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***Agenda***

***Council Meeting***

***28 May 2019***

Dear Council member

The next Ordinary Meeting of the City of Nedlands will be held on Tuesday 28 May 2019in the Council Chambers at 71 Stirling Highway Nedlands commencing at 7 pm.



Mark Goodlet

Chief Executive Officer

21 May 2019

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**City of Nedlands**

**Notice of an Ordinary Meeting of Council to be held in the Council Chambers, Nedlands on Tuesday 28 May 2019 at 7 pm.**

###### Council Agenda

# Declaration of Opening

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

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

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

**Leave of Absence** None.

**(Previously Approved)**

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

**Disclaimer**

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

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

# Public Question Time

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

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

# Addresses by Members of the Public

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

# Requests for Leave of Absence

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

# Petitions

Petitions to be tabled at this point.

# Disclosures of Financial Interest

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

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

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

# Disclosures of Interests Affecting Impartiality

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

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

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

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

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

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

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

# Confirmation of Minutes

## Ordinary Council Meeting 23 April 2019

The Minutes of the Ordinary Council Meeting held 23 April 2019 are to be confirmed.

## Special Council Meeting 2 May 2019

The Minutes of the Special Council Meeting held 2 May 2019 are to be confirmed.

# Announcements of the Presiding Member without discussion

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

# Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

# Matters for Which the Meeting May Be Closed

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

17.1 Appointment of Senior Employee

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

## Minutes of Council Committees

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

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

**Arts Committee 15 April 2019**

Circulated to Councillors on 18 April 2019

**Council Committee 14 May 2019**

Circulated to Councillors on 16 May 2019

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

## Planning & Development Report No’s PD16.19 to PD19.19 (copy attached)

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

|  |  |
| --- | --- |
| **PD16.19** | **No. 50/145 Stirling Highway, Nedlands – Proposed Additional Customer Seating** |
|  | |
| **Committee** | 14 May 2019 |
| **Council** | 28 May 2019 |
| **Applicant** | G Fatouros |
| **Landowner** | L Silby and M Gibson |
| **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** | DA18/32355 |
| **Previous Item** | Nil. |
| **Delegation** | In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Photograph of the subject property 2. Applicant’s car parking bay survey |

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 2 November 2018 to increase the number of customer seats from 85 to 113 at Lot 50 (No. 50/145) Stirling Highway, Nedlands, subject to the following conditions and advice notes:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
2. **A maximum of 113 seats being permitted for the restaurant.**

**Advice Notes**

1. **The landowner is advised that use of the outdoor seating area is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.**
2. **A separate application is required to be lodged and approved prior to the erection/installation of any signage on the lot.**
3. **A separate development application is required to be submitted to and approved by the City prior to increasing seating numbers any further.**
4. **Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
5. **This decision does not obviate rights and responsibilities of strata owners under the *Strata Titles Act 1985*, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works.**
6. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

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| **PD17.19** | **No. 14 Nardina Crescent, Dalkeith – Amendments to DA18/33719 (Two Storey Single Dwelling)** |
|  | |
| **Committee** | 14 May 2019 |
| **Council** | 28 May 2019 |
| **Applicant** | Oswald Homes |
| **Landowner** | P J & J M England |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type** | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19/35204 |
| **Previous Item** | Nil. |
| **Delegation** | No delegation exists under Local Planning Scheme No. 3 at the time of writing this report. |
| **Attachments** | 1. Site Photographs 2. Submission table |

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 28 March 2019 for Amendments to DA18/33719 (Two Storey Single House) at Lot 783 No. 14 Nardina Crescent, Dalkeith, subject to the following conditions and advice:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
2. **The previous development approval (DA18/33719, dated 07 March 2019) and conditions there-in, remain in effect. This excludes the plans approved as part of the previous development application.**

**Advice Notes specific to this proposal:**

1. **This decision constitutes development approval only and is valid for a period of two years from the date of the original development approval (07 March 2021 expiry date). If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

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| **PD18.19** | **No. 154 Adelma Rd, Dalkeith – Amendment to DA17/127** |
|  | |
| **Committee** | 14 May 2019 |
| **Council** | 28 May 2019 |
| **Applicant** | Seacrest Homes |
| **Landowner** | 58 Ocean Drive 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** | DA19/34565 |
| **Previous Item** | OCM 22 May 2019 – PD19.18 |
| **Delegation** | At the time of writing this report there is no delegation for officers to approve development applications.  Further to this, the existing development approval for the property was obtained through Council and therefore amendment is more appropriately determined by Council. |
| **Attachments** | 1. Site Photographs |

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 21 February 2019 with amended plans dated 04 April 2019 to Amend the approved plans for DA17/127 (Two Storey Single House with Under-croft) at Lot 46 No. 154 Adelma Road, Dalkeith, subject to the following conditions and advice/for the following reasons:**

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
2. **The previous development approval (DA17/127, dated 22 May 2018) and conditions there-in, remain in effect. This excludes the plans approved as part of the previous development application.**

**Advice Notes specific to this proposal:**

1. **This decision constitutes planning approval only and is valid for a period of two years from the date of the initial approval (22 May 2021 expiry date). If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

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| **PD19.19** | **Natural Areas Management Plans 2019-2024** |
|  | |
| **Committee** | 14 May 2019 |
| **Council** | 28 May 2019 |
| **Applicant** | City of Nedlands |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Attachments** | 1. Draft Action Tables Natural Area Management Plans 2019-2024. 2. Community Engagement Report 3. Draft Natural Areas Management Plan 2019-2024 4. Draft Shenton Bushland Management Plan 2019-2024 5. Draft Allen Park Bushland Management Plan 2019-2024 6. Draft Hollywood Reserve Management Plan 2019-2024 7. Draft Birdwood Parade Management Plan 2019-2024 8. Draft Point Resolution Bushland Management Plan 2019-2024 9. Draft Mt Claremont Oval Bushland Management Plan 2019-2024. |

**Please note – No Recommendation from Committee was made.**

Recommendation to Committee

Council adopts the seven Natural Area Management Plans including:

1. Natural Areas Management Plan 2019-2024;
2. Shenton Bushland Management Plan 2019-2024;
3. Allen Park Bushland Management Plan 2019-2024;
4. Hollywood Reserve Management Plan 2019-2024;
5. Birdwood Parade Management Plan 2019-2024;
6. Point Resolution Bushland Management Plan 2019-2024; and
7. Mt Claremont Oval Bushland Management Plan 2019-2024.

## Technical Services Report No’s TS11.19 (copy attached)

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

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| --- |
| **TS11.19 East Hollywood Parking Review Community Consultation Results** |

|  |  |
| --- | --- |
| **Committee** | 14 May 2019 |
| **Council** | 28 May 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Maria Hulls – Acting Director Technical Services |
| **Attachments** | 1. East Hollywood Precinct Area Map 2. Existing Parking Prohibition Map 3. Recommended Parking Changes Map |

**Committee Recommendation / Recommendation to Committee**

**Council approves verge parking on Verdun Street to permit holders only with all other existing prohibitions to remain unchanged.**

## 

## Corporate & Strategy Report No’s CPS08.19 (copy attached)

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

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| --- |
| **CPS08.19 List of Accounts Paid – March 2019** |

|  |  |
| --- | --- |
| **Committee** | 14 May 2019 |
| **Council** | 28 May 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **Attachments** | 1. Creditor Payment Listing March 2019 2. Purchasing Card Payments March 2019 (29th February 2019 – 28th March 2019) |

**Committee Recommendation / Recommendation to Committee**

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

# Reports by the Chief Executive Officer

## Lot 10764 John XXIII Avenue Funding Model

|  |  |
| --- | --- |
| **Committee** | 14 May 2019 |
| **Council** | 28 May 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Letter from Minister Wyatt’s Acting Chief of Staff to the City dated 18 April 2019 2. Lot 10764 John XXIII Avenue Valuation (Confidential) 3. Funding Model (Confidential) |

**Committee Recommendation / Recommendation to Committee**

**That Council does not proceed with the freehold purchase of Lot 10764 John XXIII Ave for Public Open Space Purposes.**

## Common Seal Register Report – April 2019

**The following Common Seal Register Report for the month of April 2019 is to be received.**

**April 2019**

| **SEAL NUMBER** | **DATE SEALED** | **DEPARTMENT** | **MEETING DATE / ITEM NO.** | **REASON FOR USE** |
| --- | --- | --- | --- | --- |
| 919 | 23 April 2019 | Technical Services | Council Resolution  TS05.19  23 April 2019 | Easement Lot 416 (No. 1) Heritage Lane Mt Claremont - between the City of Nedlands & Aegis Aged Care Group Pty Ltd (3 copies) |

## List of Delegated Authorities – April 2019

**The following List of Delegated Authorities for the month of April 2019 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** |
| **April 2019** | | | | | |
| **01/04/2019** | 3039448 - Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Robert Nesa |
| **01/04/2019** | 3038639 - Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Anthony Spagnolo |
| **01/04/2019** | (APP) – DA19/34539 – 59 Tyrell St, Nedlands – Carport | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Patio Perfect |
| **02/04/2019** | 3039509 – Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Nazih Haidar |
| **02/04/2019** | 3038889 – Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Julien Maurel |
| **03/04/2019** | 3038608 – Parking Infringement Withdrawal – error made by issuing officer | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Anusha Yatawara |
| **01/04/2019** | (APP) – DA19/34539 – 59 Tyrell St, Nedlands – Carport | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Patio Perfect |
| **03/04/2019** | (APP) – DA19/34980 – 34 Stanley St, Nedlands – Amendments to DA18/33229 | Manager Planning – Ross Jutras-Minett | City of Nedlands TPS2 | Section 6.7.1 | Atrium Homes WA Pty Ltd |
| **03/04/2019** | (APP) – DA19/34693 – 4 Walba Way, Swanbourne – Three Storey House with Basement | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Craig Steere Architects |
| **04/04/2019** | (APP) – DA19/34225 – 20 Jameson St, Swanbourne – Two Storey Single House | Coordinator Statutory Planning – Andrew Bratley | City of Nedlands TPS2 | Section 6.7.1 | Webb & Brown Neaves |
| **04/04/2019** | 3039033 – Parking Infringement Withdrawal – error made by issuing officer | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Peng Qing |
| **04/04/2019** | 3039395 – Parking Infringement Withdrawal – medical emergency | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Annamaria Versaci |
| **05/04/2019** | 3039477 – Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Grace Anderson |
| **17/04/2019** | 3038908 - Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Anna Campbell |
| **17/04/2019** | 3038626 - Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Yvette Strawbridge |
| **17/4/2019** | 3038508 - Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Maurita McKay |
| **17/4/2019** | 3039582 - Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Garrick Xanthis |
| **17/4/2019** | 3038959 - Parking Infringement Withdrawal – other compassionate grounds | Acting Manager Health & Compliance – Neil McGuinness | Local Government Act 1995 | Section 9.20/6.12(1) | Olivia Hood |
| **24/4/2019** | TECH-751998325-2670 – Parking prohibitions change for Walpole Street, Swanbourne | CEO – Mark Goodlet | City of Nedlands Parking and Parking Facilities Local Law | Section 3.1 | City of Nedlands |

## Professional Development Approved by the Chief Executive Officer

**Recommendation to Council**

**Council receives the following Professional Development Report Approved by the Chief Executive Officer for the month of May 2019.**

|  |  |  |
| --- | --- | --- |
| **Name** | **Conference Details** | **Reason** |
| Ross Jutras-Minett Manager Planning | Planning Congress 2019 – 15-17th May Gold Coast Convention Centre | CEO found this Conference to be relevant to the Officer’s position and role. |

## Local Planning Policy – Consultation of Planning Proposals

|  |  |
| --- | --- |
| **Council** | 28 May 2019 |
| **Employee**  **Disclosure under**  **section 5.70 Local**  **Government Act**  **1995** | Nil. |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Previous Item** | Special Council Meeting - 2 May 2019 |
| **Attachments** | 1. Amended Local Planning Policy - Consultation of Planning Proposals |

1. **Executive Summary**

On 2 May 2019, Council adopted the draft Local Planning Policy - Consultation of Planning Proposals with minor amendments.

The purpose of the policy is to provide guidance in terms of when public consultation is undertaken for all types of planning proposals, and the means and duration of public consultation periods where these are not prescribed by the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) or Local Planning Scheme No. 3 (LPS 3).

Prior to adoption of the Policy, Council resolved to amend the definition of a Complex Development Application. The modification saw the definition amended as follows:

‘A complex Development Application is defined by the following criteria:

1. Involves an R-Code more than R60
2. Where the City deems there is wider community significance requiring a greater level of consultation.’

Administration propose Council adopt a further minor amendment to the policy to link clauses a) and b), to ensure the definition does not unessesarily capture minor development on land with a R-Code more than R60 and require extensive consultation practises.

1. **Recommendation to Committee**

**Council adopts the amended Local Planning Policy - Consultation of Planning Proposals (report Attachment 1), in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 5.***

**Background**

The Local Planning Policy - Consultation of Planning Proposals was adopted for advertising by Council at the Ordinary meeting of 26 February 2019.

The Policy was subsequently advertised throughout March for a period of 21 days.

The Policy was adopted with minor amendments at the Special Council meeting on 2 May 2019.

1. **Policy Details**

The definition of a complex Development Application was amended prior to adoption to be as follows:

1. Involves an R-Code more than R60
2. Where the City deems there is wider community significance requiring a greater level of consultation.

The consultation procedures for the complex development application category is significant in terms of time and cost to both the City and the applicant and should be reserved for applications of community significance which require a wider range and reach of consultation.

The above consultation practices on land coded R60 or greater for applications such as carports, signage, patios, and other minor development is unnecessary and involves a large effort and expense. It is noted the cost of a sign on site is approximately $600. The cost of a notice in the newspaper is approximately $500. These costs are passed onto the applicant.

Officers propose the definition be modified to link the two clauses together so that a complex definition applies to propoals on land with an R-Code greater than R60 *and* where there the proposal has wider community significance.

The amendment proposed is as follows:

‘A complex Development Application is defined by the following criteria:

1. Involves an R-Code more than R60; **and**
2. Where the City deems there is wider community significance requiring a greater level of consultation.’

In addition to the above, a correction has been made to a policy clause reference within Table 1. The policy did not reference the correct clauses for minimum advertising radius for Development Applications. This has been updated accordingly.

1. **Consultation**

Under Schedule 2, Clause 5 (2) of the Regulations, the Policy can be amended without consultation where the modifications are considered minor. Officers consider this amendment minor and propose to adopt the amended policy without further consultation.

1. **Budget / Financial Implications**

Should the policy remain without further amendment, minor development applications would be captured by the definition and as such would be subject to additional costs by way of the additional advertising procedures including sign on site and newspaper advertising costs.

1. **Risk management**

There is a risk to delays in processing times for development applications for minor development proposals if they are required to be advertised under the Complex Application procedures.

The additional time and resources required by administration in preparing and running the consultation procedures for all development applications on land with an R-Code greater than R60 could impact processing times for all development applications.

1. **Conclusion**

Administration propose the policy be adopted with the minor modification.

## Councillor Conference & Meetings Budget

|  |  |
| --- | --- |
| **Council** | 28 May 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Council Policy - Elected Member Expenses and Equipment. 2. Council Policy - Interstate and International Travel Policy |

**Executive Summary**

This report seeks approval to increase the Councillor Conferences and Meetings budget for the 2018/19 budget from $15,000 to $28,000.

**Recommendation to Council**

**Council approves an increase for the 2018/19 Councillor Conferences and Meetings budget from $14,900 to $29,258.**

**ABSOLUTE MAJORITY REQUIRED**

**Discussion**

Council’s “Elected Member Expenses and Equipment” Policy (Attachment 1) “recognises the importance of Elected Members participating in relevant training and development opportunities”.

The policy provides for instances where a specific amount has been provided in the budget for attendance at a particular training course or conference, as well as provisions where no specific training course or conference is identified in the budget.

The relevant part of this policy is clause 5, as follows:

“Elected Member training and conference attendance. The City of Nedlands recognises the importance of Elected Members participating in relevant training and development opportunities.

If funds have been specifically provided in the budget for an Elected Member to attend a particular training course or conference, then the Chief Executive Officer may approve attendance and make any necessary arrangements.

If an Elected Member requests approval to attend a training course or conference for which interstate or international travel is required, the Interstate and International Travel Policy is to be complied with.

If an Elected Member requests approval to attend a training course or conference for which no interstate or international travel is required, and which no specific budget allocation has been made but there are sufficient unallocated funds available within the budget, the following can be applied:

* Where the total cost is no more than $1000, Chief Executive Officer can approve.
* Where the total cost is between $1001 and $2000 then the Chief Executive Officer in consultation with the Mayor may approve attendance if there are sufficient unallocated funds within the budget.
* Where training or conferences cost more than $2000, they must be referred to Council for its deliberation.

Any Elected Member refused permission by the Chief Executive Officer or Mayor to attend training course or conference may refer the matter to Council.

When considering any application by an Elected Member to attend a training course or conference, the Chief Executive Officer, the Mayor or Council should take into account the training needs of the Elected Member and any issues of equity between Elected Members concerning access to training.”

A separate policy deals with conference attendance where interstate or international travel is required (Interstate and International Travel Policy – Attachment 2.).

The relevant part of the Interstate and International Travel Policy are as follows:

“Interstate and international travel may be required by Elected Members and City Employees for attending training, conferences and professional events.”

This policy sets out the requirements associated with such travel.

The relevant statements are:

1. “All Council funded international travel for staff and Councillors requires the timely approval of Council when recommended by the CEO;”

6. “Interstate travel by Councillors for councillor related purposes including educational is subject to approval by Council”.

**Key Relevant Previous Council Decisions:**

2108/19 Annual budget decision of Council provided $15,000 towards conferences and training.

The Interstate and International Travel Policy was adopted by Council on 20 December 2016.

The Elected Member Expenses and Equipment Policy was last reviewed by Council on 20 December 2016.

**Consultation**

Nil.

**Budget/Financial Implications**

The table below shows the budget allocation for Conferences and Meetings (training) for the past 5 years.

|  |  |
| --- | --- |
| **Financial Year** | **Conference and Meetings**  **Budget Amount** |
| 2010/11 | $23,000 |
| 2011/12 | $23,000 |
| 2012/13 | $22,300 |
| 2013/14 | $23,000 |
| 2014/15 | $23,000 |
| 2015/16 | $23,000 |
| 2016/17 | $23,000 |
| 2017/18 | $15,000 |
| 2018/19 | $15,000 |

It is understood that the budget was reduced more recently due to annual under expenditure. The expenditure is currently at $22,584, $10,084 over budget, so no further conferences and training can be attended without specific Council approval.

Elected member utilisation of the 2018/19 budget is as follows:

No determination has been made in the Elected Member Expenses and Equipment Policy for any specific allocation of the Conference and Meetings budget to individual elected members, except a statement that “…the Chief Executive Officer, the Mayor or Council should take into account the training needs of the Elected Member and any issues of equity between Elected Members concerning access to training”.

For the purpose of this report the payment allocation of the current sitting fees and IT allowance between Councillors, Deputy Mayor and Mayor (column 5 in table below), has been used as a ratio in determining an equity position for the amount generally allocated to the elected members. This is shown below:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Description** | **No. of Events Total** | **No. of Interstate / International Events** | **Actual 18/19 Expenditure** | **Payment Allocation** | **Proposed** |
| Cr Argyle | 1 |  | $77 | $923 | $1,800 |
| Cr de Lacy | 4 | 1 | $4,390 | $923 | $1,800 |
| Cr Hay | 1 |  | $77 | $923 | $1,800 |
| Cr Hodsdon | 2 |  | $232 | $923 | $1,800 |
| Cr Horley | 3 | 1 | $3,977 | $923 | $1,800 |
| Cr James | 1 |  | $77 | $923 | $1,800 |
| Cr Mangano | 1 |  | $77 | $923 | $1,800 |
| Cr McManus | 3 |  | $312 | $923 | $1,800 |
| Cr Shaw | 6 |  | $1,727 | $923 | $1,800 |
| Cr Smyth | 5 | 2 | $4,777 | $923 | $1,800 |
| Cr Wetherall | 5 |  | $510 | $923 | $1,800 |
| Deputy Mayor | 5 |  | $610 | $1,470 | $2,865 |
| Mayor | 42 | 3 | $5,742 | $3,380 | $6,593 |
| **Total** | **79** |  | **$22,585** | **$15,000** | **$29,258** |

$15,000 divided evenly among 13 elected members is $1,154. $29,258 divided evenly among 13 elected members is $2,251.

Given the historical budget levels and the current demand it is proposed to increase the current budget by $14,900 to $29,258.

A budget surplus is anticipated for the end of 2108/19 financial year. It is proposed that this expenditure be offset against the surplus.

**Conclusion**

An increase of the Conference and Meetings budget recognises the importance of Elected Members participating in relevant training and development opportunities.

## Performance Excellence Program

|  |  |
| --- | --- |
| **Council** | 28 May 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Director/Manager** | Shelley Mettam – Manager HR |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Australasian LG Performance Excellence Program 2. LG Professionals - pricing for benchmarking program |

**Executive Summary**

A budget variation 2018/2019 for commitment to the Local Government Performance Excellence benchmarking program, coordinated by Price Waterhouse Coopers (PWC) is sought. Early-bird pricing of $10,300 (excl. GST) per annum and a three-year commitment to the program is proposed.

The Australasian Local Government Performance Excellence Program involves benchmarking key measures of a local government’s performance and enables comparisons to other local governments across Australia and New Zealand, providing valuable information about comparative performance.

**Recommendation to Council**

**That Council approves a 2018/19 budget variation for commitment to the Australasian Local Government Performance Excellence benchmarking program at early-bird pricing of $10,300 (excl. GST) per annum, and a three-year commitment to the program.**

**ABSOLUTE MAJORITY REQUIRED**

**Discussion/Overview**

The Australasian Performance Excellence Program enables local governments to use data derived across multiple measures. Local governments that are currently signed on to the program map service areas and derive useful reports across functions such as corporate leadership, operations management, workforce planning, finance management, risk management and service delivery. The mapped areas are growing and in conjunction with the coordinators of the program (PWC and LG Professionals) and with demand from local governments, new measures are progressively being introduced.

Derivation of good data and comparisons has enabled local governments to examine value for money, to revise management of workforce trends and adjust approaches to services depending on demand and cost.

The program focuses on measuring key areas to support and highlight areas of good performance as well as identifying areas that may need improvement where costs or staffing are found to be excessive.

CEO Mark Goodlet has had experience of participating in the program at the Town of Mosman Park and speaks highly of it. Of note is that the program is run by Price Waterhouse Coopers, who are a reputable audit, assurance, consulting and tax services firm, independent to local government.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Budget/Financial Implications**

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

A budget surplus is anticipated for the end of 2108/19 financial year. It is proposed that this expenditure be offset against the surplus.

The price offered at $10,300 (excl. GST) per annum, is the early-bird discount which is available until the end of May. After this the price will increase to $12,300 each year.

The terms of the contract require a three-year commitment to the program, a total of $30,900 (excl. GST).

**Risk Management**

Sound data and reporting enable effective decision-making and mitigates against risk. Comparisons with other local governments assists the City of Nedlands to assess its performance in a relevant context. It identifies real risk outcomes so that corrective actions can be applied.

**Discussion**

CEO Mark Goodlet, having had a positive experience of the Australasian Performance Excellence Program at another local government, seeks endorsement of the expenditure for the current financial year and subsequent 2 years (3 years in total).

The positive benefits of the program are that the City can obtain good measurement, make meaningful comparisons with counterparts within the local government sector and enhance decision-making – ultimately to the benefit of the community.

**Conclusion**

Budget variation for commitment to the Australasian Performance Excellence Program at early bird pricing of $10,300 per annum (price based on population size; held price over three years) in order to embark on the program is recommended.

## Monthly Financial Report – April 2019

|  |  |
| --- | --- |
| **Council** | 28 May 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 30 April 2019 2. Capital Works & Acquisitions – 30 April 2019 3. Statement of Net Current Assets – 30 April 2019 4. Statement of Financial Activity – 30 April 2019 5. Borrowings – 30 April 2019 6. Statement of Financial Position – 30 April 2019 7. Operating Income & Expenditure by Reporting Activity – 30 April 2019 8. Income by Reporting Nature & Type – 30 April 2019 |

**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 30 April 2019.**

**Discussion/Overview**

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

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

This report gives an overview of the revenue and expenses of the City for the year to date 30 April 2019 together with a Statement of Net Current Assets as at 30 April 2019.

The operating revenue at the end of April 2019 was $35 M which represents $596k favourable variance compared to the year-to-date budget.

The operating expense at the end of April 2019 was $26 M, which represents $744k favourable variance compared to the year-to-date budget.

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

**Governance**

Expenditure: Favourable variance of $ 273,383

Revenue: Unfavourable variance of $(146,341)

The favourable expenditure variance is mainly due to expense not expensed yet for WESROC projects and professional fees of $295k offset by timing difference in other expenses.

The unfavourable revenue variance is due to lower revenue from WESROC.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 492,984

Revenue: Favourable variance of $ 355,408

The favourable expenditure variance is mainly due to timing differences in the use of ICT professional services, ICT expenses and professional fees of $351k. Also, savings on ICT and customer services salaries due to delay in back-filling, of $126k.

Favourable revenue variance is due to timing difference of interest income $68k and higher rates revenue of $291k. The higher rates income is mainly from higher interim rates and profiling issue. The rates income for April YTD $23.79 M compared to the budget of $23.49 M and the Annual Budget of $23.60 M.

**Community Development and Services**

Expenditure: Favourable variance of $298,759

Revenue: Favourable variance of $190,060

The favourable expenditure variance is mainly due to expenses not yet expended for; special projects, operational activities and Mt Claremont library expenses and other expenses of $148k. Salary expenses are lower by $126k mainly due to delay in filling vacant positions, and timing differences.

The favourable revenue variance is due to increase fees & charges income from NCC, Tresillian courses and grants income of $204k.

**Planning and Development**

Expenditure: Favourable variance of $ 378,061

Revenue: Favourable variance of $ 41,456

The favourable expenditure variance is mainly due to expenses not yet expended for operational activities of $335k. There are small savings in building services salaries of $19k.

Small favourable revenue variance is due to higher income for planning fees & charges.

**Technical Services**

Expenditure: Unfavourable variance of $ (699,343)

Revenue: Favourable variance of $ 155,271

Unfavourable variance is due to lower capital works completed ie 45% of total annual budget and lower maintenance works completed at approx. 87% of year to-date budget. This resulted in a lower charge of on-costs allocated to the projects.

Small favourable variance is due to increase income from street roads and infrastructure service charges of $123k. Timing difference on Grants payments of $30k also contributed to favourable variance.

**UGP**

As at 30 April 2019, the City’s service charge, spend and borrowings since the commencement of the project is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Project** | **Service Charge** | **Spend** | **Borrowings** |
| Alderbury Street | $184,509 | $368,798 | $66,956 |
| West Hollywood | $2,286,460 | $5,484,011 | $3,574,691 |
| Alfred Road & Mt Claremont | $396,290 | $674,661 | $94,279 |
| **Total** | **$2,867,259** | **$6,527,470** | **$3,735,926** |

**Borrowings**

At 30 April 2019, we have a balance of borrowings of $7.9 M. 2018/19 budget included borrowings of $4.4 M including $2.47 M for the UGP based on the assumption that 75% of the owners will opt for a 10-year loan. However, only 23% of owners have opted for the 10-year loan, thus reducing the loan requirement for the owners’ portion of the UGP to $806k. This will reduce the borrowings for the year by $1.66 M with an estimated total outstanding borrowing of $8.5 M at year end compared to the budget of $10 M.

**Net Current Assets Statement**

At 30 April 2019, net current assets were $8.40 M compared to $8.38 M as at 30 April 2018.

Rates debtors outstanding is 4.7% as at 30 April 2019 compared to 3.7% as at 30 April 2018. The rates outstanding is $283k higher as at 30 April 2019 compared to 30 April 2018 due to higher interim rates this year by $331k.

**Capital Works Programme**

At the end of April, the expenditure on capital works were $6.1M with further commitments of $1.7m which is 57.83% of a total budget of $13.60 M.

**Conclusion**

The statement of financial activity for the period ended 30 April 2019 indicates that operating expenses are under the year-to-date budget by 2.8% or $744k, while revenue is above the Budget by 1.7% or $596k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Budget/Financial Implications**

As outlined in the Monthly Financial Report.

## Monthly Investment Report – April 2019

|  |  |
| --- | --- |
| **Council** | 28 May 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act** | Nil. |
| **Director** | Lorraine Driscoll – Director Corporate & Strategy |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Investment Report for the period ended 31 March 2019 |

**Executive Summary**

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

**Recommendation to Council**

**Council receives the Investment Report for the period ended 30 April 2019.**

**Discussion/Overview**

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

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

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

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

Municipal Funds $ 5,643,965.69

Reserve Funds $ 6,527,300.55

Total $ 12,171,266.24

The total interest earned from investments as at 30 April 2019 was $325,357.81.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $4,735,510.82 | 2.56% - 2.73% | 38.91% |
| Westpac | $3,688,399.51 | 1.75% - 2.69% | 30.30% |
| ANZ | $178,833.36 | 2.20% | 1.47% |
| CBA | $3,568,522.55 | 1.30% - 2.49% | 29.32% |
| **Total** | **$12,171,266.24** |  | **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

**Budget/Financial Implications**

Investment income is steady as per budget.

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

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

## Councillor McManus – PD19.19 Natural Areas Management Plans 2019-2024

On 14 May 2019 Councillor McManus gave notice of his intention to move the following at this meeting.

**That Council defer PD19.19 Natural Areas Management Plans 2019-2024 for further consideration by Councillors at a briefing session/s (with explanations provided by the administration) before being again presented to Committee/Council.**

Justification

1. Councillors are asked at Committee to recommend to Council the adoption of 7 Natural Area Management Plans. To consider the matter councillors have been presented with 1,230 pages of material which, even allowing for duplications, is very large.
2. To deal with the matter on Tuesday councillors have been given at most 3 clear working days only. That is just too little to consider the ramifications of these policies.
3. There has been no full briefing on these policies although they may have been mentioned in passing.
4. It is the right and duty of councillors to have a full and proper understanding of the policies being presented
5. As this review is one which will result in policies which apply for several years it is incumbent on Council to give the matter proper consideration based on a thorough understanding.
6. It is known that several matters in the policies are contentious and the issues raised can hardly be properly considered from over 1,200 pages of material in the time which has been allowed and without proper backgrounding.
7. Due and proper process demands that these proposals be further considered. None of the policies is urgent and there is no reason a more measured and reasonable approach cannot be taken.

Administration Comment

Administration will be happy provide a more detailed explanation of the draft documents at a Councillor briefing.

## Councillor Wetherall – Residential Development Local Planning Policy

On 20 May 2019 Councillor Wetherall gave notice of his intention to move the following at this meeting.

**Council:**

**Determines that the Residential Development Local Planning Policy should specify height limits for single and grouped dwellings in the residential zone as follows:**

**Maximum Building Heights:**

**Top of external wall (roof above) *a*                 8.5m**

**Top of external wall (concealed roof)             8.5m**

**Top of pitched roof *b*                                       10.0m**

**Note *a*** :           **Gable walls above eaves height:**

* **Less than 9m long: exempted.**
* **Greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height.**

**Note *b*** :         **Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.**

Justification

Since 1985, Town Planning Scheme No. 2 has allowed an 8.5m wall and 10m building height for all development types (residential and commercial). These TPS2 heights were established prior to the R-Codes. This arrangement has worked well in the City of Nedlands where architecturally designed homes of significance have been constructed anew or following extensive renovations for many years.

Under the new LPS3, maximum height limits for residential development default to those specified in the R-Codes, resulting in lower maximum heights of 6m and 9m respectively. This change will create anomalies in the streetscape with differing two-story building heights as well as an increased number of referrals of development applications to Council for determination.

The abrupt reduction in residential building heights in a generally low-density LG location where larger than average homes have been the norm for ≈35 years will create in effect two classes of residence, thereby on average reducing the values of affected new properties. Reduced height may also result in lower internal ceiling heights (more boxy rooms) with less efficient ventilation and sense of space. Neither outcome is desirable in a region where many proprietors wish to build homes of significance and individuality. There seems to be only disadvantage for CON ratepayers in imposing the lower height restriction. All major capital cities have locations where unique homes may be built.

There is now discretion for decision makers to vary the maximum heights specified in the R-Codes under LPS3, unlike the situation under TPS2.

This Notice of Motion will ensure that the height limits that have been in place since 1985 continue unchanged, and that applicants will have the same opportunity to develop their dwellings as others have had over the past ≈35 years.

There would seem to be no justifications given for the reduction in height proposed at the Special Meeting of Council 2/5/19 that suffice to overturn the long established and widely accepted 10m height limits previously permitted.

This Motion, if successful, should be treated as the Council’s position on the matter when it considers submissions on the recently advertised Residential Development LPP.

Administration Comment

Administration support this Notice of Motion as it aligns with the original recommendation to Council.

# Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 June 2019

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

Notices of motion for consideration at the Council Meeting to be held on 25 June 2019 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

# Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

# Confidential Items

## Appointment of Senior Employee

# Declaration of Closure

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