



City of Nedlands

Agenda

Council Meeting 28 April 2020

Dear Council member

The next Ordinary Meeting of the City of Nedlands will be held online on Tuesday 28 April 2020 commencing at 7 pm.

A Livestream link for the public is available on the City's website.

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

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

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

Mark Goodlet
Chief Executive Officer
23 April 2020

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City of Nedlands

**Notice of an Ordinary Meeting of Council to be held online and via
livestream on Tuesday 28 April 2020 at 7 pm.**

Council Agenda

Declaration of Opening

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

Present and Apologies and Leave of Absence (Previously Approved)

Leave of Absence Nil.
(Previously Approved)

Apologies None as at distribution of this agenda.

Disclaimer

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

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

1. Public Question Time

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

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

2. Addresses by Members of the Public

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

3. Requests for Leave of Absence

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

4. Petitions

Petitions to be tabled at this point.

5. Disclosures of Financial and/or Proximity Interest

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

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

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

6. Disclosures of Interests Affecting Impartiality

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

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

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

"With regard to the matter in item x I disclose that I have an association with the applicant (or person seeking a decision). This association is (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

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

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

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

8. Confirmation of Minutes

8.1 Ordinary Council Meeting 31 March 2020

The Minutes of the Ordinary Council Meeting held 31 March 2020 are to be confirmed.

8.2 Special Council Meeting 5 March 2020

The Minutes of the Special Council Meeting held 5 March 2020 are to be confirmed.

8.3 Special Council Meeting 14 April 2020

The Minutes of the Special Council Meeting held 14 April 2020 are to be confirmed.

9. Announcements of the Presiding Member without discussion

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

10. Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

11. Matters for Which the Meeting May Be Closed

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

12. Divisional reports and minutes of Council committees and administrative liaison working groups

12.1 Minutes of Council Committees

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

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

CEO Performance Review Committee **10 March 2020**
Circulated to Councillors on 3 April 2020

CEO Performance Review Committee **7 April 2020**
Circulated to Councillors on 16 April 2020

Council Committee **14 April 2020**
Circulated to Councillors on 16 April 2020

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

12.2 Planning & Development Report No's PD09.20 to PD17.20 (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.

PD09.20	Memorandum of Understanding Remnant Bushland Cottesloe Golf Club
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	1. Memorandum of Understanding - Contribution to Remnant Bushland Management within Reserve 9299

Committee Recommendation / Recommendation to Committee

Council authorises the Chief Executive Officer to sign the Memorandum of Understanding for the contribution to remnant bushland management within Reserve 9299 between the City of Nedlands and the Cottesloe Golf Club (Inc).

PD10.20	Scheme Amendment No. 5 – 14 & 16 Napier Street, Nedlands
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Committee	14 April 2020
Council	28 April 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. Scheme Amendment No. 5 Report

Committee Recommendation / Recommendation to Committee

Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, adopts an Amendment to Local Planning Scheme 3 by:
 - a) Reclassifying 14 Napier Street, Nedlands from the Residential Zone to the ‘Drainage / Waterway’ Local Scheme Reserve;
 - b) Removing the residential density code of R15 from 14 Napier Street, Nedlands;
 - c) Rezoning 16 Napier Street, Nedlands from the ‘Drainage / Waterway’ Local Scheme Reserve to ‘Residential’; and
 - d) Amending the LPS 3 Scheme Map to reserve 14 Napier Street, Nedlands for ‘Drainage / Waterway’ and zone 16 Napier Street, Nedlands to ‘Residential’ with an R15 residential density code.
2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City contends that the amendment is a Basic Amendment for the following reasons:
 - a) An amendment to correct an administrative error.
3. Pursuant to Section 81 of the Planning and Development Act 2005 (P&D Act 2005), refers Scheme Amendment 5 to the Environmental Protection Authority.

PD11.20	Local Planning Scheme 3 – Local Planning Policy: Residential Aged Care Facilities
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	PD52.19 – OCM 17 December 2019
Attachments	<ol style="list-style-type: none"> 1. Tracked Changes Draft Residential Aged Care Facilities Local Planning Policy (LPP) 2. Draft Residential Aged Care Facilities Local Planning Policy (LPP)

Committee Recommendation / Recommendation to Committee

Council proceeds to adopt the Residential Aged Care Facilities Local Planning Policy with modifications, as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii).

PD12.20	Local Planning Scheme 3 – Local Planning Policy: Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	SCM 30 January – Item 8
Attachments	<ol style="list-style-type: none"> 1. Tracked Changes Doonan Road, Jenkins Avenue, Vincent Street Laneway and Built Form Requirements Local Planning Policy (LPP) 2. Draft Doonan Road, Jenkins Avenue, Vincent Street Laneway and Built Form Requirements Local Planning Policy (LPP) 3. Summary of Submissions
Confidential Attachments	<ol style="list-style-type: none"> 1. Submissions (CONFIDENTIAL)

Recommendation to Committee

Council:

1. Proceeds to adopt the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements Local Planning Policy, with modifications as set out in Attachment 2, including the following 9 modifications in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii);
 - a) modification be made to Paragraph 2.1: Clarification that the policy applies to subdivision applications and development applications for ALL new Dwellings;
 - b) modification be made to Paragraph 4.1.2: Clarification that land comprising the laneway will be ceded free of cost and as a condition of subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3;
 - c) modification be made to Paragraph 4.1.3: Deletion of redundant clause as it is covered in 4.1.2;
 - d) modification be made to Paragraph 4.1.5 and 4.1.6: Inclusion of discretion by inserting “to the satisfaction of the City”;

- e) modification be made to Paragraph 4.1.8: Removal of specific reference to bollard lighting to enable more flexibility around the provision of the form of lighting;
 - f) modification be made to Paragraph 4.2.1: Inclusion of discretion by inserting “unless otherwise agreed to by the City”;
 - g) modification be made to Paragraph 4.2.3: Clarification of fencing requirements in accordance with relevant Residential Design Codes Vol. 1 or 2;
 - h) modification be made to Paragraph 4.2.7: Clarification of tree expectations and inclusion of discretion by inserting “to the satisfaction of the City.”; and
 - i) modification be made to Paragraph 5.1: Clarification of information to be provided on a Landscape Plan.
2. Refers the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements. Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 1 2019 Clause 7.3.2
2. Refers the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements. Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 1 2019 Clause 7.3.2.

PD13.20	Local Planning Scheme 3 – Local Planning Policy: Taylor Road – Dalkeith Road Laneway and Built Form Requirements
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Committee	14 April 2020
Council	28 April 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 Taylor Rd to Dalkeith Road and Built Form Requirements Local Planning Policy (LPP)
Confidential Attachments	1. Plans of Subdivision proposals addressing Jenkins Ave (CONFIDENTIAL)

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, the Taylor Road – Dalkeith Road Laneway and Built Form Requirements Local Planning Policy.

PD14.20	Scheme Amendment No. 4 – Amendment to Table 3 – Zoning Table- Fast Food Outlet Prohibition
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Committee	14 April 2020
Council	28 April 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. Scheme Amendment No. 4 Report

Procedural Motion

Moved – Mayor de Lacy
 Seconded – Councillor Wetherall

That the motion be adjourned until the May 2020 Council Meeting.

**CARRIED ON THE CASTING VOTE 6/6
 (Against: Crs. Bennett Hassell Mangano
 Hodsdon Poliwka & Coghlan)**

Recommendation to Committee

Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, adopt an Amendment to Local Planning Scheme 3 by:

Amending Table 3 – Zoning Table so that Fast Food Outlet is an ‘X’ use (Not Permitted) in all zones within the City except for the Urban Development Zone. This will require modification of the permissibility of the use class for the Mixed Use and Neighbourhood Centre Zones.

2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City contends that the amendment is a Standard Amendment for the following reasons:

It satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015:

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;

- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - c) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - d) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - e) any other amendment that is not a complex or basic amendment.
3. Pursuant to Section 81 of the Planning and Development Act 2005, refers Scheme Amendment 4 to the Environmental Protection Authority.
 4. Subject to Section 84 of the Planning and Development Act 2005 advertises Scheme Amendment 214 – Carrington Street in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy – Community Engagement.

PD15.20	Scheme Amendment No. 7 – Amendment to Density Coding on Broadway, Hillway, Kingsway, Edward Street and Elizabeth Street
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Committee	14 April 2020
Council	28 April 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. Scheme Amendment No. 7 Justification Report 2. Scheme Amendment No. 7 Maps of Proposed Density Changes

Please note: There was no Recommendation from Committee. Highlighted sections of this report are corrections to the report made by Administration

1.0 Executive Summary

The purpose of this report is for Council to provide consent to prepare (adopt) the proposed Scheme Amendment No. 7 to Local Planning Scheme No. 3 (LPS3).

Local Planning Scheme No. 3 (LPS3) was gazetted on 16 April 2019. Modifications from the Minister for Planning introduced changes to the Scheme that increased the density coding along sections of Broadway and surrounding streets Kingsway, Hillway, Elizabeth Street and Edward Street, Nedlands as follows:

- Numbers 2 to 36 Kingsway and 42 to 96 Kingsway: increased from R12.5 to R60;
- Numbers 1 to 5 Hillway: increased from R12.5 to R-AC3 (northwest side of street);
- Numbers 7 to 23 Hillway: increased from R12.5 to R60 (northwest side of street);
- Numbers 69 to 131 Broadway: increased from R35 to R-AC3;
- Numbers 133 to 139 Broadway: increased from R12.5 to R-AC3;
- Number 2 Edward Street: increased from R12.5 to R60; and
- Numbers 1, 1A and 1B Elizabeth Street: increased from R35 to R-AC3.

At its Meeting held on the 25 February 2020, Council resolved to propose an amendment to lower the density code of the above properties. The City's resolution reads:

‘Council resolves to prepare a scheme amendment to LPS3 to rezone:

- Numbers 2 to 96 Kingsway from R60 to R40
- Numbers 69 to 139 Broadway, and 1 and 3 Hillway from R-AC3 to R-AC4
- Numbers 5 to 23 Hillway from R60 to R40’

Administration have investigated this proposal, and recommends changes to the wording of this resolution to ensure consistency with the Scheme’s existing density codes, correct planning terminology and to avoid the exclusion of adjoining properties in this proposed re-coding that could result in ‘orphan’ density codes along these streets. The recommended revised wording of the scheme amendment is:

Council resolves to prepare a scheme amendment to LPS3 to change the density coding of subject properties as follows:

- Numbers 2 to 36 Kingsway and 42 to 96 Kingsway from R60 to R40;
- Numbers 7 to 23 Hillway from R60 to R40 (northwest side of street);
- Numbers 1 to 5 Hillway from R-AC3 to R-AC4 (northwest side of street);
- Numbers 69 to 139 Broadway from R-AC3 to R-AC4;
- Number 2 Edward Street from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

The City considers the amendment to be a Complex Amendment as it satisfies the following criteria of the Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015:

- a. an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- b. an amendment that is not addressed by any local planning strategy;
- c. an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;

2.0 Recommendation to Committee

Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, adopt an Amendment to Local Planning Scheme 3 by:
 - a. Changing the residential density coding of subject properties as follows:
 - Numbers 2 to 36 Kingsway and 42 to 96 Kingsway, Nedlands from R60 to R40;
 - Numbers 7 to 23 Hillway, Nedlands from R60 to R40 (northwest side of street);
 - Numbers 1 to 5 Hillway, Nedlands from R-AC3 to R-AC4 (northwest side of street);

- **Numbers 69 to 139 Broadway, Nedlands from R-AC3 to R-AC4;**
 - **Number 2 Edward Street from R-AC3 to R-AC4; and**
 - **Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.**
2. **In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City believes that the amendment is a Complex Amendment for the following reasons:**
 - a. **an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
 - b. **an amendment that is not addressed by any local planning strategy; and**
 - c. **an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;**
 3. **Pursuant to Section 81 of the Planning and Development Act 2005, refers Scheme Amendment 7 to the Environmental Protection Authority.**
 4. **In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 37(2) submit 2 copies of the proposed Scheme Amendment 7 to the West Australian Planning Commission for approval to advertise.**
 5. **Subject to Section 84 of the Planning and Development Act 2005 advertises Scheme Amendment 7 in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy – Community Engagement.**

3.0 Amendment Details

Should the City's Council resolve to proceed with Administration's recommended scheme amendment, the wording will be:

To prepare a scheme amendment to LPS to change the residential density coding of subject properties as follows:

- **Numbers 2 to 36 Kingsway and 42 to 96 Kingsway, Nedlands from R60 to R40;**
- **Numbers 7 to 23 Hillway, Nedlands from R60 to R40 (northwest side of street);**
- **Numbers 1 to 5 Hillway, Nedlands from R-AC3 to R-AC4 (northwest side of street);**
- **Numbers 69 to 139 Broadway, Nedlands from R-AC3 to R-AC4;**

- Number 2 Edward Street, Nedlands from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

If approved by the Western Australian Planning Commission (WAPC) the proposal will result in decreases in height and plot ratio, and in some instances increases in rear setbacks, as per the indicative built form measures of State Planning Policy 7.3 – Residential Design Codes Volume 2.

4.0 Consultation

In accordance with the requirements of the Regulations, should Council resolve to advertise this amendment, the City is required to send two copies of the proposed amendment to the WAPC seeking approval to advertise it to the public. The request for approval to advertise the amendment must be sent to the WAPC within 21 days of the Council resolution.

If the WAPC do not consent to the amendment being advertised, the processing of the scheme amendment will cease at this point.

5.0 Strategic Implications

This Scheme Amendment is consistent with discussions that Administration has had with Council in relation to zoning in the subject area. Provision exists within the Planning and Development (Local Planning Schemes) Regulations 2015 for the City to seek amendments to zoning through a Scheme Amendment process.

6.0 Budget / Financial Implications

Nil.

PD16.20	No. 6 Alexander Road, Dalkeith – 4 x Multiple Dwellings
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Committee	14 April 2020
Council	28 April 2020
Applicant	Dr Bay Yeo
Landowner	BHY Holdings Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19/40779
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	<ol style="list-style-type: none"> 1. Site photographs 2. Location plan 3. Aerial 4. Development plans dated 18 February 2020 5. Applicant planning report 6. Schedule of submissions 7. Architect and landscape peer review 8. Acoustic report 9. Waste management plan 10. Sustainability report 11. Landscape plan 12. Administration's Assessment of SPP 7.3 – R-Codes Vol 2
Confidential Attachments	<ol style="list-style-type: none"> 1. Submissions (CONFIDENTIAL)

Committee Recommendation

That Council refuses the development application dated 15 October 2019 for the following reasons:

1. Inconsistent with the draft LPP approved by Council (McLeod's advice is LPP does not have to match zone building heights);
2. Inconsistent with proposed scheme amendment to R35;

3. **Over height (4 ½ storeys in lieu of 4 storeys);**
4. **Exceeds plot ratio of 1. (1.15); and**
5. **Severe impact on the present and future amenity of the area (denies solar access to two southern neighbours, and will result in increased traffic issues in an already busy short and narrow street).**

Comment: in regard to the planning recommendation I believe it is deficient in that it does not give due regard or sufficient weight to the amenity of the neighbourhood, in particular the impact on the two southern neighbours, which is a due regard item (matters to be considered) in Clause 67 of the Local Planning Schemes regulation 2015.

Recommendation to Committee

Council approves the development application dated 15 October 2019 with amended plans being received on 18 February 2020, to construct four (4) multiple dwellings on Lot 381 on Plan 3395 at 6 Alexander Road, Dalkeith, subject to the following conditions and advice:

1. At Building permit stage, the hereby approved development shall not exceed 15m in height.
2. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.
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. This approval is for Multiple dwellings. Development shall be in accordance with this land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval.
5. Prior to occupation of the development the finish of the parapet walls is to be finished in accordance with the hereby approved plans.
6. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1 in 100-year storm event. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.
7. A Demolition and Construction Management Plan being provided to the City which addresses the control of; vibration, dust, noise, waste, sand, sediment, temporary fencing, hoardings, gantries, site access / egress, site deliveries, heavy construction machinery, traffic control shall be provided to the City with or before the demolition permit and building

permit approval applications are submitted and shall be implemented to the satisfaction of the City.

8. Prior to the lodgement of a Building Permit, an arborist report shall be submitted to the City, demonstrating that the construction and built development will not adversely affect the health of any tree located on the verge.
9. The Acoustic report prepared Herring Storer Acoustics forms part of this approval. The recommendations contained within the acoustic report shall be implemented and adhered to for the lifetime of the development to the satisfaction of the City.
10. Prior to occupation of the development any new or modified crossover associated with the hereby approved development must receive separate approval from the City.
11. Prior to the application of a building permit, the proposed car parking and vehicle access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.
12. The waste management plan forms part of this development approval and shall be complied with at all times to the satisfaction of the City.
13. Prior to commencement of development, a detailed landscaping plan prepared by a competent landscape designer shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
14. Prior to occupation, the applicant shall arrange a suitably qualified consultant to prepare a lighting plan which demonstrates that the proposed development will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard;
 - i. A full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - ii. Times of operation;
 - iii. 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;
 - iv. 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
 - v. 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.
15. All major openings, balconies, and private open space are to comply with the visual privacy setbacks to adjoining properties in accordance with

Table 3.5 of State Planning Policy Residential Design Codes Volume 2 - Apartments or shall be screened by either:

- a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
- b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
- c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
- d) an alternative method of screening approved by the City.

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

16. At Building Permit Stage, one (1) multiple dwelling on the hereby approved development plans shall meet 'Silver Level' requirements as defined in the Liveable Housing Design Guidelines.

Advice Notes

1. The applicant is advised that the development is subject to a Building Permit.
2. In relation to condition (7), the applicant is advised that the landscaping plan is to address the recommendations outlined in the Landscape peer review.
3. In relation to condition (9), the applicant is advised that as part the Building Permit, a long section of the car park driveway is to be submitted to Technical Services to ensure the vehicle access and circulation areas comply with the AS2890.1.
4. The applicant is advised that where a pool is removed, it shall be filled with clean free draining fill and compacted in 300mm layers. A passing compaction test from a suitable qualified structural engineer is required prior to new structures being built in the location of the old pool.
5. Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.
6. Where building works are proposed to the building/tenancy a building permit shall be applied for prior to works commencing. Where required an Occupancy Permit shall be obtained prior to occupying the premises.

7. As per the recommendations contained within the acoustic report prepared by Herring Storer Acoustics - Acoustic assessment (by a suitably qualified acoustic consultant) is to be carried out for all mechanical equipment/plant once designed (including the use of the waste compactor, exhaust fans, air conditioners and any other plant) demonstrating compliance with the Environmental Protection (Noise) Regulations 1997.
8. The enclosure for the storage and cleaning of waste receptacles to be provided on the premises, and managed, as per the requirements of the City's Health Local Laws 2017:
 - a) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - b) Walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;
 - c) Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - d) Easily accessible to allow for the removal of the receptacles;
 - e) Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - f) Provided with a tap connected to an adequate supply of water; and
 - g) Adequately ventilated, such that they do not create a nuisance to residences (odour).
9. The applicant is advised that the development is to comply with the requirements of the Health Act (Laundries and Bathrooms) Regulations and Health Local Laws 1017;
 - a) Laundries are not to be situated in a room where food is prepared, stored or consumed. Where situated adjacent to a kitchen or room where food is stored, prepared or consumed, the facilities are to be separated by a wall, or other approved partition which shall be at least 1.8 metres high (i.e. extending from the floor to the roof or ceiling), and where an opening permitting communication between the laundry and kitchen is provided, the opening shall not extend for more than half the width of the room and it shall not be more than 1.2 metres wide. The door which when closed shall completely fill the opening.
10. The applicant is advised that in relation to the demolition works;
 - a) All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with

clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/ applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

11. The applicant is advised that in order for the pool to be demolished - swimming pool waste Water is to be appropriately disposed of and is not to be discharged into the Water Corporation Sewerage System, City Stormwater drainage system or discharged freely off the residential lot.
12. The applicant/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.
13. The applicant is advised that prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.
14. Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements.
15. Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
16. The applicant is advised that the development is to be provided with suitable enclosures for the storage and cleaning of waste receptacles on the premises per the following requirements:
 - a) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - b) Walls not less than 1.8m in height and access of not less than 1m in width fitted with a self-closing gate;
 - c) Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - d) Easily accessible to allow for the removal of the receptacles;
 - e) Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - f) Provided with a tap connected to an adequate supply of water; and
 - g) Adequately ventilated to mitigate odour.

17. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.
18. The applicant is advised that where floodlighting is proposed, the applicant shall seek independent expert advice from a suitably qualified consultant detailing the particulars of the application, specifications of the type of floodlight proposed and certifying that the proposed lighting will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard;
 - a) A full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - b) Times of operation;
 - c) 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;
 - d) 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
 - e) 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.
19. The applicant is advised that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via

<http://www.NBNco.com.au/develop-or-plan-with-the-NBN/new-developments.html>

Once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at

<http://www.NBNco.com.au/develop-or-plan-with-the-NBN/new-developments/builders-designers.html>

20. The applicant is advised that all works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, also require a separate approval from the City prior to construction commencing.
21. The applicant is advised that a new crossover or modification to an existing crossover will require a separate approval from the City prior to construction commencing.
22. The applicant is advised that 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).
23. The applicant is advised that all street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City.

PD17.20	Local Planning Scheme 3 – Local Planning Policy: Rose Garden Transition Area and Stirling Highway West Precincts
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	NoM Item 14.6 OCM 25 February 2020
Attachments	<ol style="list-style-type: none"> 1. 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document prepared by the community 2. Plan of precinct areas within the City 3. Draft Community Working Groups – Terms of Reference 4. Administration comments on 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document prepared by the community 5. Administration's alternate recommendation to Council

Committee Recommendation / Recommendation to Committee

Council:

1. prepares and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2, Part 2, Clause 4, the Local Planning Policy - Rose Garden Transition Area (Attachment 1);
2. adopts the Rose Garden Precinct Community Working Group – Terms of Reference (Attachment 3); and
3. instructs the Chief Executive Officer to establish the Rose Garden Precinct Community Working Group in accordance with the Community Working Group Terms of Reference (Attachment 3).

12.3 Technical Services Report No's TS06.20 to TS08.20 (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.

TS06.20	Boundary Roads Agreement – City of Subiaco
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Draft Boundary Roads Agreement – City of Nedlands and City of Subiaco

Committee Recommendation / Recommendation to Committee

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

TS07.20	Hollywood Hospital Bus Service Improvement
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	<ol style="list-style-type: none"> 1. Drawings – Monash Avenue Proposed Bus Embayment's 2. Supporting Letter from Hollywood Hospital

Committee Recommendation / Recommendation to Committee

Council:

1. supports the provision of increased bus services as proposed in this report to service Monash Avenue, Nedlands; and
2. approves the proposed bus stops as per Attachment 1 including changes to signage and line marking.

TS08.20	City of Nedlands 2020 Annual Waste Report
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Jim Duff – Director Technical Services
Attachments	Nil.

Committee Recommendation / Recommendation to Committee

Council notes the City of Nedlands 2020 Annual Waste Report.

12.4 Community & Organisational Development Report No's CM03.20 (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.

CM03.20	Proposed Changes to Arts Committee's Terms of Reference
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	Attachment 1 – Proposed Amended Terms of Reference for Public Art Committee

Committee Recommendation / Recommendation to Committee

That Council amends the Arts Committee Terms of Reference to:

- 1. change its name to the Public Art Committee and;**
- 2. specify the process for appointing the Committee's chairperson.**

12.5 Corporate & Strategy Report No's CPS06.20 to CPS08.20 (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.

CPS06.20 List of Accounts Paid – April 2020	
Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	2. Creditor Payment Listing February 2020 3. Credit Card and Purchasing Card Payments – February 2020 (28 th January – 27 th February 2020)

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of February 2020 (refer to attachments).

CPS07.20	Audit & Risk Committee Member
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Councillor Ben Hodsdon’s formal resignation letter

Committee Recommendation / Recommendation to Council

Council appoints Councillor Paul Poliwka to the Audit and Risk Committee for the period ending immediately prior to the next Local Government elections in 2021.

CPS08.20	Deed of Variation – Local Government House Trust
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Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Confidential Attachment - Draft Deed of Variation – Local Government House Trust 2. Confidential Attachment – Deed of Trust – Local Government House Trust

Committee Recommendation / Recommendation to Committee

Council:

1. approves the Local Government House Trust Deed of Variation as shown in attachment 1; and
2. authorises the CEO and Mayor to execute relevant documentation notifying WALGA of Council’s decision on this matter.

13. Reports by the Chief Executive Officer**13.1 Common Seal Register Report – March 2020**

The attached Common Seal Register Report for the month of March 2020 is to be received.

March 2020

SEAL NUMBER	DATE SEALED	DEPARTMENT	MEETING DATE / ITEM NO.	REASON FOR USE
940	3 March 2020	Planning & Development	Delegated Authority	Seal Certification - Seal No. 940 - Revoke Section 70A - Notification on Title between City of Nedlands and Independent Cinemas Pty Ltd Lot 123 (No. 100) Stirling Highway, Nedlands at the Windsor Cinema
941	10 March 2020	Technical Services	Council Resolution – TS01.20 – 25 February 2020	Seal Certification - Seal No. 941 - Transfer of Land Document for Lot 50 on Deposited Plan 6902 - Dalkeith Road
942	10 March 2020	Technical Services	Council Resolution – TS01.20 – 25 February 2020	Seal Certification - Seal No. 942 - Transfer of Land Document for Lot 355 on Deposited Plan 182579 - Sayer Street

13.2 List of Delegated Authorities – March 2020

The attached List of Delegated Authorities for the month of March 2020 is to be received.

Date of use of delegation of authority	Title	Position exercising delegated authority	Act	Section of Act	Applicant / CoN / Property Owner / Other
Month Year					
3/03/2020	3044294 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Annabel Falkner
3/03/2020	3044274 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Ian Anderton
5/03/2020	BA57338 Uncertified building permit - Pool Barrier	Manager Building Services	Building Act 2011	S20.1	P Martin
5/03/2020	BA57953 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	S20.1	Highbury Homes (WA) Pty Ltd
6/03/2020	BA58116 Certified building permit - Pool	Manager Building Services	Building Act 2011	S20.1	Aquatic Leisure Technologies Pty Ltd
6/03/2020	BA58020 Occupancy Permit - Commercial tenancies, carpark and medical premises	Manager Building Services	Building Act 2011	s58.1	JMG Building Surveyors
9/03/2020	(APP) - DA19-43050 - 78 Louise ST, N - Single House	Principal Planner	Planning and Development (Local	Regulation 82	Mercedes Group

			Planning Schemes) Regulations 2015		
9/03/2020	BA58081 Occupancy Permit - Retail 'Steves Hotel'	Manager Building Services	Building Act 2011	s58.1	Resolve Group Pty Ltd
9/03/2020	BA58086 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	S20.1	Coast Homes WA Pty Ltd
10/03/2020	(APP) - DA19-43393 - 20 Jameson St, S - Amendment to DA19-34225	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Webb & Brown Neaves
10/03/2020	(APP) - DA19-45715 - 51 Taylor Rd, N - Carport	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Russell Building Approvals
10/03/2020	3044389 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Lachlan Montgomery
10/03/2020	3042659 and 3042669 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Priscilla Lee
10/03/2020	3042611- Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Liam Anderson
10/03/2020	3042355 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Max R Harris
10/03/2020	3044332 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Chris Andrew

11/03/2020	BA58353 Certified building permit - Screen	Manager Building Services	Building Act 2011	s20.1	Classic Aluminium Pty Ltd
11/03/2020	BA57991 Demolition Permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Prime Contracting & Hire Pty Ltd
11/03/2020	BA58291 Certified building permit - Alteration (School)	Manager Building Services	Building Act 2011	s20.1	Hawkins Building Co Pty Ltd
11/03/2020	BA58270 Certified building permit - Two storey dwelling	Manager Building Services	Building Act 2011	s20.1	Emmerton Pty Ltd
11/03/2020	BA58134 Certified building permit - Carport	Manager Building Services	Building Act 2011	s20.1	The Carport Company
11/03/2020	BA58164 Demolition Permit - Full site	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolitions and Salvage Pty Ltd
12/03/2020	BA58408 Certified building permit - Alterations	Manager Building Services	Building Act 2011	s20.1	Vogue Constructions (WA) Pty Ltd
12/03/2020	BA58299 Demolition Permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Civil Con Holdings Pty Ltd
12/03/2020	BA54061 Uncertified building permit - Pool Barrier	Manager Building Services	Building Act 2011	s20.1	P D Drain
13/03/2020	BA59023 Certified building permit - Shed	Manager Building Services	Building Act 2011	s20.1	Profounder Factory Direct Pty Ltd
13/03/2020	BA58151 Uncertified building permit - Alterations	Manager Building Services	Building Act 2011	s20.1	P J Armstrong-Sebbes
13/03/2020	BA58429 Certified building permit - Additions	Manager Building Services	Building Act 2011	s20.1	Springate Constructions Pty Ltd

16/03/2020	(APP) - DA19-43480 - 70 Williams Rd, Nedlands	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Addstyle Constructions
16/03/2020	3030906 - Withdrawn Parking Infringement Notice - Medical Emergency	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Janette Keating
16/03/2020	3042868 - Withdrawn Parking Infringement Notice - Medical Emergency	Manager Health & Compliance	Local Government Act 1995	9.20/6.12(1)	Tiziana Chiera
17/03/2020	(APP) - DA19-43467 - 2 Granby Cr, Nedlands - Single House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Averna Homes
17/03/2020	(APP) - DA20-45402 - 90 Adelma Road - Addition (Fence) to Single House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Felix Yao & Magdalele Ting
17/03/2020	BA58686 Certified building permit - View tower	Manager Building Services	Building Act 2011	s20.1	Paragon Scaffolding Services Pty Ltd
18/03/2020	BA58950 Demolition Permit - Fill Site	Manager Building Services	Building Act 2011	s20.1	JSA Contracting Pty Ltd
20/03/2020	BA57124 Occupancy Permit - Yoga Studio	Manager Building Services	Building Act 2011	s58.1	Resolve Group Pty Ltd
20/03/2020	BA55824 Demolition Permit - Partital Removal	Manager Building Services	Building Act 2011	s21.1	Di Trento Demolition Pty Ltd

20/03/2020	BA46004 Building Approval Certificate - Garage	Manager Building Services	Building Act 2011	s58.1	Green Start Consulting Pty Ltd
20/03/2020	BA58624 Occupancy Permit Strata - Hospital and Carpark	Manager Building Services	Building Act 2011	s58.1	Georgiou Group Pty Ltd
20/03/2020	BA59129 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Create Homes Pty Ltd
20/03/2020	BA59054 Certified building permit - Radiology Fitout	Manager Building Services	Building Act 2011	s20.1	Kwikfit Building Solutions
20/03/2020	BA59171 Demolition Permit - Full Site	Manager Building Services	Building Act 2011	s21.1	AAA Demolition & Tree Service
20/03/2020	BA58390 Demolition Permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition and Salvage Pty Ltd
20/03/2020	BA57582 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	
23/03/2020	(APP) - DA19-43193 - 20B Dalkeith Road, Nedlands - Single House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Lane and Tracy Bauer
23/03/2020	(APP) - DA20-43629 - 33 Viking Road, Dalkeith - Two Storey Dwelling	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Peter Stannard Homes Pty Ltd
23/03/2020	(APP) - DA20-44118 - 20 Dalkeith Road, Nedlands - Single Dwelling	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Lane and Tracy Bauer

23/03/2020	BA58809 Demolition Permit - Storage Buildings	Manager Building Services	Building Act 2011	s21.1	Hazelton Property Group Pty Ltd
24/03/2020	(APP) - DA20-43731 - 76 Thomas Street, Nedlands - Two storey dwelling	Manager Urban Planning	Planning and Development Act - regulations 2015	Regulation 82	DP Bailey
24/03/2020	BA59015 Certified building permit - Alterations	Manager Building Services	Building Act 2011	s20.1	Minchin & Sims Pty Ltd
24/03/2020	BA58968 Certified building permit - Consulting Rooms	Manager Building Services	Building Act 2011	s20.1	Mr S Procter
24/03/2020	BA59192 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Atrium Homes (WA) Pty Ltd
24/03/2020	BA57402 Demolition permit - Full site	Manager Building Services	Building Act 2011	s21.1	Mr J Atkinson
25/03/2020	BA55516 Building Approval Certificate - Alterations	Manager Building Services	Building Act 2011	s58.1	Resolve Group Pty Ltd
25/03/2020	BA59038 Uncertified building permit - Boundary Wall	Manager Building Services	Building Act 2011	s20.1	E L Graham
26/03/2020	BA59341 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Stannard Group Pty Ltd
26/03/2020	BA58938 Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Abel Patio's and Roofing
26/03/2020	BA58674 Certified building permit - Amendment	Manager Building Services	Building Act 2011	s20.1	Coast Homes WA Pty Ltd
26/03/2020	BA58701 Certified building permit - Forward works	Manager Building Services	Building Act 2011	s20.1	Georgiou Group Pty Ltd
26/03/2020	BA58694 Demolition Permit - Omera Ward	Manager Building Services	Building Act 2011	s21.1	Focus Demolition and Asbestos Removal Pty Ltd

26/03/2020	BA59500 Certified building permit - Wall	Manager Building Services	Building Act 2011	s20.1	Landscape Elements
26/03/2020	BA59534 Demolition Permit - Full site	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition and Salvage Pty Ltd
26/03/2020	BA59256 Certified building permit - Dwelling and Pool	Manager Building Services	Building Act 2011	s20.1	Coastview Australia Pty Ltd
26/03/2020	BA58523 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Oswald Homes (1972) Pty Ltd
27/03/2020	3045477 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20\6.12(1)	Louisa Dodos
27/03/2020	BA59215 Certified building permit - Carport	Manager Building Services	Building Act 2011	s20.1	Custom Construction
27/03/2020	BA59891 Certified building permit - Theatre Fitout	Manager Building Services	Building Act 2011	s20.1	Symmons Nominees Pty Ltd
30/03/2020	(APP) - DA20-45123- 6 Colin St, Dalkeith - Retaining Walls	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Honest Holdings
30/03/2020	(APP) - DA20-37369 - 6 Colin Street, Dalkeith - Retaining Walls	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Honest Holdings Pty Ltd T/As Atrium Homes
30/03/2020	3030902 - 3042828 - 3044281 - Withdrawn Parking Infringement Notice - Compassionate Grounds		Local Government Act 1995	9.20/6.12(1)	Felicity Barich
30/03/2020	BA59550 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Webb and Brown Neaves

30/03/2020	BA59561 Certified building permit - Addition	Manager Building Services	Building Act 2011	s20.1	Addstyle Constructions Pty Ltd
30/03/2020	BA59824 Certified building permit - Pergola	Manager Building Services	Building Act 2011	s20.1	Rokbuild Pty Ltd
30/03/2020	BA58370 Certified building permit - Dwelling and Pool	Manager Building Services	Building Act 2011	s20.1	AMG Homes Builders Pty Ltd
30/03/2020	BA59302 Certified building permit - Pool	Manager Building Services	Building Act 2011	s20.1	Factory Pools Perth
31/03/2020	(APP) - DA20-44442 - Addition (Patio) to Single House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Min Lee and Thi Phu
31/03/2020	(APP) - DA20-44750 - 103A Rochdale Road, Mt Claremont - Single House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Summit Homes Group
31/03/2020	(APP) - DA19-42124 - 35 Mayfair Street, Mt Claremont - Additional Grouped Dwelling	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Tascone Design Team
31/03/2020	BA60199 Certified building permit - Additions	Manager Building Services	Building Act 2011	s20.1	Dale Alcock Homes Pty Ltd
31/03/2020	BA60228 Demolition Permit - Full site	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition and Salvage Pty Ltd
31/03/2020	BA59997 Certified building permit - Pool and Barrier	Manager Building Services	Building Act 2011	s20.1	Select Pools

31/03/2020	3045474 - Withdrawn Parking Infringement Notice - Compassionate Grounds		Local Government Act 1995	9,20\6.12(1)	Brenda Foster
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13.3 Monthly Financial Report – March 2020

Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	<ol style="list-style-type: none"> 1. Financial Summary (Operating) by Business Units – 31 March 2020 2. Capital Works & Acquisitions – 31 March 2020 3. Statement of Net Current Assets – 31 March 2020 4. Statement of Financial Activity – 31 March 2020 5. Borrowings – 31 March 2020 6. Statement of Financial Position – 31 March 2020 7. Operating Income & Expenditure by Reporting Activity – 31 March 2020 8. Operating Income by Reporting Nature & Type – 31 March 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.

Recommendation to Council

Council receives the Monthly Financial Report for the period ended 31 March 2020.

Discussion/Overview

The financial impact of COVID-19 is not reflected in the March figures however, the Hardship policy endorsed at the Special Council Meeting of 14 April 2020 introduced measures to support the City's many stakeholders which are likely to impact upon the finances from April onwards.

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 March 2020 together with a Statement of Net Current Assets as at 31 March 2020.

The operating revenue at the end of March 2020 was \$32.72 M which represents \$55k favourable variance compared to the year-to-date budget.

The operating expense at the end of March 2020 was \$22.41 M, which represents \$215k unfavourable variance compared to the year-to-date budget.

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

Governance

Expenditure:	Favourable variance of	\$ 333,349
Revenue:	Unfavourable variance of	\$(123,137)

The favourable expenditure variance is mainly due to:

- professional fees of \$228k and WESROC cost of \$99k not incurred yet.

The unfavourable revenue variance is due to:

- timing difference of WESROC Invoice to other Western Suburbs and reduced scope of work.

Corporate and Strategy

Expenditure:	Favourable variance of	\$ 395,799
Revenue:	Favourable variance of	\$ 78,026

The favourable expenditure variance is mainly due to:

- timing differences in the use of ICT expenses of \$167k; and
- salaries of ICT and customer service expenses are lower by \$188k due to delay in filling vacant positions off-set by use of agency staff.

Favourable revenue variance is due to:

- timing difference of rates income of \$158k mainly arising from higher instalment interest and late payment interest of \$50k, administration charges of \$20k and rates of \$106k;
- higher Finance fees and charges and sundry income of \$20k; and
- off-set by lower interest rates income of \$107k due to lower interest rates.

Community Development and Services

Expenditure:	Favourable variance of	\$152,964
Revenue:	Favourable variance of	\$230,656

The favourable expenditure variance is mainly due to:

- expenses not expended yet for community donations and special projects and operational activities of \$91k;
- lower Tresillian courses fee and Library other expenses of \$26k; and
- salaries of PRCC and Library services are lower by \$29k due to timing differences which will even out by end of year.

The Favourable revenue variance is due to:

- increase fees & charges income from Positive ageing, Tresillian courses, NCC and PRCC of \$170k; and
- higher grants of \$55k.

Planning and Development

Expenditure:	Favourable variance of	\$ 251,297
Revenue:	Favourable variance of	\$ 158,502

The favourable expenditure variance is mainly due to:

- expenses not expended yet for operational activities and strategic projects of \$136k; and
- salaries of building services are lower by \$97k due to delay in filling vacant positions.

Favourable revenue variance is mainly from planning fees & charges of \$136k due to fees and charges arising from new town planning scheme amendments.

Technical Services

Expenditure:	Unfavourable variance of	\$ (918,616)
Revenue:	Unfavourable variance of	\$ (288,617)

The unfavourable expenditure variance mainly due to:

- UGP refund from Western Power of \$842k budgeted in 2019/20. However, the refund has since been accrued in 2018/19 as the refund was confirmed in June 2019 and relates to expenses incurred in 2017/18 and 2018/19 and has been adjusted during the midyear budget review;
- due to a lower level of capital works completed than budgeted year to-date, on-costs of \$1 M have not been costed to projects. This will even out as the level of completed capital works increases and offset by;
- lower depreciation and plant operating cost in Plant Operations by \$346k due to lower cost of plant and timing differences;
- lower waste minimisation expenses by \$387k due to timing difference; and
- lower parks and building maintenance cost by \$147k due to timing difference.

The unfavourable revenue variance is due to:

- lower Underground power Service Charges of \$233k which have been accounted for in the 2018/19 income; and
- the waste minimisation fees and charges are lower by \$44k due to timing differences.

Borrowings

As at 31 March 2020, we have a balance of borrowings of \$6.3 M. There were no additional borrowings for the year in 2019/20 budget and the estimated loan balance as at 30 June 2020 is \$5.9 M.

Net Current Assets Statement

As at 31 March 2020, net current assets was \$11.01 M compared to \$10.55 M as at 31 March 2019. Current assets are higher by \$4 M offset by higher liabilities \$3.5 M.

Capital Works Programme

At the end of March, the expenditure on capital works were \$4.4M with further commitments of \$1.5 M which is 47% of a total budget of \$12.7 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	183
Number of contract staff (temporary/agency staff) as of the last day of the previous month	3
*FTE (Full Time Equivalent) count as of the last day of the previous month	158.26
Number of unfilled staff positions at the end of each month	16

* FTE - Vacant positions have reduced and been replaced by a small increase in substantive occupancy. COVID-19 did not impact March figures but is

trending with cessation of temporary and short-term contract staff which will be reflected in subsequent monthly reports.

Conclusion

The statement of financial activity for the period ended 31 March 2020 indicates that operating expenses are under the year-to-date budget by 0.9% or \$214k, while revenue is above the Budget by 0.2% or \$55k.

Key Relevant Previous Council Decisions:

Nil.

Consultation

N/A

Strategic Implications

The 2019/20 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 2019/20 approved budget ensured that there is an equitable distribution of benefits in the community

The 2019/20 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 and current economic situation. The approved budget was in a small surplus position and the City is able to manage the cost.

The approved budget had an increase of 2.95% increase on the rates.

13.4 Monthly Investment Report – March 2020

Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Investment Report for the period ended 31 March 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.

Recommendation to Council

Council receives the Investment Report for the period ended 31 March 2020.

Discussion/Overview

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

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

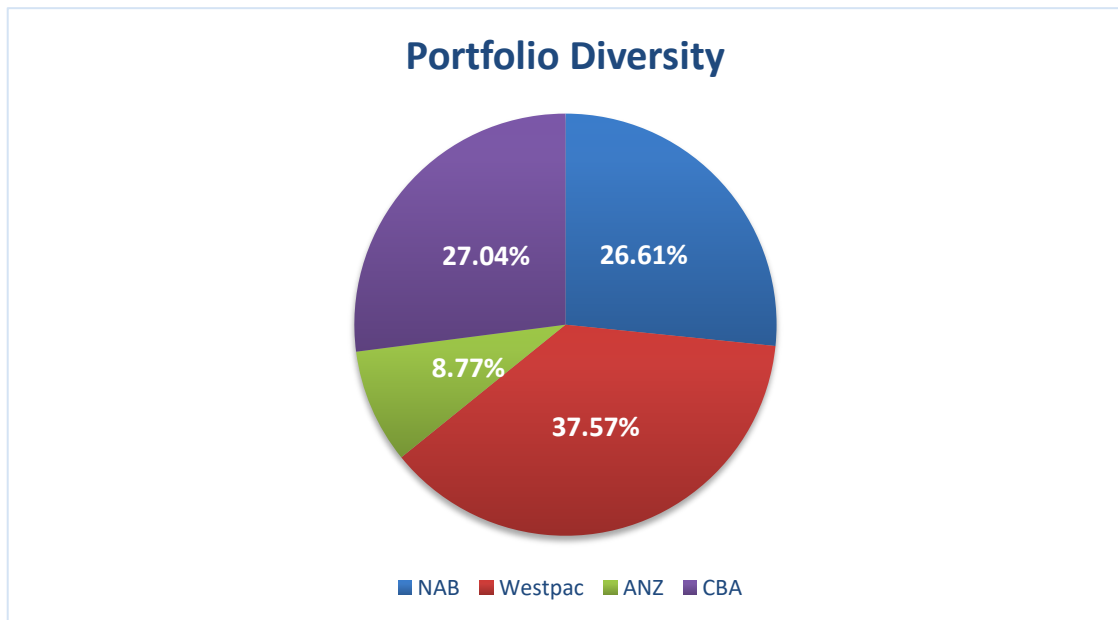
The Investment Summary shows that as at 31 March 2020 the City held the following funds in investments:

Municipal Funds	\$ 6,596,388.29
Reserve Funds	<u>\$ 7,058,323.08</u>
Total	<u>\$ 13,654,711.37</u>

The total interest earned from investments as at 31 March 2020 was \$192,783.15.

The Investment Portfolio comprises holdings in the following institutions:

Financial Institution	Funds Invested	Interest Rate	Proportion of Portfolio
NAB	\$3,633,826.37	1.40% - 2.73%	26.61%
Westpac	\$5,130,103.54	1.26% - 1.80%	37.57%
ANZ	\$1,197,905.93	1.25%	8.77%
CBA	\$3,692,875.53	0.93% - 2.38%	27.05%
Total	\$13,654,711.37		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 2019/20 approved budget is in line with the City's strategic direction.

The 2019/20 approved budget ensured that there is an equitable distribution of benefits in the community

The 2019/20 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 2019/20 approved budget was based on economic and financial data available at the time of preparation of the budget.

Budget/Financial Implications

Due to lower interest rates, the March YTD Actual interest income from all sources is \$226,583 compared to a budget of \$333,756. In view of this, the annual budget for interest income has been reduced from \$445,000 to \$300,000 at the mid-year budget review.

The approved budget is prepared taking into consideration the Long-Term Financial Plan and current economic situation. The approved budget was in a small surplus position and the City is able to manage the cost.

The approved budget had an increase of 2.95% increase on the rates.

13.5 COVID-19 – Communication and Stakeholder Engagement Continuity Plan for Urban Planning

Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Peter Mickleson
CEO	Mark Goodlet
Attachments	<ol style="list-style-type: none"> 1. COVID-19 Communication and Stakeholder Engagement Continuity Plan for Urban Planning 2. Clause 78H Notice of Exemption from Planning Requirements during State of Emergency

Executive Summary

In response to the recent declaration of the global pandemic of Coronavirus (COVID-19), Administration has prepared the Engagement and Stakeholder Communication Continuity Plan (Continuity Plan) to respond to and enable continued community engagement during this time. The purpose of this report is for Council to receive the Continuity Plan and support the key actions it proposes.

Administration has also included the Clause 78H Notice of Exemption from Planning Requirements during State of Emergency as an attachment to this report, for Council’s noting.

Recommendation to Council

Council:

- 1. receives the COVID-19 Communication and Engagement Continuity Plan for Urban Planning (Attachment 1) and supports the key actions contained therein; and**
- 2. notes the Clause 78H Notice of Exemption from Planning Requirements during State of Emergency (Attachment 2).**

Background

The Australian Government’s advice in response to COVID-19 is for all members of the community to stay at home, except for essential outings. At the local level, the City has implemented the following operational changes:

- City Administration office is closed to the public (suspension of in-person planning service at the front counter).

- Majority of Urban Planning staff working from home; and
- Restrictions on in-person meetings, information sessions and engagement activities to ensure that social distancing recommendations of 1.5m separation can be maintained.

A key function of the Urban Planning team which has been and will continue to be impacted by these COVID-19 responses, is communication with the public and engagement with stakeholders. The Urban Planning team undertakes a range of communication and engagement activities for statutory and strategic planning proposals. This includes communications and engagement activities which are statutorily required, such as advertising a development application, as well as communications and engagement activities which go beyond statutory requirements, such as community workshops held during the development of a local planning policy. Many of these communication and engagement activities are typically undertaken in-person with the local community. The operation of these in-person communication and engagement activities are now significantly limited due to the COVID-19 pandemic.

In response to these current limitations on communication and engagement activities, Administration has prepared the Engagement and Stakeholder Communication Continuity Plan (Attachment 1). Administration took this proactive measure with the knowledge that despite current world events, statutory obligations remain, and community expectations need to be met as far as being involved and given the opportunity to provide feedback on urban planning matters.

Discussion

COVID-19 Communication and Engagement Continuity Plan for Urban Planning

Purpose & Objective

The purpose of the Continuity Plan is to ensure that the City will be capably positioned to continue to deliver community engagement, particularly, that which is statutorily required, for the duration of the COVID-19 pandemic. Due to social restrictions and limited operating capacity of the City in offering face-to-face engagement, the Plan will ensure that the community are afforded the opportunities to engage and remain informed on any matters relating to urban planning.

The overarching objective of the Continuity Plan is to facilitate as much of a seamless transition to alternative engagement approaches to face-to-face engagement during the COVID-19 pandemic. There is significant focus placed on online engagement options, recognising that this engagement method is one that offers digital inclusivity and can be readily accessed by community members in their own homes while social restrictions are imposed.

Overview

The Continuity Plan identifies the need to maintain a two-way communication channel between the community and Council during the COVID-19 pandemic, ensuring the ongoing delivery of open and transparent engagement. It acknowledges some of the opportunities and challenges that may be encountered in changing the way engagement activities will be delivered. The Continuity Plan also outlines alternative engagement methods that cater for those community members who do not have access to, or proficiency in, online portals such as Your Voice or the City's corporate website for engagement purposes.

The success in transitioning to alternative engagement methods to facilitate statutory engagement will rely on key messaging that supports and reassures the community that engagement will continue to offer open and transparent processes and opportunities.

In relation to urban planning matters specifically, the Continuity Plan provides an outline of how engagement will be delivered dependent on the planning matter (i.e. development applications, complex development applications, local planning policy reviews etc.).

Lastly, the Continuity Plan also acknowledges the need to regularly monitor and adapt the plan and suggested engagement methods, to reflect the current status of the Australian Government advice.

Clause 78H Notice of Exemption from Planning Requirements during State of Emergency

Under amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Minister for Planning has the authority to temporarily override requirements of local planning schemes, and existing conditions of planning approvals, for a single local government, across a specific region or across the State.

These changes provide a critical option for Government in a State of Emergency to safeguard the supply of essential goods and services, help maintain civil order and lessen the demands for local governments in favour of direct frontline support in their communities.

Regulatory changes came into effect on 3 April 2020 in response to the current State of Emergency for the COVID-19 pandemic.

The new Regulations include provision for the Minister to issue a Notice of Exemption to support the Government's response to, or recovery from, a State Emergency.

A Clause 78H Notice of Exemption from Planning Requirements during State of Emergency (Notice of Exemption; Attachment 2) has been issued to provide specific guidance to both proponents and local government on a range of temporary exemptions for certain approvals and requirements within the local

planning framework. These exemptions will remain in effect until 90 days after the end of the State of Emergency.

The exemptions remove any barriers within the planning system to ensure flexible and speedy responses to a changing crisis environment, support business and guarantee the provision of essential community services. They include:

- medical or health-related facilities required in response to the COVID-19 pandemic;
- truck and logistic companies needing to deliver goods but currently with restricted loading and unloading times;
- businesses seeking to adapt by changing their current approved use;
- restaurants and cafes required to sell takeaway in contravention of current planning conditions;
- people operating their businesses from residential zones;
- parking commercial vehicles on residential properties;
- a blanket two-year extension for all current development approvals;
- businesses needing to change signs; and
- temporary workers accommodation.

Administration will ensure that these exemptions are incorporated into current planning processes. The Notice of Exemption has been included as Attachment 2 for Council to note.

Consultation

The Continuity Plan been prepared to ensure that the Urban Planning team's communication and engagement activities can continue in a manner which is compliant with the latest COVID-19 advice from the Australian Government.

The Continuity Plan itself is a procedural document which is not subject to any statutory advertising requirements. Notwithstanding, the Continuity Plan acknowledges the need to regularly monitor and adapt the plan and suggested engagement methods, to reflect the current status of the Australian Government advice. As part of this ongoing adaptation of the plan, Administration may also incorporate any feedback from the community relating to issues with, or suggested improvements to the plan.

Strategic Implications

How well does it fit with our strategic direction?

The City's Strategic Community Plan 'Nedlands 2018-2028' emphasizes the importance of community engagement, to ensure that the City's decision-making processes are guided by the community concerns and aspirations. The Continuity Plan has been prepared to ensure that the Urban Planning team's communication and engagement activities can continue in a manner which is compliant with the latest COVID-19 advice from the Australian Government.

Who benefits?

The Continuity Plan has been prepared to ensure that the community still benefits from being involved in planning processes, in a manner which responds the latest COVID-19 advice from the Australian Government. The City will also benefit by ensuring that decision-making processes are still informed by robust engagement with the community.

The Continuity Plan also outlines alternative engagement methods that cater for those community members who do not have access to, or proficiency in, online portals such as Your Voice or the City's corporate website for engagement purposes.

Does it involve a tolerable risk?

Without a strategic approach to communication and engagement on statutory planning matters, which is tailored to the current COVID-19 environment, the City is at risk of failing to meet statutory requirements for consultation of planning proposals such as development applications. In relation to strategic planning proposals, failure to engage with the community appropriately will likely result in planning documents which are not based on community concerns and aspirations. The Continuity Plan has been prepared to manage these risks.

Do we have the information we need?

The Continuity Plan has been based on the latest advice from the Australian Government about the COVID-19 pandemic. It will be reviewed on a regular basis to ensure that it reflects any changes to this advice.

Budget/Financial Implications

Can we afford it?

The Continuity Plan proposes a number of actions in response to COVID-19, including recommended internal procedural practices, and increased use of online channels for communication and engagement. The City already has access to these channels, such as the City's corporate website and Your Voice website. The actions proposed in the Continuity Plan are therefore not anticipated to result in any additional budgetary requirements for the City.

How does the option impact upon rates?

As noted above, the actions proposed in the Continuity Plan are not anticipated to result in any additional budgetary requirements for the City. There are therefore no anticipated impacts on rates.

Conclusion

The City of Nedlands has taken the proactive approach in preparing the Continuity Plan to ensure ongoing engagement for urban planning matters during the COVID-19 pandemic. The Continuity Plan acknowledges the requirement for urban planning to meet statutory requirements and assumes the likelihood that statutory and strategic planning proposals will continue to be received and be planned for, despite the COVID-19 pandemic.

Administration has also included the Clause 78H Notice of Exemption from Planning Requirements during State of Emergency as an attachment to this report, for Council's noting.

13.6 Local Planning Scheme 3 – Local Planning Policy: Dalkeith Road to Stanley Street Laneway and Built Form Requirements

Council	28 April 2020
Applicant	N/A
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Peter Mickleson – Director Planning & Development
CEO	Mark Goodlet
Attachments	1. Draft Dalkeith Road to Stanley Street Built Form Requirements Local Planning Policy (LPP)

Executive Summary

The purpose of this report is for Council to prepare and adopt for advertising the Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy.

This Policy details the requirements relating to the ceding of private land and creation of a new rear east-west laneway on properties with a northern abuttal to Stirling Highway and located between Dalkeith Road – Stanley Street (refer Figure 1). It also outlines the built form requirements for the proposed laneway.

This Policy has been created as a mechanism to enable the ceding of land in accordance with clause 32.3 of City's Local Planning Scheme No. 3 (LPS3). Clause 32.3 allows the City to require that a developer create a laneway and cede and construct that laneway at the developer's cost for the purpose of creating rights of way or laneways which are identified by the scheme or, a structure plan, local development plan, activity centre plan or Local Planning Policy at the time of the owner developing or subdividing the land.

The creation of the proposed laneway is consistent with the City of Nedlands Local Planning Strategy (LPS) and Draft City of Nedlands Town Centre Local Planning Policy.

It aims to provide an alternative to the existing means of primary vehicle access along Stirling Highway for the affected lots, their future users and the surrounding residential neighbourhoods. The alternative access is intended to help relieve growing traffic volumes and congestion along Stirling Highway and will provide direct access from Dalkeith Road to Stanley Street, and through the future Nedlands Town Centre. In doing so, it aims to better protect designated active pedestrian areas such as at the northern end of Florence Road.

Recommendation to Council

Council resolves that:

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*, the Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy.

Discussion/Overview

Background

The properties subject to the proposed Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy include 56 Dalkeith Road (Lots 50 and 51), 90 Stirling Highway (Lots 4 and 5) and 4 Florence Road (Lot 22) and 7 Stanley Street (Lot 33) shown on Figure 1 below. These properties were recently up-coded to a density of R-AC1 under the City’s adopted Local Planning Scheme No. 3 (LPS3).



Figure 1: Properties to the south of Stirling Highway between Dalkeith Road and Stanley Street subject to proposed laneway development

Clause 32.3 of LPS3 allows the City to require that a developer create a laneway and cede and construct that laneway at the developer’s cost for the purpose of creating rights of way or laneways which are identified by the scheme or, a structure plan, local development plan, activity centre plan or Local Planning Policy at the time of the owner developing or subdividing the land.

Therefore, if Council chooses to adopt this policy, the City will have the head of power under clause 32.3 of LPS 3 to acquire the land and require landowner(s) and/or developer(s) to construct the laneway to the City’s specifications at the time of subdivision or significant redevelopment.

Laneway Details

This Policy details the requirements for the proposed laneway between Dalkeith Road and Stanley Street. It sets out the land identified to be ceded for the creation of the laneway and the requirements for the ceding and subsequent development.

The Policy requires the ceding of a 10m wide strip of land on each of the affected properties, measured from the southern boundary line on Lots 50 and 51 (56 Dalkeith Road), and Lots 4 and 5 (90 Stirling Highway).

The laneway is to follow this eastern alignment over Florence Road and on the Captain Stirling redevelopment site which is also known as Nedlands Square and incorporates the land found at 80 Stirling Highway (Lot 1) 2-6 Florence Road (Lots 21 to 23) and 7-9 Stanley Street (Lots 32 to 33). On the Captain Stirling redevelopment site, the laneway would be extended east along the southern boundary of Lot 22 (4 Florence Road) and Lot 33 (7 Stanley Street).

The 10m wide strip will facilitate the construction of a 7m wide carriageway and a 3m buffer zone that will provide opportunity for the construction of an acoustic barrier as considered appropriate, landscaping treatments in the form of canopy tree planting and vegetative screening, and lighting/ other servicing requirements.

The ceding of the laneway will be given effect by the redevelopment or subdivision (including amalgamation) of the affected lots.

Once each affected property has ceded the 10.0m strip of land, the laneway will be created, and subsequently constructed to the City's specifications including it being sealed, drained and provided with lighting and landscaping. In the interim, until full through-access is provided, individual affected properties may utilise the laneway for servicing needs, as agreed to by the City.

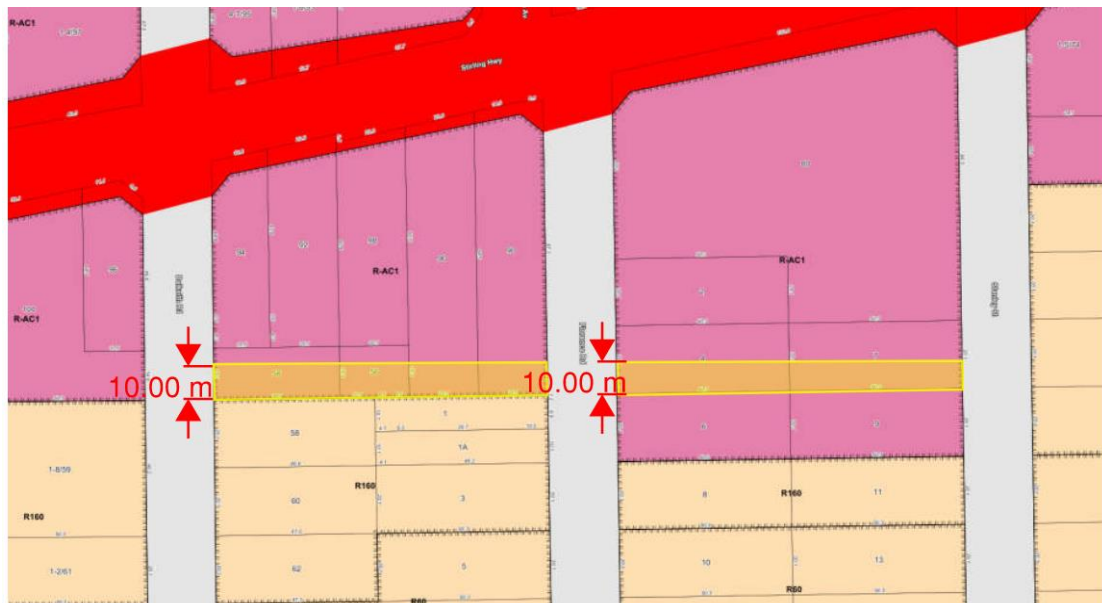


Figure 2: Proposed location of 10m wide laneway

It is important to recognise the development situation and site context associated with each of the lots that comprise the laneway. These details are summarised below.

Lots 50 and 51 Dalkeith Road

The land parcels at Lot 50 and 51 Dalkeith Road represent the western entrance of the proposed laneway.

Lot 50 currently accommodates a local drainage sump that services the drainage needs for the broader surrounding residential and commercial area. Both properties are now owned by the City following the recent acquisition of Lot 50 in 2019. The land was previously owned by the Water Corporation. The recent land acquisition occurred to enable the future construction of the east-west laneway over the City-owned land from Dalkeith Road to Florence Road. Notwithstanding the future construction of the laneway, Lot 50 will continue to service the drainage needs of the surrounding land via an alternative infrastructure design solution.

ALDI site – 90 Stirling Highway (Lots 3, 4 and 5)

The land comprising Lots 3, 4 and 5 at 90 Stirling Highway is known informally as the ALDI redevelopment site. A development approval was granted by the Metro West JDAP (application reference DA18/29611 (DAP/18/01444)) on 14 November 2018 for a supermarket and six (6) shops.

Specifically, the application proposed a small-line (1,213m²) ALDI supermarket with a rear 347m² rear storage area and ancillary office and staff facilities (60m²) as well as additional retail tenancies (624m² GFA) fronting Florence Road and Stirling Highway independent of the supermarket, landscaping and supermarket signage and a basement car park containing 90 bays (2 disabled bays) that is accessible from Florence Road via a crossover at the south-east corner of the site. The servicing area of the supermarket is located at the southern end of the development site and features a truck turn table at the south-west corner, which is the subject of a development approval condition (Condition 12).

The development approval is valid for three (3) years until 14 November 2021, with an additional 2 years now allowed under the Minister's Exemption, and is subject to various conditions including the following, which hold implications for the proposed east-west laneway:

Administrative

5. Prior to occupation of the development, the applicant is to enter into a Deed of Agreement with the City of Nedlands to ensure that, should access be made available to Dalkeith Road in the future, the proposed development is able to facilitate public through access from Dalkeith Road to Florence Road. The Deed of Agreement is to be prepared at the applicant's cost.

Transport

8. A Loading, Servicing and Delivery Management Plan shall be provided to and approved by the City prior to construction commencing and will outline how the servicing of the proposed development will occur including service, delivery and rubbish collection vehicle routes. The approved plan is required to be complied with at all times.
12. A management plan for the truck turntable shall be submitted and approved by the City of Nedlands prior to the occupation of the development. The approved management plan shall be complied with at all times.

Appearance of development

18. The acoustic barrier wall to the southern lot boundary shall be no more than 2m in height and be constructed of materials to ensure compliance with the relevant noise regulations and the City's Fill and Fencing Local Planning Policy to the satisfaction of the City of Nedlands.
19. The acoustic barrier wall is to be installed prior to practicable completion of the development, and be maintained thereafter, by the landowner to the City's satisfaction.
21. The applicant shall provide a revised landscaping plan for the development, prepared to the City's satisfaction including the species types, maturity and densities of soft landscaping, the proposed reticulation layout and details of the hard landscaping proposed. The revised landscaping plan shall be submitted by the applicant and approved by the City of Nedlands prior to construction commencing.
22. Landscaping shall be installed/planted in accordance with the approved landscaping plan within 60 days of practical completion of the development and maintained thereafter by the landowners to the satisfaction of the City of Nedlands.

Waste Management

26. A waste management plan shall be submitted and approved by the City prior to construction commencing. The approved waste management plan shall be complied with at all times by the landowner to the City's satisfaction.

Whilst a development approval is in place for the ALDI redevelopment, Condition 5 makes provision for the preparation of a Deed of Agreement prior to occupation of the development, in order to facilitate public through access from Dalkeith Road to Florence Road in the event laneway access is provided to Dalkeith Road. Together with clause 32.3 of LPS3 and the proposed Policy, this mechanism can therefore be utilised to facilitate the creation and construction of the east-west laneway across Lots 4 and 5. The future amalgamation also required under Condition 1 of the development approval would also provide a trigger for the ceding of the land, although compliance of this condition is not required until occupancy.

The provision of the proposed east-west laneway access across the ALDI site also has implications for Conditions 8, 12, 18, 19, 21, 22 and 26. That notwithstanding, there is scope for the impact of the new laneway to be addressed as part of these conditions which are to be addressed with amended plans or strategies prior to construction or occupation.

Captain Stirling redevelopment site - 80 Stirling Highway (Lot 1) 2-6 Florence Road (Lots 21 to 23) and 7-9 Stanley Street (Lots 32 to 33).

An application (Reference DA19/38512 and DAP19/01651) relating to the redevelopment of the Captain Stirling site was lodged in August 2019 and subsequently amended in March 2020. The application is scheduled to be considered by JDAP in May 2020.

The application broadly proposes:

- The demolition of four (4) existing single houses and the bottle shop associated with the Captain Stirling Hotel.
- Minor alterations and additions to the Captain Stirling Hotel
- A new mixed-use commercial building that incorporates basement, ground level and upper deck carpark, a full line Woolworths supermarket, medical centre liquor store, specialty shops, restaurants at ground level, a gymnasium at level 1 and offices at the undercroft/basement level and level 1.

The development application has consistently proposed a 7m wide laneway to the rear of Lots 23 and 32 (6 Florence Road and 9 Stanley Road). The proposed southern site interface comprises a landscape trellis at the boundary, followed by a row of 30 car bays (90-degree angle) and a 7.0m wide laneway. The purpose of the laneway is to facilitate access between Florence Road and Stanley Street for both service vehicles to the retail building, as well as customers and visitors to the retail development and town centre site more broadly.

As proposed under application DA/19/38512, this laneway is misaligned with the east-west laneways envisaged between Dalkeith and Florence Road, being located approximately 20m further to the south at the southern boundary of the development site. This remains an alternative as it provides a barrier to the residential area.

The redevelopment of the Captain Stirling site also proposes to signalise the intersection of Stirling Highway and Stanley Street, introducing a continuous median between Stanley Street and Dalkeith Road and therefore restricting right-turn access into Florence Road from Stirling Highway. The proposed treatment of Stirling Highway has implications for the ALDI site with respect to Stirling Highway access. These implications however could be alleviated by the proposed east-west laneway delivering alternative access to the ALDI site between signalised intersections at both Dalkeith Road and Stanley Street.

The requirement for signalisation of intersections in Stirling Hwy has not yet been determined by Main Roads WA. The abovementioned application is still

undergoing assessment and awaiting traffic engineering feedback and Main Roads WA advice. There is some capacity for the misaligned laneway to be can be addressed as part of this assessment process.

Assessment of Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

Under Schedule 2, Part 2, clause 3(1) of the Planning Regulations, the City may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.

Once Council resolves to prepare a local planning policy is must publish a notice of the proposed policy in a newspaper circulating in the area for a period not less than 21 days.

City of Nedlands Local Planning Scheme No. 3

Under clause 32.3 of the City of Nedlands Local Planning Scheme No. 3 the City requires the ceding of land for laneways identified through a Local Planning Policy. This policy will give effect to this clause and require developers to cede land identified for a laneway before development or subdivision approval will be granted. Clause 32.3 is shown below.

Clause 32.3 Ceding of rights-of-way and laneway widening.

1. The owner of land affected by a right-of-way or laneway identified by the scheme, structure plan, local development plan, activity centre plan or local planning policy is to, at the time of developing or subdividing the land:
 - a) cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and
 - b) construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.
2. The intention expressed in sub-clause (1) may be reinforced by a condition of subdivision or development approval.

Policy/Local Development Plan Consideration

There is considerable and well-established strategic justification for the creation of the proposed laneway under the City of Nedlands Local Planning Strategy (LPS) and the City of Nedlands Town Centre Precinct Plan (NTCPP) which underpins the Draft City of Nedlands Town Centre Precinct Local Planning Policy. Under these documents, the laneway is considered a necessary future requirement for traffic management on land parcels fronting Stirling Highway. The relevant strategic intent is discussed in detail below.

Local Planning Strategy

The LPS was adopted by Council on 16 August 2016 and includes strategies advocating rear laneway access along Stirling Highway to allow for ease of movement throughout the city centre.

Section 5.6 Traffic and Transport promotes a movement network that foremost enables mobility, and particularly encourages non-car modes. It seeks to locate land uses (particularly higher density residences) and transport networks in a way that maximises efficiency. Relevant strategies include providing direction for the future of laneways throughout the City, maximising their opportunity to contribute positively to the neighbourhood.

The Strategy provided at Section 5.9.10 Stirling Highway is to investigate opportunities to provide rear laneway access as part of development along Stirling Highway.

Nedlands Town Centre Precinct Policy

The NTCPP was adopted by Council for the purpose of advertising on 14 September 2019 and was advertised as part of a Local Planning Policy between 14 March and 4 April 2020. One of the amendments to the resolution required the modification of the laneway to align with the rear setback to the ALDI site, and for this laneway alignment to be continued eastward to Stanley Street.

The NTCPP identifies the Nedlands Town Centre as the land immediately north and south of Stirling Highway, generally located between Louise Street and Martin Avenue to the west and the City of Nedlands Library site and Langham Street to the east.

The NTCPP divides the precinct area into four (4) Sub-Precincts 1 to 4. The centrally located land parcels between Mountjoy Road and Stanley Street form Sub-Precinct 1 are known as the 'Town Heart.' The Precinct Plan shows an east-west laneway on a common alignment running between Mountjoy Road in the west and Stanley Street in the east. Additional laneways are identified in the Town Centre Precinct (Sub-Precinct 2) to the north.

This report addresses the laneway component in Sub-Precinct 1, located south of Stirling Highway and between Dalkeith Road and Stanley Street, as envisaged under the NTCPP.

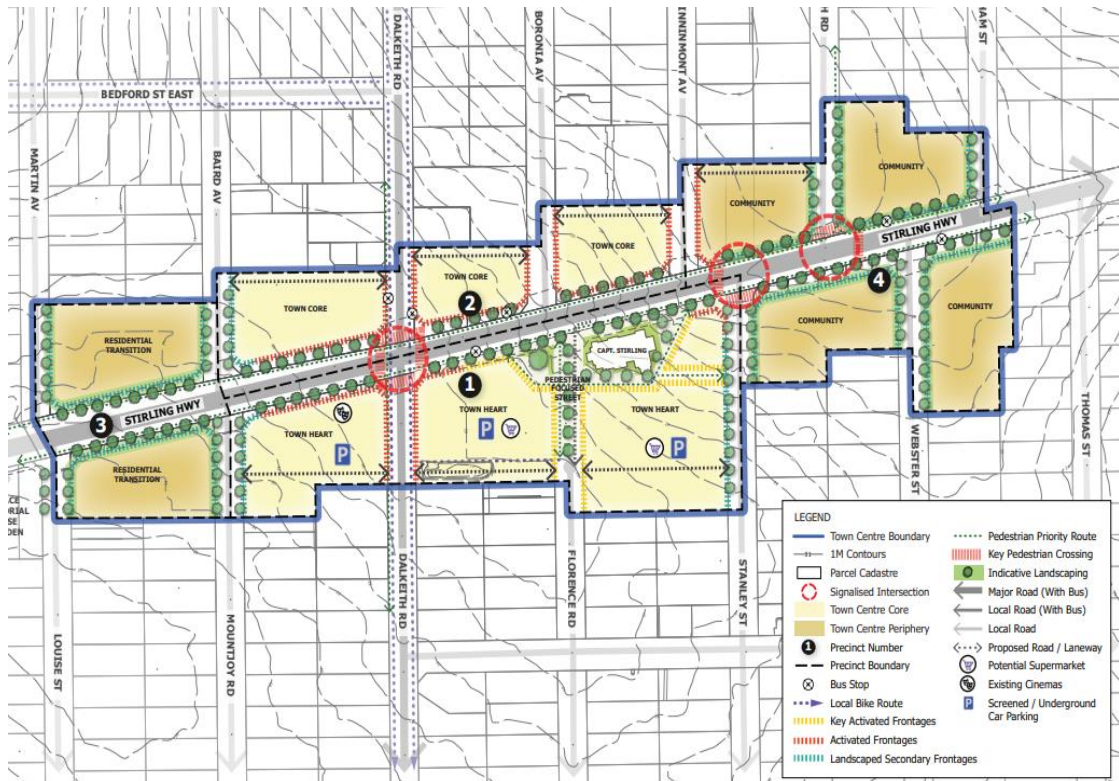


Figure 2: NTCPP – Precinct Plan



Figure 3: NTCPP – Precinct Plan Excerpt showing proposed laneway connections through Sub-Precinct 1 – Town Heart

The creation of the proposed east-west laneway is foreshadowed under the following objectives and provisions of the NTCPP:

- The Movement Objectives (page 12) seek to, among other things:
 - Facilitate the continued use of Stirling Highway as significant arterial road.
 - Support high frequency public transport throughout the precinct.
 - Ensure safe and efficient vehicular access to the precinct.
 - Provide a permeable, legible, and functional urban structure of blocks and streets.
- Vehicle Movements, access, and loading (page 13) calls for the establishment of a series of laneways located to the south of lots fronting Stirling Highway between Mountjoy Road and Stanley Street as development occurs within the precinct. The purpose of the laneways is to:
 - Support primary vehicle access, removing it from Stirling Highway.
 - Provide key vehicular access points to retail tenancies.
 - Enable loading to occur in areas away from activated pedestrian locations.

The policy further advocates for the progressive removal of access points along Stirling Highway and advises against new access points being provided to Stirling Highway. New access points are to be consolidated with adjacent properties and accessed via laneways or easements at the rear of buildings providing connections to secondary local streets.

In addition, the NTCPP expresses a preference for car park access to occur from rear laneways / easements.

In relation to the land subject to the proposed Policy, the proposed east-west laneway will support the partial closure of Florence Road to north bound traffic and the pedestrianisation of Florence Road to create a pedestrian priority precinct.

Legal Considerations

Provision for the ceding of the laneway is made under clause 32.3 of LPS3.

On Lots 50 and 51 (56 Dalkeith Road), the laneway can be constructed by the City over its own landholding.

In respect of Lots 4 and 5 (90 Stirling Highway) provision for the ceding and construction of the laneway can be facilitated under the Deed of Agreement as provided at Condition 5 of the ALDI development approval. Other relevant and affected conditions of approval (landscaping, acoustic, transport, waste management) can be similarly dealt with prior to the commencement of construction or occupancy as appropriate.

The application affecting the Captain Stirling redevelopment site is still afoot and undergoing assessment. The advertising of the proposed Policy will enable the Policy to be considered as a 'seriously entertained planning proposal' and therefore assigned an appropriate level of weight during the assessment process.

Key Relevant Previous Council Decisions:

The following recent Council decisions are relevant to the proposed Policy:

Council Meeting 22 October 2019, Item TS21.19 Land sale to City of Nedlands and Grant of Easements to Water Corporation:

“Council Resolution

Council:

1. approves the Contract of Sale between the Water Corporation (ABN 28 003 434 917) and the City of Nedlands for Lot 50 Dalkeith Road, Nedlands (Lot 50) at a cost of \$1:
 - a) approves the application of the Council Common Seal (the seal) by the Chief Executive Officer to the Contract in triplicate; and
 - b) directs the Mayor and Chief Executive Officer to execute the Contract documentation in triplicate by way of signing; and
2. approves the application of the seal by the Chief Executive Officer on the Grant of Easements for:
 - a) Lot 1 on Diagram 24967, No.290 Marine Parade, Swanbourne (Lot 1); and
 - b) Lot 116 on Deposited Plan No.80 Melvista Avenue, Dalkeith (Lot 116); and
3. Directs the Mayor and Chief Executive Officer to execute the Grant of Easement documentation in triplicate by way of signing for:
 - a) Lot 1, and
 - b) Lot 116.
4. The following additional clause be added to the Easement Deeds (under Section 3 – Grantees Covenants)

“Prior to the Grantee’s Work being carried out, the Grantee will seek all relevant approvals relating to the Grantee’s Work, including environmental approvals and any other approval required under the Water Services Act”.

Council Meeting 24 September 2019, Item 13.9 Nedlands Town Centre Precinct Plan Local Planning Policy

“Council Resolution / Amended Administration Recommendation to Council

Council in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015, prepares the Nedlands Town Centre Precinct Plan (Attachment 1) – Local Planning Policy and advertises the Local Planning Policy for a period of 21 days following the amendments being made to Attachment 1 as following:

1. Delete reference to Precinct 2 as being ‘Central Core’ and replace with ‘Town Core’;
2. Amend ‘Movement (proposed)’ map on page 11 to show the proposed laneway to the south of the Captain Stirling Hotel as being in line with the proposed laneways to the west, consistent with the ‘Precinct Plan’ map shown on page 7; and
3. Amend the ‘Built Form Requirements’ table on page 20 to modify the plot ratio requirements as follows:
 - Precinct 1: plot ratio of 4.0
 - Precinct 2: plot ratio of 6.0”

Strategic Implications

There is well-established strategic justification for the creation of the proposed laneway under the City of Nedlands Local Planning Strategy (LPS) and the City of Nedlands Town Centre Precinct Plan (NTCPP) which underpins the Draft City of Nedlands Town Centre Precinct Local Planning Policy.

The benefits of the laneway will be to the community at large; those utilising Stirling Highway, travelling to and from the Nedlands Town Centre and on the surrounding street network.

There is no risk associated with the advertising of the proposed Policy.

There is adequate information to consider the proposed Policy for the purpose of advertising. Further information related to specific traffic engineering review and feedback, including the potential preparation of a design concept for the proposed laneway may be required at a future date in order to respond to submission received during advertising, construct the laneway over the City’s landholding and or inform the affected landowners of the City’s specifications and detailed design requirements for the laneway.

Budget/Financial Implications

There are no external financial implications associated with the adoption of the proposed Policy for the purpose of advertising.

A requirement for specific traffic engineering review and feedback, including the potential preparation of a design concept for the proposed laneway may be required at a future date in order to respond to submissions received during advertising, construct the laneway over the City's landholding and or inform the affected landowners of the City's specifications and detailed design requirements for the laneway. The sump will require confirmation of size and any redesign needed to accommodate the laneway above. The land is owned freehold by the City and as such has its own development potential, though constrained by the imposition of the laneway at ground level and the sump below.

The preparation of a laneway concept design needs to be considered in respect of the Technical Services budget and the on-going maintenance of the laneway (as a City asset) should be considered in the City's long-term budgetary planning in the event the laneway is constructed.

Cost recovery for the City laneway across lots 50 and 51 Dalkeith Road requires further consideration beyond the scope of this report, which deals with advertising of the proposal. This may be via a contributions policy, a deal with the adjacent landowner/s, or specified area rate.

Conclusion

The Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy is the preferred mechanism to enable the enforcement of clause 32.3 in the City's Local Planning Scheme No. 3 to create an east-west laneway through the properties at 56 (Lots 50 and 51) Stanley Road, 90 Stirling Highway (Lots 4 and 5) and 4 Florence Road (Lot 22) and 7 Stanley Street (Lot 33).

The creation of the proposed laneway is consistent with and informed by the relevant objectives and strategies of the City of Nedlands Local Planning Strategy (LPS) and Draft City of Nedlands Town Centre Local Planning Policy.

The primary purpose of the Policy is to provide an alternative to the existing means of primary vehicle access along Stirling Highway for the affected lots, their future users and the surrounding residential neighbourhoods. The alternative access is intended to help relieve growing traffic volumes and congestion along Stirling Highway and will provide direct access from Dalkeith Road to Stanley Street and through the future Nedlands Town Centre. In doing so, it aims to better protect the public realm and designated active pedestrian areas such as the northern end of Florence Road.

Without a local planning policy, the City lacks the mechanism to require the provision of a laneway on the affected lots. Therefore, this Policy has been prepared for imminent adoption for advertising in order to avoid a sub-optimal development and built form outcome.

As such, it is recommended that Council endorses Administration's recommendation to prepare (adopt to advertise) the Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy.

13.7 CEO Performance Review Committee Amended Terms of Reference & CEO Performance Review

Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	CEO, Mark Goodlet Declared a Financial Interest – Extent is that the matter deals with the his employment contract. The CEO will depart the meeting for this item.
Manager	HR Manager Shelley Mettam
CEO	Mark Goodlet
Attachments	1. CEO Performance Review Committee Terms of Reference 2. CEO Key Results Areas Report - CONFIDENTIAL

Executive Summary

Mr Mark Goodlet commenced a five-year employment contract with the City of Nedlands on 5 March 2019 and successfully completed his six-month probationary period which was endorsed by Council in August 2019.

Section 5.38 of the *Local Government Act 1995* requires that the performance of each employee, including the CEO, is reviewed annually. An annual review of the CEO's performance forms part of the CEO's Employment Contract.

The CEO Performance Review Committee has commenced the process to assess the CEO's performance and to work with Council to identify a performance assessment outcome.

Recommendation to Council

Council:

1. endorses the revised CEO Performance Review Committee Terms of Reference (Attachment 1);
2. embarks on a process of assessment of CEO Mark Goodlet's performance over the past 12 months; and
3. with the assistance of the CEO Performance Review Committee, reviews and revises as necessary the CEO's required key performance indicators through specific Key Results Areas to be agreed with the CEO and established for the next 12 months.

Discussion/Overview

CEO Annual performance Review

Mr Mark Goodlet commenced a five-year employment contract with the City of Nedlands on 5 March 2019 and successfully completed his six-month probationary period which was endorsed by Council in August 2019.

Section 5.38 of the *Local Government Act 1995* requires that the performance of each employee, including the CEO, is reviewed annually. An annual review of the CEO's performance forms part of the CEO's Employment Contract.

The CEO Performance Review Committee has commenced the process to assess the CEO's performance and to work with Council to identify a performance assessment outcome.

Terms of Reference

The CEO Performance Review Committee (the Committee) has revised the Terms of Reference (TOR) and recommend the option to engage the services of a performance review consultancy be removed. The Committee also recommends meeting formally three times a year to discuss the CEO's performance.

CEO Performance Review process

The Committee will meet to discuss the process of assessment of CEO, Mark Goodlet's performance.

The Committee has been provided with the CEO's Key Results Areas (KRA's) established as part of Mr Goodlet's Employment Contract (**Confidential Attachment 2**).

The Committee can also consider any information that it and the Council consider to be pertinent in assessing the CEO's performance against the established requirements of the CEO's Key Results Areas which form part of his employment contract.

Key Relevant Previous Council Decisions:

Nil

Consultation

Nil.

Strategic Implications

Ensures good Governance.

Budget/Financial Implications

The CEO Performance Review is required annually under section 5.38 of the *Local Government Act 1995*.

Within existing budget.

13.8 2019-20.02 Redesign and Repairs to Roof Covering Mt Claremont Library

Council	28 April 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
CEO	Mark Goodlet
Attachments	1. RFT 2019-20.02 Tender Evaluation and Recommendation Report - CONFIDENTIAL

Executive Summary

This report is being presented to Council to recommend approval for the award of a contract for the provision of essential works to the Mt Claremont Library roof covering. A request for tender was processed and the evaluation panel recommended that this contract be awarded to Archking Holdings t/a/ Neri Roofing Contractors. The attached RFT 2019-20.02 Tender Evaluation and Recommendation Report provides full details of the evaluation process.

Recommendation to Council**Council:**

1. **agrees to award tender RFT 2019-20.02 Redesign and Repairs to Roof Covering Mt Claremont to Archking Holdings t/a Neri Roofing Contractors for the lump sum contract cost of \$110,000 excl. GST; and**
2. **authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

Discussion/Overview

The original design and construction of the Mt Claremont Library roof consisted of internal box guttering and flashings that were concealed under the main roof covering in attempt to stop the build of leaf debris and provide more aesthetically looking design. The design was successful however sections of the roofing system were not able to be inspected or maintained resulting in numerous areas of corrosion. This has led to multiple areas of damage to the ceiling below in both the Childcare Building, but more importantly, the Mt Claremont Library.

For the last 6 years The City has attended multiple leaks and applied temporary repairs only to have the roof fail in other areas. It was decided to forward plan

for a complete redesign of existing covering to a more efficient and manageable roofing system. Once the Tender was release, the methodology for replacement was simplified by the contractor and a new structure over the building was eliminated from the process. It was identified that a new profile of roof sheeting, and elimination of hidden guttering systems, would achieve a watertight covering with a life expectancy of 20+yrs. This dramatically reduced the costs involved and the downtime to the building.

The COVID-19 caused closure of the facility presents an opportune time to fix the roof.

Key Relevant Previous Council Decisions:

N/A

Consultation

N/A

Budget/Financial Implications

Within current approved budget:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Requires further budget consideration:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Risk Management

Failing to appoint the contract will impact on the City's ability to complete the Capital and Operational Works Schedule. No undertaking the works will allow further deterioration of the roof structure causing more severe leakage into the roof space and library area.

14. 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.

14.1 Mayor de Lacy – Planning Committee

At the Council meeting on 31 March 2020 Mayor de Lacy gave notice of her intention to move the following at this meeting.

Instructs the CEO to prepare a Terms of Reference (ToR) for a Planning Committee consisting of 6 Councillors (at least one from each Ward and each with a Deputy), 2 community members (elected from the Community Working Group) and the Mayor, with a Secretariat provided by the Administration for support. The ToR are to be presented to Council in May 2020 for endorsement and are to include the following in respect of the Committee's role:

- 1. Meet fortnightly for 12 months (then review for ongoing need);**
- 2. Have the same procedure for meetings as the Committee of the Whole of Council;**
- 3. Delegated decision-making authority in the following cases where less than 3 objections are lodged during advertising:**
 - a. Change of Use applications (which are classified IP, P, D or A) and uses not listed in LPS3;**
 - b. Car parking requirements for non-residential applications;**
 - c. Home Business or Short-term accommodation applications; and**
 - d. Where the objection relates to a Design Principles or Element Objectives assessment relating to the R Codes.**
- 4. Review of Responsible Authority Reports and the making of submissions to the MWJDAP on those reviews;**
- 5. Review of Administration reports on Local Planning Policies, Scheme Amendments and other local planning instruments required as part of implementing LPS3 with the delegated authority to:**
 - a. make decisions concerning advertising;**
 - b. decide if a Councillor workshop is required post advertising to work through issues; and**

- c. make a Recommendation to Council post advertising following consideration of Administration's final report.**
- 6. Develop and deliver a Business Plan for Council approval to deliver on critical LPS3 work using the current list of priorities from Administration as a starting point, and providing a basis for monitoring progress;**
- 7. Review of State Government Planning Reform papers and the making of submissions to State Government on those reviews;**
- 8. Request expert/technical deputations on issues of relevance to the good and proper implementation of LPS3;**
- 9. Accept deputations from Councillors not on the Committee;**
- 10. Review and provide comment on complex Development Applications pre-lodgement if requested by an applicant; and**
- 11. The Presiding Member to table a report to Council monthly on the Committee's activities**

Justification:

1. The workload of Council, given the ramifications of LPS3 (unprecedented level of development applications being lodged and the vacuum in local planning instruments to guide decision making) and COVID-19, is significantly higher than normal. Our planning workload is currently on a par with the much larger City of Stirling. To ensure we serve our ratepayers in a timely and efficient manner in these very difficult circumstances we need to delegate some Council work. Continuing to have all development applications with one or more objections, considered and debated on by full Council is not sustainable under the current conditions.
2. We will need to put extra work this year into our Budgeting and Capital Works program development considering COVID- 19, and we will all experience the difficulties associated with 'life under COVID-19.' Add to this, LPS3 and all its issues, and you have the recipe for a disaster if we do not divide and conquer. Therefore, it is also proposed that this Committee will undertake all work relating to LPS3 that would normally occur in informal Councillor Briefings.
3. The Committee is to consist of 6 Councillors, 2 Community members (from the Community Working Group) and the Mayor. To get through the workload it is proposed that the Committee meet fortnightly, hence the need for Deputies. The need to review and make comment on Responsible Authority Reports is also proving difficult in the monthly ordinary Council meeting cycle, hence the need that is arising to call Special Council meetings. To avoid this, the Committee can have delegated authority to review and make submissions on RAR's. To

support this Committee, it is proposed to establish a Community Working Group like that established by the City of Subiaco. This Working Group is the subject of another notice of motion for the April 2020 meeting.

4. Constant tension is arising about the list of priorities for the development of local planning instruments to support LPS3. A strategic analysis is needed of the outcomes we are trying to achieve in the context of the complex DA's we are now seeing, the issues being identified by the community in submissions and the evolution (as well as implementation) of the Design WA documents. This Business Plan should be endorsed by Council for implementation by the Committee with responsibilities, timeframes, outcomes, risks, and traffic light reporting for each action assessed fortnightly to ensure accountability to our ratepayers. Progress on these and other Committee activities, will also be reported monthly by the Presiding Member to the Council.
5. The State Government is currently reforming the planning system. The Council and its ratepayers are aware of systemic problems in the planning system. Hence, its critical we influence State Government's approach to planning reform on behalf of our ratepayers. We must therefore make submissions on planning reform papers.

Administration Comment

Many of the matters intended to be dealt with by this proposed Committee would simply transfer from the Committee of Council and Council agendas with no increase in workload with the exception of increased work for:

- Planning items in draft form that previously were considered at Council workshops would now have to be more "formalised" and put into a report to the Committee;
- Developing and monitoring a Business Plan, depending on complexity required;
- Making submissions to State Government on Planning Reforms (may require additional expert technical advice which is not available on staff);
- Reviewing and commenting on complex applications pre-lodgement where requested by the applicant;
- Servicing the actual additional meetings with professional planning advice and secretariat (additional overtime payments).

There would need to be a consequential change to the Council delegations to the CEO as a result of item 3 and this is likely to result in a reduction in the number of reports to the Committee of Council and Council.

It is still likely that a number of RARs would not "fit" the 2 weekly agenda schedule and would have to be dealt with outside of this Committee, presumably through Ordinary or Special Council meetings.

There remains a risk that the full Council will override LPS3 work priorities and other recommendations agreed by the proposed Committee.

If this goes ahead the City will be implementing agenda and minutes software technology solutions to assist efficiency, timeliness, and accuracy.

14.2 Mayor de Lacy – Community Working Group

At the Council meeting on 31 March 2020 Mayor de Lacy gave notice of her intention to move the following at this meeting.

That Council:

- 1. Instructs the CEO to prepare a Terms of Reference (ToR) for a Community Working Group consisting of 12 community members and chaired by a Councillor, with a Secretariat provided by the Administration for support. The Terms of Reference are to be presented to Council in May 2020 for endorsement and are to include the following in respect of the Working Group's role to review and provide comment to the Planning Committee on:**
 - a. draft Local Planning Policies and other local planning instruments (pre-advertising) that relate to the implementation of LPS3**
 - b. complex Development Applications, as a way of replacing current, non-regulatory Community Information sessions**
 - c. draft Business Plan developed by the Planning Committee**
 - d. options for consulting with the wider community as part of the statutory advertising period**
 - e. specific matters in the R Codes (Volumes 1 and 2) that can be amended or replaced by Local Planning Policies or other local planning instruments**

- 2. The Terms of Reference should also recognise that the Community Working Group is to:**
 - a. meet fortnightly for 12 months (then review for ongoing need)**
 - b. consist of 12 members of the community who are:**
 - i. generally representative of the City's demographics and selected from the local community and stakeholder groups that are currently engaged in the implementation of LPS3 (includes residents affected by recent development projects or who have lodged a Development Application recently)**
 - ii. appointed through a public Expression of Interest process that is independently facilitated**
 - c. observe a code of conduct**
 - d. not make decisions, only give advice**
 - e. elect two members to represent it on the Planning Committee**

Justification

1. The gazettal of LPS3 in April 2019 in a vacuum of local planning policies and other instruments, coupled with the high volumes of Development Applications, is causing great angst in our community as the lack of controls are driving poor development. At the same time the implementation of Design WA, and R Codes Volume 2 (Apartments) is very new and its provisions, being largely flexible, are open to interpretation and until any case law is established will cause great uncertainty in our community. This is leading to distrust with the process, frustration and suspicion regarding decision making. In such an environment improving levels of engagement, transparency and accountability is the first step towards improving understanding of the differing viewpoints, decision-making and reducing public outrage.
2. The Nedlands community is highly educated, largely professionally qualified, well resourced, and deeply steeped in local knowledge. To date we have seen the ability of the community to contribute to the development of local planning instruments, and the high levels of energy they are putting towards such efforts. The Council would do well to embrace this through a more formalised approach by creating a Community Working Group to channel this energy and legitimise the community's input into the process.
3. Last year a decision was made when the LPP on Consultation of Planning Proposals was reviewed, to introduce Community Information sessions for complex Development Applications. These are not a statutory requirement and were introduced to give the Nedlands community a great opportunity to understand new developments proposed as part of LPS3 and to contribute to better development outcomes. Since these Community Information sessions began there have been complaints by some attendees about the way they have been run in terms of a lack of leadership from the Mayor or CEO, lack of formality (i.e. presentations by various parties on aspects of the development), perception that planners and applicants are not independent of one another, and poor behaviour by some attendees. Unfortunately, the purpose of it simply being a drop-in session to gather information has not been understood by the community and given the level of public outrage some of these sessions have been out of control.
4. The City's reputation and ability to engage effectively with the community is being negatively impacted by these Community Information sessions. This is likely to and has led to negative press in the local POST newspaper (e.g. session on 17-19 Louise St development).
5. I have attended all but one of the Community Information sessions, and I have noticed, and been told, that some of the same community members are showing up to these sessions. Either because they have a genuine interest in the future of all development in the City under LPS3 or they wish to speak to planners about an ongoing DA process that may be impacting them. I believe there is now a core group of community members that wishes to be involved in the development of a local planning framework for LPS3. This could form the basis of a Community Working Group that legitimises community input and restores our reputation.

Administration Comment

The International Association for Public Participation (IAP2) sets out five levels of engagement, at increasing levels of community involvement in decision-making:

1. Inform
2. Consult
3. Involve
4. Collaborate
5. Empower

Levels 1 and 2 are generally appropriate for planning proposals such as development applications, where the goal is to obtain feedback on specific proposals which have already been substantially progressed. Levels 3 to 5 are more appropriate for more strategic planning proposals, such as local planning policies, where the goal is to obtain community input throughout the entire process to ensure that community concerns and aspirations are directly reflected in the alternatives developed.

In its current form, the City’s Local Planning Policy – Consultation of Planning Proposals (Consultation LPP) primarily deals with engagement at levels 1 and 2. Noting the City’s increasing body of strategic planning work which has come out of the gazettal of LPS 3, Administration is currently reviewing the Consultation LPP to also include engagement methods at the higher levels of the IAP2 spectrum. The review of the Consultation LPP is scheduled for a Council Briefing session on 19th May 2020, and Administration is intending to present the revised Consultation LPP to the 23 June 2020 Council Meeting for adoption to advertise.

As part of this review, Administration is also intending to address issues experienced with Community Information Sessions (CIS). Administration considers that the actions proposed in the above notice of motion will be sufficiently addressed as part of the review of the Consultation LPP, as discussed below.

Formalise community input into development of local planning instruments

As noted above, Administration is currently reviewing the Consultation LPP to include engagement methods at the higher levels of the IAP2 spectrum. Community working groups are an important method in this higher-level engagement. There are two main types of community working groups: Community Advisory Groups (CAG) and Community Reference Groups (CRG). The key differences between these groups are identified below:

	Community Advisory Group (CAG)	Community Reference Group (CRG)
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<p>Function</p>	<ul style="list-style-type: none"> • Provide advice to Council concerning strategic or policy issues • Enhance communication between Council and the community • Maximise the skills and expertise that exist in the community to complement the role of Council in planning and policymaking. 	<ul style="list-style-type: none"> • Provide input of community concerns and aspirations relating to a specific strategic or policy issue. • Test community engagement techniques to improve consultation outcomes.
<p>Membership</p>	<ul style="list-style-type: none"> • Councillor representative (dependent on needs and interest for each specific issue/activity) • Council staff members to resource the CAG with administrative support and technical expertise relating to the issue; • A specific number of members to be defined in the Terms of Reference with a clearly defined term of membership: <ul style="list-style-type: none"> ○ Representatives from relevant providers and agencies; ○ Representatives from peak bodies and user representative groups; and ○ Representation from appropriate community organisations. 	<ul style="list-style-type: none"> • Councillor representative (dependent on needs and interest for each specific issue/activity) • Council staff members to resource the CRG with administrative support and technical expertise relating to the issue. • A specific number of members to be defined in the Terms of Reference with a clearly defined term of membership. • Representatives who are over 18 years of age • Representatives from appropriate community organisations. • Community representatives who reflect a diversity of community views and interests and the various geographical areas of the City

The revised Consultation LPP is intended to include CRGs as a method of higher-level community engagement. CRGs are preferred over CAGs, as the latter is more focussed on expert advice and key community organisation representatives, rather than general members of the community. As an appendix to the revised Consultation LPP, guidance will be included (attached) on how to prepare a Terms of Reference for a CRG.

Administration recommends that Council supports this abovementioned approach to establishing CRGs, as a means of formalising community input into development of local planning instruments.

Community Information Sessions

The intent of CISs is for the community and Councillors to ask specific questions about a planning proposal, and for answers to be provided by Administration and the applicant of the proposal. As they are currently run, CISs are open to any member of the community who would like to receive further information about a proposal. This further information can then be used to inform community members' submissions on the proposal. The establishment of a select group of community members, such as a community working group, would not replace this important function of CISs.

Administration acknowledges a number of issues with recent CISs for complex development applications, including:

- Confusion as to what the community expects from these sessions (i.e. formal presentation vs. question and answer structure);
- Unclear expectations of the role of Councillors at these sessions;
- Community members significantly overwhelming the resources provided by Administration; and
- Perception that the City is presenting an application to the community with the applicants (and that the City is therefore supportive of the application).

In response to these identified issues, Administration has prepared a CIS Procedure, which is intended to be presented as an appendix to the revised Consultation LPP. The draft CIS Procedure (attached) sets out the following:

- Clarification on the purpose of the sessions;
- Requirements to RSVP to sessions to ensure an appropriate ratio of Administration to community members to ensure everyone is attended to;
- Clarification on the roles and expected behaviours of each party to ensure respectful and meaningful interactions during these sessions.

If Council resolve to adopt the Community Consultation LPP for Urban Planning matters, and associated CIS Procedure, Administration could review the implementation effectiveness after a set period of time (i.e. six months). If this review finds that there are still ongoing issues with CISs, Administration could either review the CIS Procedure accordingly, or seek alternative methods for consulting on development applications (such as one-on-one appointments with Administration).

Administration recommends that Council supports this abovementioned approach, rather than removing the option of CIS all together at this point in time.

Administrative support for a working group would need to be provided in addition to current resourcing. If this goes ahead the City will be implementing agenda and minutes software technology solutions to assist efficiency, timeliness, and accuracy.

14.3 Councillor Smyth – DAP Related Development Application Cost & Income

At the Council meeting on 31 March 2020 Councillor Smyth gave notice of her intention to move the following at this meeting.

That Council:

Requests the CEO provides a monthly summary of DAP Applications costs and income on a project basis at the completion of each case.

Advice Note:

The summary should include but not limited to:

- **Income for DAP Application;**
- **RAR labour costs, including officers time at JDAP & materials costs;**
- **RAR Community engagement costs;**
- **RAR Peer review costs;**
- **Estimate of preliminary pre-DA negotiation and advisory costs;**
- **Associated legal advise;**
- **Estimate of income generated during the post DA conditions & building phases; and**
- **Estimate of Rates revenue increase for new development.**

Justification

1. There is an ongoing belief that the regulated fees for Development Applications handled by the City are insufficient to cover costs, and therefore the City's ratepayers are subsidizing the process.
2. There has been an assertion (based on a low numbers of cases) that the DAP income (for larger DAs) received by the City is sufficient (and possibly subsidizing the smaller DAs shortfall).
3. Now that the number and complexity of DAP DAs has increased considerably it is timely to review the costs associated with each DAP RAR on a Project basis for each case.

Administration Comment

Additional resources will be required to set up a process to capture this information as well as a small on-going resourcing increase to actually do the work and report to Council. Other than this Administration do not have any issues with what is proposed. This may well act as a tool for baseline assessment for alternative delivery options.

14.4 Councillor Horley – Complaints Policy

At the Council meeting on 31 March 2020 Councillor Horley gave notice of her intention to move the following at this meeting.

That the City undertakes a customer service review and use this as the basis for a complaints management policy and procedure guide to be brought back to Council.

Justification:

The aims of this policy are to:

1. Listen to the community and understand what the community are concerned about and wants; and
2. Provide transparent and accountable guidelines and procedures that will measure and monitor the City's systems and performance; and provide members of the community with the highest possible level of service.

The policy and procedure apply to the receipt, capturing, handling, resolution, timeliness and reporting of complaints.

Benefits of this policy include the opportunity to identify and resolve issues of concern and provide a valuable feedback mechanism with potential to improve services and performance.

The provision of an accessible, transparent and accountable complaints system reflects the City's commitment to best practice community service. It provides the City with valuable prompts to review systems, services and performance. It will benefit the City by contributing to the resolution of issues in a timely manner, and the provision of information that can lead to improvements in service delivery. Where complaint feedback is handled properly it ultimately strengthens the City's reputation and public confidence in the organisational processes and performance.

Administration Comment

A customer service review can provide benefits for service delivery. The City handling over 100,000 external emails a month. A complaints management policy and procedure guide can offer the chance to better track progress on customer complaints as well as streamline processes. Typically, this is a continuous improvement process tied to evaluation of instances where complaints management fails, with specific solutions developed either within business units or departments.

The cost of undertaking a "customer service review" has not been estimated and would depend on the scope of the work involved but presumably it would cover all services provided by Council. Therefore, more detail on the scope

needs to be developed. Similarly, a complaints management policy and procedure guide will depend on the findings of the review and may be a new, additional level of service. Council has not allocated any funds for this work (as the cost is unknown) and therefore this initiative would be more appropriately considered as part of the budget development process, or carried out at potentially a slower pace as part of internal review processes.

14.5 Councillor Hodsdon – Environmental Rating Criteria of Contracts

At the Council meeting on 31 March 2020 Councillor Hodsdon gave notice of his intention to move the following at this meeting.

That Council instructs the Chief Executive Officer to use as one criteria for all contracts an environmental rating, which would include:

- 1. energy usage, carbon footprint and environmental footprint;**
- 2. all modification to building or new builds will endeavour to be as close to energy neutral as possible; and**
- 3. all modification to building or new builds will endeavour to use environmental sensitive products (recycled products, natural fibres, etc).**

Justification

1. The city needs to be aware of the environmental impact it has
2. The city will save money in the long run.
3. It is future proofing our assets and ensuring lower running costs.
4. The city would show leadership in this area and show case the possibilities in this domain.

Administration Comment

This is a complex matter.

The inclusion of an Environmental Rating (*Evaluation*) Criteria in the City's Request for Tender documentation (and therefore subsequent contract), whilst desirable, should be given some expert consideration as to what to include, and with what level of expertise will responses be evaluated.

There are numerous options to various levels of detail. Do we have the experience to evaluate responses in house? Will an external consultant be required to assist with that component of each evaluation?

Consideration should also be given to the cost/benefit achieved and how it impacts on the available budget.

Large companies and multinational organisations often have sophisticated internal environmental management systems. This will often be more elaborate and formal than anything a smaller company could afford, or indeed need.

Evaluation questions and evaluation processes need to be mindful of this. Small organisations may not have the capacity to respond to complex questions with the same level of detail as large companies. This can mean they do not respond to tender requests.

As a general rule the following potential questions may be used in the tender document:

- Does the company have an Environmental Management Strategy (EMS), Policy or Plan?
- Is the EMS independently certified or managed?
- Does the company produce a publicly available Annual Sustainability or Environmental Report?
- Does the Company have a Corporate Social Responsibility (CSR) Plan or Policy?
- What policies or initiatives does the company have to reduce social and environmental impacts in key areas such as greenhouse, water and energy use, waste production, air and water pollution etc Do these initiatives include using recycled and / or natural products?
- Does the company have design targets such as energy efficient systems, low carbon or carbon neutral products?
- Are the policies audited?
- Does the company have any kind of eco-certification?

The more requirements you have, the higher the price you will pay

There are published guides to Sustainable Procurement which provide an holistic approach for local governments and include areas of concern such as:

- Design of built environments
- Purchasing of Products, Services and Works etc etc

Summary

There is a lot of free guidance available to the City in developing this. However, the level of implementation of City requirements will directly impact on cost.

14.6 Councillor Hodsdon – Letter to Minister to reinstate Town Planning Scheme No. 2

At the Council meeting on 31 March 2020 Councillor Hodsdon gave notice of his intention to move the following at this meeting.

That Council instructs the CEO on behalf of Council write a letter to Minister Rita Saffioti asking, via a formal letter, to revoke, if legally possible, her department's Town planning scheme and thus reinstate the City's return to Town Planning Scheme No. 2.

Justification

1. The plan has not got the framework or documentation to ensure suitable outcomes. There is very little in terms of local area plans, transport studies to ensure good outcomes;
2. It was not been mapped to a study of the Character of the City of Nedlands;
3. The plan was imposed without community consultation;
4. The imposed scheme on the City Nedlands has had an adverse effect on the city's planning department. Its workload is also compounded by the effects of the current virus, the "state of Emergency";
5. Inability to have effective community consultation due to the inability to have group meeting and seminars. We saw this with JDAP meetings and our council meetings. Democracy is a suffering from this virus too;
6. No public plan for improving utilities or transport links on Stirling Highway; and
7. The WAPC require the above instruments to ensure PROPER and ORDERLY Planning.

Planning is a very important and has a massive impact on both owners and developers. The city is trying its best to implement local area plans but we are told:

1. we are 12 months behind were we should be with local area plans and
2. these plans are the instruments that the WAPC and the minister expect us to use to mitigate the adverse effects of the imposed planning scheme. (Cart before the horse)

It is rather glib to right off the concerns of residence, calling them the noisy minority. The TPS effects 10% but that 10% is being affected very adversely.

We are not elected to sacrifice 10% of our community for the great good of a somewhat questionable ideology. We need to provide protections for the community. The concern in the community is palpable. There are many online groups in our city who feel the developers are destroying their lifestyle.

The Minister has shown a tendency to refuse to answer correspondence for Councillors. It will give her an opportunity to justify the process and result. Many of the predictions of growth have been smashed by the virus and the mining downturn.

The council as shown dramatically at our meetings are constantly putting out scrub fires. We are looking ineffectual in some matters. We are already chasing our tails on site such as:

1. Warratah / Alexander Rd
2. Broadway
3. Rose Garden
4. Woolworths Site
5. Chellingsworth site
6. Cooper Street
7. This list will just get worse

We are here to represent our ratepayers not the State Government.

Administration Comment

This notice of motion supports the community's concerns about the impact of LPS3. The solution proposed is not supported, however, as it is requesting that the Minister be asked to do something that the City is aware she cannot legally do. Asking for Ministerial support for Council proposed scheme amendments is something that the Minister is able to provide legally, to help achieve the community's objectives.

14.7 Councillor Coghlan – Responsible Authority Reports

On the 15 April 2020 Councillor Coghlan gave notice of her intention to move the following at this meeting.

That Council adopts the following procedures to ensure that it always considers Responsible Authority Reports (RAR) in time for Council to submit its comments and recommendations to the Joint Development Assessment Panel (JDAP) to be taken into account at its meetings:

- 1. RARs shall be included in a Council meeting agenda as an item for discussion and a resolution, at either a scheduled ordinary meeting or a special meeting available or called for the purpose.**
- 2. Where an ordinary or special meeting of Council is not available or possible, a scheduled Council Committee meeting may be utilised for this purpose.**
- 3. Put in place arrangements for the Administration, via formal correspondence from the CEO, to quickly and accurately submit Council or Council Committee resolutions to the JDAP in time for its meetings, or where circumstances require authorise the Mayor or her delegee to attend to that task.**
- 4. Where in the circumstances a Council or Council Committee meeting cannot be utilised, Council's consideration of an RAR may occur by email discussion for a consensus or majority view of the Council, then be conveyed to the JDAP by the Mayor or her delegee on behalf of Council.**
- 5. Council's or Council's Committee resolution, or Council's consensus or majority agreement by email may comprise, but is not limited to: concerns; comments; additional information it provides; and recommended support for a proposal, with any conditions, or deferment of an application for more information, justification and/or redesign, or refusal of an application with recommended reasons.**

Justification

1. Simple process in place for council to consider the RAR written for JDAP and provide a council submission in the form of a letter.
2. This will be independent of the RAR required by JDAP process and give the council the opportunity to provide its input.
3. Council has already discussed and agreed to this at our 31 March 2020 meeting. The NoM formalises this process.
4. Council has already agreed that its submission will help to inform JDAP as it provides additional information that may assist JDAP in reaching a recommendation on the development applications.
5. Council has determined that their submission will inform the JDAP with an update of Council policies as well as providing commentary on a development application on which it is deliberating.

6. Due to COVID -19, the use of email and electronic communication may be necessary to discuss the RARs and to determine the content of the Council submission.
7. This NoM will enable Council to develop a more consistent and systematic approach when providing input to JDAP.

Extract of DAPS Regs:

12. Responsible authority must report to DAP

- (1) ... *n/a*
- (2) A responsible authority to which a DAP application is made must give the presiding member of the DAP that will determine the application a report on the application in a form approved by the Director General.
- (3) The report must be given —
 - (a) --- *n/a*
 - (b) if —
 - (i) the DAP application is required to be advertised under a local planning scheme or local interim development order; and
 - (ii) the scheme or order provides that the application is deemed to be refused if it is not determined within a period of 90 days or more after the application is made,
within the period that ends 12 days before the day on which the application would be deemed to be refused; or *[ie 78 days]*
 - (c) otherwise — within 78 days after the date on which the application was made.
- (4A) For the purposes of calculating the period within which the report on a DAP application must be given under subregulation (3)(a) or (c), any period after the applicant has been given a notice under regulation 11A and before the applicant complies with the notice is to be excluded. *[This is a request by the LG for more information]*
- (4) Despite subregulation (3), the presiding member of the DAP may, by notice in writing given to the responsible authority and with the consent of the applicant, extend the period within which the report on a DAP application must be given.
- (5) The report must provide sufficient information to enable the DAP to determine the DAP application, including —
 - (a) a recommendation as to how the application should be determined; and
 - (b) copies of any advice received by the responsible authority from any other statutory or public authority consulted by the responsible authority in respect of the application; and
 - (c) any other information that the responsible authority considers is relevant to determining the application. *[eg copies of public submissions]*

- (6) A DAP that receives a report under subregulation (2) must have regard to, but is not bound to give effect to, the recommendation included in the report.
- (7) If a DAP is not given a report on a DAP application in accordance with this regulation, the DAP may determine the DAP application in the absence of the report.

Administration Comment

This Notice of Motion is not required as the Council already considers Responsible Authority Reports (RARs) as per resolution of Council 28 August 2012:

Council Resolution / Recommendation to Council

Council may consider each DAP application and may submit a recommendation in addition to the Administration recommendation.

If the completion of an RAR does not coincide with the agenda preparation for a Council meeting (in most cases it will not as the Council agenda closes approximately 10 days prior to the meeting and a JDAP hearing is held 10-12 days after completion of the RAR) there will be a need to call a Special Council Meeting (SCM). This means that most RARs will trigger the need for a SCM and associated costs (currently approximately 18 JDAP applications per year).

As the Council is aware it cannot make recommendations to the JDAP as the Council is not part of the formal decision-making process. It can however make a "submission or comment" for consideration by the JDAP although it is unclear how the JDAP take this into "consideration" as it is outside the formal submission period, has not been provided to the applicant for an opportunity to respond or considered by staff in the RAR .

The Committee of Council cannot make decisions only recommendations to Council. Under 2 and 3 of the Notice of Motion if the Committee was delegated the powers to make recommendations to the JDAP on behalf of Council, this would provide a greater opportunity for RAR's to be tabled.

Under 4 it is unclear how a "majority view of the Council" will be arrived at if the Council do not meet and vote.

Under 5 it is noted, once again, that the Council can only provide a "submission or comment" the "weight" of which is unclear in the JDAP process and regulations.

Council should also be aware that holding of a Special Council Meeting does incur additional costs such as administrative resourcing including agenda preparation, meeting attendance and minute taking, minutes confirmation and distribution and records management. There is also a requirement under the Local Government Act 1995 for a public notice therefore, the cost of advertising in the newspaper is between approximately \$300 - \$600 depending on the newspaper and timeframe for advertising.

14.8 Councillor Mangano – Responsible Authority Reports

On the 16 April 2020 Councillor Mangano gave notice of his intention to move the following at this meeting.

Council requests the CEO to ensure that all future planning recommendations and Responsible Authority Reports give due regard to Council policies (including draft), Council resolutions, detail any and all negative impacts on neighbouring properties' amenity, and for apartments, ensure full compliance with default settings of the Primary Controls Table 2.1 of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.

Justification

1. The Responsible Authority Report prepared by City staff for the Cooper Street DA recommended approval even though the proposal did not satisfy the requirements of the Apartment Code with respect to the minimum rear setback, maximum plot ratio or Council's Car Parking Policy. Staff should not be recommending approval of contentious applications not in conformity of the Apartment Code, when there are obvious conflicts with height, bulk, scale, traffic, etc.
2. It is going to take many months, if not years, to complete and fully adopt all precinct policies.
3. While it is not permissible to alter the Administration's Responsible Authority Report but there is nothing to prevent the Council giving the Administration general directions on how the situation should be managed until all precinct plans are completed.

Administration Comment

It is the express role of the technical report to detail a full statutory assessment against the current local planning framework including references to state legislation, state planning policies and the local planning scheme.

The statutory assessment includes such things as a site survey identifying the location of any significant and proximate trees and also the location of existing solar panels for example. However, the assessment criteria and planning framework does not require the identification of all possible negative impacts on neighbouring properties.

There is no statutory ability for the Council to rightly instruct the City's officers to 'ensure full compliance with the default settings of the Primary Controls Table 2.1 SPP 7.3' as it is an Acceptable Outcome and not an Element Objective of that State Planning Policy. The City has no power to amend the Element Objectives of the R Codes and has limited power to influence the Acceptable Outcomes. There is no deemed to comply pathway with SPP 7.3 and the **Primary Controls Table is not a deemed to comply pathway**. So the simple answer is no, **the City cannot assess an application "in full compliance" with the default settings of the Primary Controls Table 2.1 as this would**

sit outside the current planning framework and therefore not in accordance with statutory duties.

Should this resolution go forward the CEO will seek the assistance of the Department of Local Government, Sport and cultural Industries to resolve with Council an instruction that cannot lawfully be complied with.

Response to Reasoning

1. The RAR for Cooper Street falls within assessment provisions of SPP 7.3. there is no deemed to comply pathway for rear setback (there is no minimum rear setback) only acceptable outcomes and as explained above is not required in order to achieve the Element Objectives.
2. Councils LPP for Parking (for Residential) is not yet endorsed by the WAPC, therefore the Element Objectives of Clause 3.9 apply with reference to the Acceptable Outcomes of the same Clause.
3. The City's assessment took into consideration all Element Objectives relating to height, bulk, scale and TIS for traffic. The JDAP also took these into consideration when making its decision.
4. The City's Built Form Modelling is scheduled to be delivered by June 2020. The City's Transitional Density Areas (TDA's) Local Planning Policies are scheduled to be brought to Council in two batches starting in June and July 2020 as Draft LPP's seeking consent to advertise. The Precinct Plans are planning to be presented in the 3rd Quarter of 2020 as Draft Precinct Plans for Waratah Village and Broadway, with Final Precinct Plan LPP for Nedlands Town Centre being brought to Council in the third and fourth quarter of 2020.
5. The City does not require directions in relation to the assessment of RAR reports nor instructions on how to interpret or assess applications in accordance with the statutory planning framework, this is the role of the professional planners of the City of Nedlands.

14.9 Councillor Mangano – Judicial Review Metro-West Joint Development Assessment Panel Decision – 135 Broadway, Nedlands

On the 16 April 2020 Councillor Mangano gave notice of his intention to move the following at this meeting.

Council instructs the CEO to engage McLeods Solicitors to prepare appropriate forms to apply for a Judicial Review of the decision of the Metro-West Joint Development Assessment Panel in relation to MW/JDAP/264 (commonly known as 135 Broadway, Nedlands). The grounds of the review should include:

- a breach of natural justice;
- an error of law (unreasonableness); or
- a failure to take into account a relevant consideration.

The following is to be enacted by the CEO:

- **Instruct McLeods to prepare appeal forms to lodge now.**
- **Instruct McLeods to provide advice to Council regarding viability of appeal.**
- **Upon receipt of this advice, Council to meet to resolve whether to instruct McLeods to initiate an appeal based on favourable advice**

Justification

In the belief of the nearby community and myself, the JDAP decision was flawed and this needs to be challenged. These include the following:

1. Late change of 2 DAP members who would have had minimal understanding of the development.
2. Reference to the proponent's design review which should have been excluded.
3. Plot ratio exceeded.
4. Due regard not taken of present amenity.
5. Draft local planning policy with hard height limit of 12.5m approved by Council not considered.

Administration Comment

Refer to confidential legal advice circulated to Councillors via email on the 21 April 2020 and resent on Thursday 23 April 2020 following finalisation of this agenda.

14.10 Councillor Horley – Verge Permits

On the 17 April 2020 Councillor Horley gave notice of her intention to move the following at this meeting.

That Council instructs the CEO to alter the relevant Council policies and procedures, so that residents and ratepayers who rent a verge-side skip bin for residential waste collection are not required to apply for a City of Nedlands permit, under normal residential circumstances.

Justification

Utilization of skip bin services when needed by residents contributes to enhancement of the street scape. As these types of skip bin services are not inexpensive in our area, removing the City's additional financial impediment will aid the provision of a more affordable service to the community.

Administration Comment

The need for a fee for skip bins relates to the following risk exposure to the City:

1. Untraceable damage to City's or Utility Provider underground infrastructure in the process of delivery or pick-up of the skip;
2. Failure to have appropriate signage and barricading if necessary to protect the public from collision or injury from the skip bins or materials not adequately stored; and
3. Potential claims arising from mis-placement of skips close to the road edge resulting in potential road safety hazards.

While it is acknowledged that attaching an administrative fee might be considered to be excessive however, not capturing appropriate records of activities on our network presents some risk.

Further work on the actual versus potential risk would provide clarity on the value, or otherwise, of this charge.

14.11 Councillor Horley – Tree Removal

On the 20 April 2020 Councillor Horley gave notice of her intention to move the following at this meeting.

That Council approves the removal of the Brazilian Pepper Tree in Directors Gardens, Mt Claremont; and replace it with a suitable tree in an appropriate location within the park.

Justification

The above tree is located close to the boundary of the adjacent historical residence (Directors House). Unfortunately, the tree is causing health problems for the adjoining resident. It has been subjected to costly and severe limb removal repetitively in the past, due to its nuisance value and location close to the adjoining residential boundary. It is not an appropriate species for the location and is regarded as undesirable in similar parkland areas in other municipalities and noted as a nuisance species.

Administration Comment

The City has received a request in writing from a property owner adjoining Directors Gardens, Mt Claremont seeking removal of a Brazilian Pepper tree (*Schinus terebinthifolius*) located in the reserve. The tree is located close to the property boundary and numerous reasons were cited by the property owner as justification to seek its removal and replacement. The City's Administration concluded many of the issues raised are nuisance related and could be managed appropriately with the cooperation of the property owner. One issue raised has, however, presented a known problem with this species of tree that cannot be effectively managed.

There is documented evidence this species of tree can cause various health issues, some of which can be severe. The fruiting berries of the tree are mildly toxic and, if ingested, cause gastric problems which can include irritation of the throat, vomiting and diarrhoea. The sap and leaflets can cause contact dermatitis and eye irritation which can be severe in sensitive people. During flowering, the tree can cause allergic reaction including sneezing, asthmatic type symptoms and acute headache. The property owner has sought medical advice relating to periodic health issues they experience similar to those documented as attributable to this species of tree. A medical certificate has been presented to the City indicating the tree is the source of the symptoms they are experiencing which includes shortness of breath, wheeze, nausea, headaches, itchy weepy eyes, facial rash and generalised itchiness.

The City considers the Brazilian Pepper is an 'unsuitable' tree for public land and does not support continued planting of the species. Notwithstanding, there are approximately 55 established trees of this species on public land throughout the City, including as street trees. Evidence indicates this specimen was planted, or possibly self-seeded, circa 1965 which is consistent with the size and trunk diameter of the tree. The City does not routinely remove this species

from streetscapes and reserves however, does support their removal in circumstances that are warranted. Given the size of the tree and its proximity to the property boundary it is not practicable to manage the associated health impacts to the adjoining property owner whilst maintaining the amenity value and viability of the tree. On this basis the City supports the removal and replacement of the tree as requested.

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 26 May 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 26 May 2020 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

16. Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

17. Confidential Items

Any confidential items to be considered at this point.

Declaration of Closure

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