Plan under LPS3, it is recommended that Council allocate funding of $40,000 in 2020/21 to enable a significant amount of preparatory work to be undertaken as soon as possible, commencing this financial year. The necessary budget funding adjustments would be recognised through City’s mid-year budget review. At this stage, without the formulation of the development contributions plans, it is not possible to estimate the financial value of contributions the City could generate for infrastructure over the 10-year life of a development contributions plan. However, the following points should be considered:

* Standard Infrastructure Contributions

Significant costs of land acquisition for public open space can be recouped (at least in part) through strata subdivision associated with the development of new multiple dwellings (equivalent to 10 per cent of the land area or cash in lieu). Standard infrastructure contributions can be applied for the landscaping and reticulation of new local open space and the necessary upgrading of open space (aligned with comprehensive planning undertaken by a local government). Essential infrastructure works to facilitate development (such as laneways and drainage works associated with the proposed supermarkets in the Nedlands Town Centre) can be included in standard infrastructure contributions. Standard infrastructure contributions can also be applied to required infrastructure upgrades where road widening, or treatments are required because of traffic increases.

* Community Infrastructure Contributions

Based on the State Government’s minimum dwelling target of 4400 new infill dwellings for the City of Nedlands by approximately 2050 (or 1470 dwellings over a 10-year period aligned with the timeframe of an initial Development Contribution Plan (and assuming most of the new infill dwellings are located in the growth areas of a Development Contribution Plan) the City could potentially raise up to $3.675 million over 10 years given a proposed $2500 contribution cap of per dwelling for local infrastructure. These funds can be applied to local community infrastructure as detailed in a development contribution plan and consistent with draft SPP3.6.

## Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office

**Please note this item was brought forward see page 109.**

# 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.

Councillor Mangano left the meeting at 8.44 pm.

## Councillor Smyth – Street Tree Replacement – 24 Godetia Gardens, Mt Claremont

On the 13 October 2020 Councillor Smyth gave notice of her intention to move the following at this meeting.

Moved – Councillor Smyth

Seconded – Councillor Youngman

Council instructs the Chief Executive Officer to:

1. investigate a new request by the owner/occupier of 24 Godetia Gardens, Mt Claremont for the removal of a Liquidambar (Liquidambar styraciflua) street tree and its replacement with a NZ Christmas Tree (Metrosideros Excelsa), and
2. provide a report to the Council by December 2020 with recommendations including mitigating any adverse impacts, particularly concerning the safety risks raised by the occupant.

Lost 6/7

(Against: Mayor de Lacy Crs. Hodsdon Bennett Mangano

Youngman Poliwka & Hay)

Justification

A request to remove the street trees at 22 & 24 Godetia Gardens came to Council in October 2017 and was narrowly defeated. Now with a new repeated request, Administration is not prepared to interpret Policy in a way that contravenes a previous resolution of Council, hence the matter needs to be brought to Council for reconsideration.

In the intervening 3 years the situation has escalated due to:

1. attempts at pruning have proved unsuccessful at lessening debris;
2. the age of the occupant and increased fall risk;
3. increased targeting of tree by Carnaby birds foraging for nuts;
4. increasing size of the tree has outgrown site;
5. the determination of the occupant to take the matter to SAT.

Administration’s report to Council in October 2017 stated:   
“Given the size and growth characteristics of this species, and the general requirement to accommodate a large planting zone to mitigate root damage, the Liquidambar is a poor selection of street tree for this location and could be considered unsuitable.”

Godetia Gardens is a narrow entry road (off Camellia Ave) to the 1990’s keyhole subdivision known as Poplar Grove in Mt Claremont. The houses at 22 and 24 Godetia Gardens were built as display homes in partnership with Homes West to demonstrate an innovative approach to sustainable public / private housing development. I emphasise this background because it highlights that this area is an exception to the “standard Nedlands streetscape parameters”. The roads are narrow, verges minimal, houses and garages have confined setbacks and there is no room to accommodate debris or litter overburden.

The trees I am told are Canberra Gem Liquidambar and are approximately 25 years old. Both residents have previously requested their removal and replacement due to the volume of the seed pods they drop. The seed pods accumulate on paths and the driveways of their properties causing a danger due to their numbers and size. Both property owners have indicated they have had falls and have limited capacity to remove the seed pods because of their personal age and the volume and frequency at which the debris drops. Previous requests have been made seeking removal of the trees, however they have been advised due to provisions relating to tree litter in Council’s Street Trees policy, removal and replacement cannot be authorised by Administration. Pruning of the trees has been undertaken by Administration to try to improve the situation, but to date this has not appreciably alleviated seed pods dropping onto the paths and driveways within the properties.

Given the extended period of time that this matter has been causing problems for the occupant, and the stalemate that has been reached with Administration due to policy limitations, it would be prudent for Council to reconsider the matter. Particularly in light of Administration’s report to Council in October 2017 that stated:

“Given the size and growth characteristics of this species, and the general requirement to accommodate a large planting zone to mitigate root damage, the Liquidambar is a poor selection of street tree for this location and could be considered unsuitable.”

Attachment 1 – Email from Owner Occupant John Dunn with concerns and photos of tree debris. October 2020.

Attachment 2 – Emails July 2020 between Occupant and Manager Parks Services.

Administration Comment

Council and the Administration have previously considered this matter at Council’s meeting of 24 October 2017. Having reviewed the previous advice on this matter provided by Administration, this has not fundamentally changed.

The basis for the original request to remove the street tree (Liquidambar) in 2017 was made on the basis it drops a substantial volume of large seed pods which the property owner is unable to clear effectively due to their age and the proliferation of seed drop. Liquidambars are deciduous and produce an annual crop of seeds of up to 8 cm in diameter, consequently tree litter is often objectional to residents in urban areas. The previous request stated that the seeds cause a hazard to pedestrian access on their crossover, driveway and entrance paths. Administration has previously pruned the street tree to help alleviate the occurrence of seeds dropping onto pedestrian hardstand areas on the nature strip and within the adjacent property and this assisted, at least in the short term, to some degree. The Current request also cites the prevalence of Black Cockatoo’s foraging on the tree, between December 2019 and May 2020, and causing a nuisance as a contributing factor for their request.

Council’s Street Trees policy contains a provision relating to requests to remove street trees associated with leaf, nut and flower drop cited below:

“Council will not be asked to decide requests for street tree removals that rely solely on the following reasons:

* Leaf, flower, nut or bark falling or accumulating or being blown by the wind;”

As previously advised, Liquidambars (*Liquidambar styraciflua*) are native to eastern USA and can grow to a height of more than 20 metres at maturity in cultivated situations. This specimen is yet to reach maturity and is best described as a ‘Juvenile’ specimen. The species require a sizeable growing space to accommodate a large and vigorous root system which is rated as having a high potential for causing damage. The tree is located in a constrained verge of 14 metres by 4 metres.

At present there are no significant observable impacts on adjacent built environs. The proximity of the tree to hardstand areas within the streetscape would suggest there is a high likelihood of damage occurring in the future as the tree matures. Given the size and growth characteristics of this species, and based on criteria the City applies to matching suitable trees to site constraints, the Liquidambar is a poor selection of street tree for this location and would be considered unsuitable if assessed for planting presently. The resident has requested the tree be removed and replaced with what the City would consider a more suitable choice of species for the location which, to some extent, has merit whilst the current tree remains juvenile.

## Councillor Youngman – Point Resolution Childcare Centre – Fee Increase

On the 15 October 2020 Councillor Youngman gave notice of his intention to move the following at this meeting.

Moved – Councillor Youngman

Seconded – Councillor Hay

**That the Council increases the operational period for the Point Resolution Childcare Centre to December 2021 and increases the cost per day by $15 per child under the provisions of the Local Government Act.**

Councillor Horley left the meeting at 9.04 pm and returned at 9.08 pm.

Amendment

Moved - Councillor Mangano

Seconded - Councillor Poliwka

That the cost per day be increased by $22.50.

The AMENDMENT was PUT and was

Councillor Smyth left the meeting at 9.18 pm.

Lost 5/7

(Against: Mayor de Lacy Crs. Horley Hodsdon Youngman

Wetherall Coghlan & Senathirajah)

Councillor Smyth returned to the meeting at 9.22 pm

**The Original Motion was PUT and was**

**CARRIED 12/1**

**(Against: Cr. Coghlan)**

**Council Resolution**

**That the Council increases the operational period for the Point Resolution Childcare Centre to December 2021 and increases the cost per day by $15 per child under the provisions of the Local Government Act.**

Justification

The reasons are:

* An unintended consequence of extending the operational period until March 2021 before a review is that there can be no certainty PRCC will continue its services.
* The parents of children intending to enrol in 2021 need to know that they will have a place for the entire year.  Otherwise parents will be forced to enrol in other childcare operations to make certain they have a position from April 2021 until the end of the year, otherwise they may have a risk with their ongoing employment.
* By increasing the cost per child by $15 per day the council will make significant inroads to reducing the operating loss the centre is currently experiencing.
* Other centres are charging more than PRCC for a service the PRCC parents tell us is inferior to PRCC.
* Some parents are subsidised up to 85% for childcare services that is means tested and funded by the Federal Government. Zero subsidy is a household income of approximately $350,000.

Administration Comment

1. This action can be carried out, however the increase in fees will need to follow the LG Act 1995 for advertising and a further decision by Council.
2. The previous occasion a price increase was implemented resulted in a drop in child numbers, and a corresponding inability to cover costs, which was a Council requirement.
3. The CEO Key Result Area for a reduction in employee numbers will be compromised.

## Councillor Mangano – CGM Communications Contract Termination

On the 15 October 2020 Councillor Mangano gave notice of his intention to move the following at this meeting.

Moved – Councillor Mangano

Seconded – Councillor Bennett

Council instructs the CEO to immediately terminate and pay out the CGM Communications contract and thank them for their work to date.

Mayor de Lacy left the meeting at 9.28 pm and returned at 9.30 pm.

Councillor Horley left the meeting at 9.33 pm.

Councillor Hay left the meeting at 9.34 pm.

Councillor Horley returned to the meeting at 9.35 pm.

Councillor Hay returned to the meeting at 9.36 pm.

Lost 5/8

(Against: Mayor de Lacy Crs. Horley McManus Smyth

Hodsdon Poliwka Wetherall & Senathirajah)

Justification

1. The contract was awarded in May 2020, before Council were advised and approved it as part of the 2020/21 budget.
2. That the company concerned has close ties to the Labor Party and the State Government who imposed LPS3 on the City, therefore has a major conflict of interest.
3. That their consultation with the community could potentially be detrimental to the relationships between Administration, the Council and the Community.

Administration Comment

The notice of motion is not supported. The following considerations are provided.

1. Is CGM a lobbyist?

Yes. The Public Sector Commission administer the register of official lobbyists <https://lobbyists.wa.gov.au/about-register> to (not for) the State Government. CGM is a registered lobbyist <https://lobbyists.wa.gov.au/lobbyist/58503/view>. They are required to provide a client list which includes.

* Lifeline WA
* Royal Flying Doctor Service
* Crossbay Pty Ltd
* Rio Tinto
* MGC Building and Maintenance Pty Ltd
* TransAltad
* Golden Group
* Murujuga Aboriginal Corporation
* GPA Pty Ltd
* MG Corporation
* Joondalup Health Campus
* DMG (Management) Pty Ltd
* Satterley
* South West Aboriginal Medical Service (SWAMS)
* George Weston Foods
* Gascoyne Gateway Ltd
* Rehawk Property group Pty Ltd
* Downer
* Litt Global
* United Petroleum

Rehawk Property group Pty Ltd is a developer. As shown above CGM lobby government across a range of industries. As such they have a good understanding of how lobbying works and through their expertise can advise on this or even undertake this for the City if needed.

1. How likely is it that most of the reputable engagement firms in WA have represented a developer or the State Government?

Extremely likely. This is Perth. The alternative companies assessed have also worked for developers and the State Government. An inability to attract an engagement consultant with such prerequisites will compromise the CEO Key Result Areas on engagement.

1. What is CGM doing for the City?

Working with Council and the community to review how the City goes about engagement to help do this better. The aim is to have a top-notch engagement specialist help the City with one of its most significant issues – engagement. They are helping to produce an engagement strategy.

1. Was the engagement of CGM carried out correctly and are the right measures in place to ensure a prevention of conflict of interest?

A robust procurement process was conducted and this was done under the oversight and advice of the City’s Procurement Coordinator. A formal Request for Quote process was conducted with probity and due diligence at all stages.

Three consultancies were requested to provide a submission and three were received. They were evaluated by the CEO and the Communications Coordinator with guidance from the Procurement Coordinator.

The evaluation panel was highly experienced and competent to assess the submissions on merit and concluded that CGM offered the best outcome to the City.  The Procurement Coordinator was satisfied that Probity, equity and transparency was met by the process and a consultancy contract was drafted and presented to CGM. This contract used AS 4122-2010 - the Australian Standard General Conditions of Contract for Consultants and was duly executed by all Parties.

These contract conditions contain provisions which require the Consultant to:

1. ‘Perform the Services to the standard of skill, care and diligence of a skilled and competent professional practicing in the particular fields relevant to the Services”
2. “The Consultant represents that to the extent reasonably ascertainable at the commencement of this Contract, after making all reasonable enquiries, no conflict of interest exists or is likely to arise except as set out in Item 17\*
3. “The Consultant must notify the Client immediately on becoming aware of a conflict of interest or a significant risk of a conflict”

Note \* Item 17 refers to any dealings with subcontractors and usually refers to works contracts.

The City cannot terminate the contract at no cost without reasonable cause, although it is noted that the terms are on a schedule of rates basis so only work complete is billable.

Councillor Hay retired from the meeting at 9.49 pm.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 24 November 2020

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 2020 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

Nil.

# Urgent Business Approved By the Presiding Member or By Decision

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 9.51 pm.