



City of Nedlands

# ***Minutes***

## ***Council Meeting***

***23 September 2014***

### **Attention**

**These minutes are subject to confirmation.**

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

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## City of Nedlands

### Notice of an Ordinary Meeting of Council held in the Council Chambers, Nedlands on 23 September 2014 at 7.00pm.

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#### Council Agenda

##### Declaration of Opening

The Presiding Member declared the meeting open at 7.00pm drew 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).

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor G Hay	Melvista Ward
	Councillor T James	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor J Wetherall	Hollywood Ward

<b>Staff</b>	Mr G Trevaskis	Chief Executive Officer
	Mr M Cole	Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms B Ni Mhuineachain	A/Manager Community Development
	Mrs A Sunderland	Executive Assistant

**Public** There were 13 members of the public present.

**Press** The Post Newspaper representative.

<b>Leave of Absence (Previously Approved)</b>	Councillor W R Hassell	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor N Shaw	Melvista Ward

**Apologies** Nil

## **Disclaimer**

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

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## **1. Public Question Time**

### **Ms A Iliadis, C/- 1/24 Parkland Road, Osborne Park**

In reference to item PD31.14 No. 14 (Lot 47) Walba Way, Swanbourne – Two Storey Single House:

#### **Question 1**

Have the Councillors (in particular the Councillor who motioned the refusal) looked at the option of a compliant design and realised (contrary to his belief at the planning committee meeting) that turning the house 90 degrees provides far less access to northerly sun (due to shape of the land and overlooking issues), far more exposure to westerly sun/wind and worst case scenario to neighbours setbacks and Clement Streetscape setbacks. Could the planning officer comment on the possibility of using the north boundary as a side setback and the obvious disadvantages (particularly setback, bulk) of this when compared with the application?

#### **Answer**

The possibility of using the northern boundary as the side setback.

If the primary street setback were to be taken from the Western (Walba Way) site boundary, then the northern site boundary would be subject to the side boundary setback requirements of the R-Codes, and the boundary setbacks would be calculated in accordance with Tables 2a and 2b of the R-Codes. If this configuration were to be proposed, the setbacks required to this boundary are likely to be decreased from the 6m rear setback currently required from this boundary.

If the primary street setback is to be maintained off Clement Street and the applicant is requesting that the proposed setback to the northern property boundary be considered as a side boundary setback, then it is advised that under the R-Codes deemed-to-comply requirements, the northern boundary is only considered to be the rear boundary.

#### **Question 2**

Has the Council considered and could the planning officer comment on the benefits to the neighbours of the additional rear setbacks to the majority of the proposal and in particular this additional setback (10m rather than 6m) is close

to both neighbours outdoor areas (obvious when you visit the site), whereas the shorter wall within the rear setback is only at the driveway and carport? The intent of the R-codes and Planning policy could be considered in this response.

**Answer**

The offset of the reduced rear setback area with an increased setback to the remainder of the dwelling.

It is noted that a distance of greater than 6m has been provided for a portion of the rear setback, excluding the areas adjacent to the garage and carport of the northern property. It is also noted in the report that in order to screen the raised pool decking and lawn areas to meet the visual privacy requirements of the R-Codes that the applicant has proposed a wall surrounding this area, which, though unroofed, still impacts upon adjoining properties with regard to building bulk.

The increased rear setback (10m in lieu of 6m) to the Family and Activity Rooms is considered to be more beneficial to neighbours than a 6m setback which would still comply with the deemed-to-comply setback requirements of the R-Codes. Unfortunately under the current R-Codes rear and side setbacks cannot be averaged under the deemed-to-comply requirements. It is considered that the proposed offset to the setbacks of the dwelling does not adequately ameliorate the impact of the bulk of the dwelling within the rear setback area and its impact upon adjacent properties.

**Question 3**

Could Council consider the intent of the R-codes and Council policy and approve what is a better scenario for neighbours, streetscape and the owners of 14 Walba Way Swanbourne. Applicant would consider an additional 1m rear setback to the proposal if approved at this meeting with this condition.

**Answer**

Council can only approve and consider what the applicant has presented to them.

**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.

Ms C O'Loughlin  
(speaking on behalf of) E O'Loughlin & D McCotter, 12 Walba Way,  
Swanbourne PD31.14  
(Spoke in support of the recommendation)

Ms A Iliadis, C/-1/24 Parkland Road Osborne Park PD31.14  
(Spoke in opposition of the recommendation)

Mr K Hogan, 14 Walba Way, Swanbourne PD31.14  
(Spoke in opposition of the recommendation)

Mr M Frichot, 18 Loch Street, Nedlands PD40.14  
(Spoke in opposition of the recommendation)

Mr I Rogers on behalf of Mr G K Sharma PD40.14  
(Spoke in support of the recommendation)

**3. Requests for Leave of Absence**

That Councillor Hay be granted a leave of absence for the Ordinary Meeting of Council to be held on 28 October 2014.

Moved – Councillor James  
Seconded – Councillor Wetherall

**That Council Hay be granted a Leave of Absence for the Ordinary Meeting of Council to be held on 28 October 2014.**

**CARRIED UNANIMOUSLY 10/-**

**4. Petitions**

No petitions were received.

**5. Disclosures of Financial Interest**

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

No declarations of Financial Interest were received.

**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*.

No declarations of Interest Affecting Impartiality were received.

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

No declarations were made.

## 8. Confirmation of Minutes

### 8.1 Ordinary Council meeting 26 August 2014

The minutes of the Ordinary Meeting of Council held 26 August 2014 are to be confirmed.

Moved – Councillor Hay  
Seconded – Councillor Argyle

**That the minutes of the Ordinary Council Meeting held on 26 August 2014 be confirmed.**

**CARRIED UNANIMOUSLY 10/-**

## 9. Announcements of the Presiding Member without discussion

Functions where the Mayor has represented the City of Nedlands since the Council Meeting held on 26 August 2014:

Date	Organisation	Details
29 August 2014	Councils for Democracy	Meeting
31 August 2014	St Andrew's Anglican Church	Celebration of New Ministry
2 September 2014	CRC Water Sensitive Cities	Meeting
2 September 2014	CoN	12 Leura Street
3 September 2014	SAT	Mediation – 47 Meriwa Street
3 September 2014	CoN	Dalkeith BC CSRFF – Grant Application
3 September 2014	Planning Institute of Australia	Urban Design Forum
4 September 2014	RAC	Road Safety Presentation
8 September 2014	SAT	Mediation – 136 Victoria Avenue
8 September 2014	National Trust of Australia (WA)	Council Meeting
10 September 2014	CoN	Citizenship Ceremony
11 September 2014	Planning Institute of Australia	Public Parkland Workshop
11 September 2014	LandCorp	RPH Redevelopment Meeting
12 September 2014	UDIA	Planning Reform Presentation
15 September 2014	CoN	Cheque Presentation to Shenton College
16 September 2014	SAT	Mediation – 16 Loch Street
16 September 2014	Australian Institute of Architects	Urban Design Committee Meeting
17 September 2014	Five – Community Transport Group	Meeting
18 September 2014	Local Government Planners	Environment Forum



18 September 2014	CRC Water Sensitive Cities	Roadshow
18 September 2014	RSL	Lunch
18 September 2014	CityVision	Meeting
19 September 2014	CRC Water Sensitive Cities	Executive Meeting
19 September 2014	LGMA	Finance Workshop
19 September 2014	CoN	Tresilian Art Opening
22 September 2014	National Trust of Australia (WA)	Executive Meeting

## 10. Members announcements without discussion

### 10.1 Councillor James

Councillor James advised that she attended a meeting between the UWA and the City of Nedlands representatives to nominate the preferred design (from UWA Architecture students) for a proposed Gazebo to be established at the Nedlands Peace Memorial Rose Garden. Councillor James participated at the request of the Mayor.

### 10.2 Councillor Hay

Councillor Hay advised he attended the FIVE cycling networking event at the Nedlands Primary School to encourage the community to walk ride or skate if you live 5km, and to encourage active transport.

### 10.3 Councillor Binks

Councillor Binks commended Director Goodlett in his capacity as Acting CEO during the period of annual leave by the CEO.

Councillor Binks represented the City of Nedlands as the Ward Councillor at the inaugural meeting of the Shenton Park Hospital Redevelopment's Steering Committee, when the terms of reference were endorsed. Also in attendance was the Mayor, Director of Planning and Development and Jennifer Hays, Manager Planning Services.

Due to Cr John Wetherall's unavailability, Councillor Binks attended the inaugural meeting of the Community Reference Group of the Landcorp's Shenton Park Hospital Redevelopment, items such as traffic control and conserving bushland were high on the agenda.

## 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.

Moved – Councillor Binks  
Seconded – Councillor Wetherall

**That items 173.1, 17.2 and 17.3 as listed confidential in the agenda be discussed and voted on as non-confidential in the normal order of proceedings in this agenda.**

**CARRIED UNANIMOUSLY 10/-**

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

### 12.1 **Minutes of Council Committees**

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

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

**Council Committee** **9 September 2014**  
Circulated to Councillors on 15 September 2014

Moved – Councillor Binks  
Seconded – Councillor McManus

**That the Minutes of the Council Committee meeting held on 9 September 2014 as circulated be received.**

**CARRIED UNANIMOUSLY 10/-**

**Sustainable Nedlands Committee** **1 September 2014**  
Circulated to Councillors on 9 September 2014

Moved – Councillor Binks  
Seconded – Mayor Hipkins

**That the Minutes of the Sustainable Nedlands Committee meeting held on 1 September 2014 as circulated be received.**

**CARRIED UNANIMOUSLY 10/-**

**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.**

En Bloc

Moved - Councillor James

Seconded – Councillor Wetherall

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos.PD31.14, PD33.14, PD37.14 and CPS31.14 are adopted en bloc.**

**CARRIED UNANIMOUSLY 10/-**

**12.2 Planning & Development Report No's PD30.14 to PD40.14 (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.

<b>PD30.14</b>	<b>No. 28 (Lot 112) Browne Avenue, Dalkeith – Proposed Additions (Carport) to a Single House</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	N Lauw
<b>Landowner</b>	N & J Lauw
<b>Officer</b>	Matt Stuart, Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	DA14/170 – BR8/28
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/-**

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

**Council refuses the application for additions (carport) to a single house at No. 28 (Lot 112) Browne Avenue, Dalkeith, in accordance with the application and plans received on 17 April 2014, for the following reasons:**

- 1. The proposed carport does not meet element 5.1.4 C4 nor P4 of the Residential Design Codes of WA 2013, as it contrasts with the existing and desired streetscape character, and it introduces undesirable building bulk;**
- 2. The proposal does not comply with the amenity considerations of cl. 5.5.1 of Town Planning Scheme No. 2; and**
- 3. The proposal does not represent orderly and proper planning, in accordance with of cl. 6.5.1 of Town Planning Scheme No. 2.**

<b>PD31.14</b>	<b>No. 14 (Lot 47) Walba Way Swanbourne –Two Storey Single House &amp; Pool</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	Building Corporation WA Pty Ltd
<b>Landowner</b>	K T & C A Hogan
<b>Officer</b>	Thomas Geddes, Planning Officer
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	DA2014/153 – WA1/14
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED 8/2  
(Against: Crs. Smyth & Wetherall)**

**Committee Recommendation / Recommendation to Committee**

**Council refuses the application for a two storey single house at No. 14 (Lot 47) Walba Way Swanbourne, in accordance with the application received on 1 May 2014 and amended plans received on 11 August 2014, for the following reasons:**

- 1. The proposal is not considered to meet the design principles of the Residential Design Codes of Western Australia (2013) in relation to clause 5.1.3 (Lot Boundary Setbacks) due to the bulk impact of the dwelling located in the rear setback;**
- 2. The proposal does not comply with the amenity considerations of cl. 5.5.1 of Town Planning Scheme No. 2 due to the impact of the bulk of the building upon adjacent properties and the streetscape; and**
- 3. The proposal does not represent orderly and proper planning, in accordance with of cl. 6.5.1 of Town Planning Scheme No. 2.**

<b>PD32.14</b>	<b>No. 2 (Lot 2) Genesta Crescent, Dalkeith – Two Storey Single House</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	Atrium Homes
<b>Landowner</b>	Y Kuang, Y Li, T Shen, W Zhang
<b>Officer</b>	Thomas Geddes, Planning Officer
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	GE1/2 : DA2014/51
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/-**

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

Council approves the application for a Two Storey Single House at No. 2 (Lot 2) Genesta Crescent, Dalkeith in accordance with the application received on 13 February 2014 and amended plans received on 30 May 2014, subject to the following conditions:

1. The development shall at all times comply with the approved plans;
2. The “screen wall” to the eastern side of the proposed balcony as marked in red on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes 2013 (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City;
3. All crossovers to the street shall be constructed to the Council’s Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council’s Infrastructure Services under supervision onsite, prior to commencement of works;
4. The existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council’s Nature-Strip / Verge Development Policy;

5. Any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Licence application to be lodged with, and approved by, the City's Engineering section, prior to construction;
6. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
7. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title; and
8. The parapet wall shall be finished to a professional standard, to the satisfaction of the City.

**Advice Notes specific to this approval:**

- a) all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;
- b) a sanitary convenience shall not have an entrance opening from a habitable room, a room used for the manufacture or storage of food for human consumption or a room used as a factory workshop or workplace, except through an airlock which has a floor area of at least 1.85m<sup>2</sup> and direct ventilation to open air;
- c) all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block;
- d) the landowner is advised to limit construction noise and hours as per the *Environmental Protection (Noise) Regulations 1997*;
- e) 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;

- f) 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 2<sup>nd</sup> Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements;**
- g) where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business; and**
- h) 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 (2) year period, the approval shall lapse and be of no further effect.**



<b>PD33.14</b>	<b>Proposed Scheme Amendment No. 199 – Omnibus changes to the City of Nedlands Town Planning Scheme Number 2</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Officer</b>	Peter Mickleson, Director Planning & Development
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	TPN/A 199
<b>Previous Item</b>	Item 9.1 February 2013

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor Wetherall  
 Seconded – Councillor Binks

That clause 5 of the Committee Recommendation be deleted.

Amended Recommendation

Council:

1. Initiates the proposed omnibus scheme amendment;
2. Instructs the Chief Executive Officer to make any minor typographical changes required to ensure the text and maps are aligned; and
3. Instructs the Chief Executive Officer to progress the proposal in accordance with the requirements of the relevant legislation.
4. Instructs the Chief Executive Officer to call a workshop to discuss and review changes in the Proposed Town Planning Scheme Omnibus supporting documents; and
5. Add sub-clause b(vi) to clause 5.19 complies with residential design codes with regard to overshadowing.

Moved – Mayor Hipkins  
 Seconded - Councillor Hay

**That Clause 5 be reinstated.**

**CARRIED 6/5 on casting vote  
 (Against: Crs. Wetherall, Binks, Porter, McManus & Argyle)**

Put Motion

Moved – Councillor Binks

Seconded – Councillor Smyth

**That the motion be put.**

**PUT MOTION CARRIED 7/3  
(Against: Crs. Horley, Smyth & Binks)**

Substantive Motion

Moved – Mayor Hipkins

Seconded - Councillor Hay

**CARRIED 6/5 on casting vote  
(Against: Crs. Wetherall, Binks, Porter, McManus & Argyle)**

**Council Resolution / Committee Recommendation**

**Council:**

- 1. Initiates the proposed omnibus scheme amendment;**
- 2. Instructs the Chief Executive Officer to make any minor typographical changes required to ensure the text and maps are aligned; and**
- 3. Instructs the Chief Executive Officer to progress the proposal in accordance with the requirements of the relevant legislation.**
- 4. Instructs the Chief Executive Officer to call a workshop to discuss and review changes in the Proposed Town Planning Scheme Omnibus supporting documents; and**
- 5. In relation to the On-site Power generation to be provided in clause 5.20, replace the clause with the following:**
  - a. "All new development and at Council's discretion, substantial additions to existing development shall provide on-site power generation by solar, wind or other means, approved by Council as follows:**
    - i. For each residential dwelling – a minimum capacity of 1.5kW; and**
    - ii. For each non-residential development with a value exceeding \$1 million – capacity determined by Council with due regard to roof area and height.**

- 6. Add sub -clause b(vi) to clause 5.19 complies with residential design codes with regard to overshadowing.**

<b>PD34.14</b>	<b>Draft Local Planning Policy – Ancillary Accommodation</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Christie Downie, Sustainable Planning Officer
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	TPN/165 : PLAN-LPP-00002
<b>Previous Item</b>	PD11.14 – 22 April 2014 PD27.14 – 22 July 2014

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/-**

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

**Council:**

1. **Adopts the proposed Draft Local Planning Policy – Ancillary Accommodation: and**
2. **Instructs Administration to finalise the policy in accordance with Clause 8.3.5 of Town Planning Scheme No. 2.**

<b>PD35.14</b>	<b>Planning Reform Phase Two</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Peter Mickleson, Director Planning & Development
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	PLAN-002419
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/-**

**Council Resolution / Committee Recommendation**

**Council:**

1. **Receive the report; and**
2. **Advises the Minister for Planning and Chair of the WA Planning Commission that:**
  - a. **There is a qualified support for the following:**
    - i) **The concurrent amendment of MRS and Local Planning Schemes;**
    - ii) **Introduction of an on-line application system; and**
    - iii) **A focus of quality design in complex urban infill and high density developments;**
  - b. **There is objection to the following:**
    - i) **No planning approvals for R-Code compliant single houses;**
    - ii) **Consistent processing of Development Applications across Local Governments; and**
    - iii) **Changes to the value of the thresholds for Development Assessment Panels.**

**for the reasons outlined in the Administration report.**

Recommendation to Committee

Council receives the report.

<b>PD36.14</b>	<b>Draft Local Planning Policy – Signs</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Aron Holbrook, Senior Strategic Planning Officer
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	PLAN-LPP-00003
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/-**

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

- 1. Instructs Administration to advertise the City’s intention to revoke the City of Nedlands Signs Local Law 2007;**
- 2. Approves draft Local Planning Policy – Signs for the purpose of public consultation; and**
- 3. Instructs Administration to advertise the draft Local Planning Policy in accordance with clause 8.3.2 of Town Planning Scheme No. 2.**

<b>PD37.14</b>	<b>Dog Amendment Regulations 2014</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Daniel Sharples, Ranger Team Leader
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	RAN-005080
<b>Previous Item</b>	Nil

*Cr McManus departed the Chambers at 8.13pm and returned at 8.15pm.*

*Cr Hay departed the Chambers at 8.17pm and returned at 8.21pm.*

**Regulation 11(da) – Council amended the Committee Recommendation and decided to vote on each clause separately.**

Moved – Councillor Horley  
 Seconded – Councillor Smyth

**Council:**

- 1. Approves re-establishing dog exercise areas and prohibiting dog areas as per the Dog Amendment Regulations 2014 Location List (Attachment 1); and**

**CARRIED BY ABSOLUTE MAJORITY 9/1  
 (Against: Cr. Smyth)**

- 2. That a Councillor Briefing be convened as soon as practicable to review the location list for dog exercise and prohibited areas.**


LOST 3/7  
 (Against: Crs. Hay, James, McManus, Argyle, Porter, Binks & Wetherall)

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

**Council approves re-establishing dog exercise areas and prohibiting dog areas as per the Dog Amendment Regulations 2014 Location List (Attachment 1).**

*Mayor Hipkins called a 5 minute recess at 8.35pm so members of the gallery could register their interest to address Council before consideration of PD38.14, PD39.14 and PD40.14 (no longer listed as confidential).*

<b>PD38.14</b>	<b>No. 110a (Lot 14) Victoria Avenue, Dalkeith – Various Retrospective Additions to a Single House – SAT Request to Reconsider</b>
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<b>Council</b>	23 September 2014
<b>Applicant</b>	Kim Dopel – Dopel Marsh Architects
<b>Landowner</b>	R Smith
<b>Officer</b>	Matt Stuart – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Director Signature</b>	
<b>File Reference</b>	VI1/110A-02 – DA13/596
<b>Previous Item</b>	24 June 1986 – two-storey additions at the rear (approved) 22 July 2014 – PD23.14 (approved with conditions)

*The Mayor resumed the meeting at 8.41pm.*

*Mr Cole departed the Chambers at 8.42pm and returned at 8.45pm.*

Mr Jonathan Westbrook PD38.14  
 (spoke on behalf of the land owner Mrs R Smith)  
 (Spoke in support of the recommendation)

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James  
 Seconded – Councillor Argyle

**That the Amended Recommendation to Council is adopted.**  
 (Printed below for ease of reference)

Moved – Councillor James  
 Seconded – Councillor Argyle

**CARRIED UNANIMOUSLY 10/-**



### **Council Resolution / Amended Recommendation**

**Council reconsiders the decision dated 22 July 2014 for various retrospective additions to a single house at No. 110a (Lot 14) Victoria Avenue, Dalkeith, in accordance with the application dated 23 December 2013 and amended plans received on 01 May 2014, by:**

- a. Deleting Condition 1 c); and**
- b. Adding new Condition 1 c) as follows:**
  - 1 c) Planter boxes of the size shown on the 'Planter Box Locations' plan dated August 2014, shall at all times be maintained in the locations shown on the plan and the attached amended 'Site & Ground Floor Plan' dated 14 August 2014.**

Recommendation to Council

Council rescinds Condition No. 1(c) of the planning approval dated 22 July 2014, for various retrospective additions to a single house at No. 110a (Lot 14) Victoria Avenue, Dalkeith, in accordance with the application dated 23 December 2013 with amended plans received on 1 May 2014.

## **1.0 Executive Summary**

This proposal is for various retrospective additions to a single house in Dalkeith, which was considered at the July meeting this year, where Council refused the application.

A SAT appeal was lodged previously, and a post-decision mediation session was held. Where concerns were raised about condition 1 c). Following this mediation session the SAT invited Council to reconsider its decision.

### **1.1 Recommendation to Council**

**Council reconsiders the decision dated 22 July 2014 for various retrospective additions to a single house at No. 110a (Lot 14) Victoria Avenue, Dalkeith, in accordance with the application dated 23 December 2013 and amended plans received on 01 May 2014, by:**

- c. Deleting Condition 1 c); and**
- d. Adding new Condition 1 c) as follows:**
  - 1 c) Planter boxes of the size shown on the 'Planter Box Locations' plan dated August 2014, shall at all times be maintained in the locations shown on the plan and the attached amended 'Site & Ground Floor Plan' dated 14 August 2014.**

## 2.0 Background

<b>Property address</b>		No. 110a (Lot 14) Victoria Avenue, Dalkeith (the site)
<b>Lot area</b>		852m <sup>2</sup>
<b>Zoning / Reserve &amp; Density Code</b>	<b>MRS</b>	Urban
	<b>TPS2</b>	Residential at R12.5 density

Further to the report PD23.14, and the Council's decision to conditionally approve a planning application for the site (dated 22 July 2014), a mediation session was held to resolve a pre-existing SAT appeal.

## 3.0 Discussion

At the post-decision mediation session, the applicant's raised a concern about condition 1 c) which reads as follows:

*'The rear (western) yard fill shall be reduced to a maximum of 500mm above natural ground level'.*

The applicants concern was that they purchased the property with the fill already in place and they did not want to remove the fill. The applicant's however, offered to accept an alternative condition which would effectively achieve the same result.

The intent of removing the fill was to ensure that overlooking to neighbouring properties did not occur from the raised area. The alternate condition provides for planter boxes to be located and maintained in positions that will result in the area not being able to be used as an active habitable space and as such would exclude overlooking from the raised area.

As a result of the above, it is recommended that condition 1 c) pertaining to the raised platform, be modified as per the mediated agreement.

## 4.0 Conclusion

This proposal is for various retrospective additions to a single house in Dalkeith, which was considered at the July meeting this year, where Council refused the application.


A SAT appeal was lodged previously, and a post-decision mediation session was held.

Accordingly, the matter is recommended to modify a condition pertaining to landfill in the rear yard.

## **5.0 Attachments**

1. Amended plans (dated 17 April 2014 and Aug 2014)

**PD39.14 NO. 136 (LOT 8) VICTORIA AVENUE, DALKEITH – VARIOUS RETROSPECTIVE & PROSPECTIVE ADDITIONS TO A SINGLE HOUSE – SAT REQUEST TO RECONSIDER**

<b>Council</b>	23 September 2014
<b>Applicant</b>	Rowe Group
<b>Landowner</b>	A Singh & B Kaur
<b>Officer</b>	Matt Stuart – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Director Signature</b>	
<b>File Reference</b>	VI1/136-02 – DA13/352
<b>Previous Item</b>	22 July 2014 – PD24.14 (refused)

Mr S Aldering, 125 Hamersley Road, Subiaco PD39.14  
 (Spoke on behalf of the applicant's neighbours)  
 (Spoke in opposition of the recommendation)

Ms C Richards, 3-369 Newcastle Street, Northbridge PD39.14  
 (Spoke on behalf of the applicant)  
 (Spoke in support of the recommendation)

**Regulation 11(da) – Councillors agreed to minor amendments to Clause 5 to remove balcony screens on the 'Ground Floor' and 'Upper Floor' on the northern side.**

Moved – Councillor Binks  
 Seconded – Councillor James

**That the Recommendation to Council is adopted with the following amendments to clause 5:**

- 5. The balcony screens on the 'Ground Floor' and 'Upper floor' on the northern side shall be removed."**

**CARRIED 8/2  
 (Against: Crs. Horley & Smyth)**

**Council Resolution / Recommendation to Council**

**Council approves an application for various retrospective and prospective additions to a single house at No. 136 (Lot 8) Victoria Avenue, Dalkeith, in accordance with the application and amended plans received on 10 December 2014, with the following conditions:**

- 1. The development shall at all times comply with the approved plans.**
- 2. This planning approval only pertains to the following structures:**
  - a. The amended position of the building on the lot of the three utmost floor levels;**
  - b. The air-conditioning housing on the north-western side;**
  - c. The retaining walls and landscaping in the front (north-eastern) portion of the lot; and**
  - d. Modifications to the roof above the rear balcony on the upper floor level.**
- 3. This planning approval does not approve modifications to the internal size of the Boat Store on the Undercroft floor level, whereby the design in the 2007 planning approval still has affect.**
- 4. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.**
- 5. The balcony screens on the 'Ground Floor' and 'Upper floor' on the northern side shall be removed.**
- 6. All existing and proposed visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces (including the upper-floor front balcony) shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes 2013 (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.**
- 7. The parapet walls shall be finished to a professional standard, to the satisfaction of the City.**
- 8. Following a referral to the SRT, the following conditions are included:**
  - a. No fill, building materials, rubbish or any other deleterious matter shall be deposited on the foreshore Parks and Recreation reserve or allowed to enter the river as a result of the development;**
  - b. Stormwater drainage shall be contained on site or connected to the local government stormwater drainage system; and**

- c. An open view fence with a height of 1.8 metres is to be retained along the boundary of the Parks and Recreation reserve and any gap or gateway that allows access through this fence to the boat store from the foreshore reserve shall be reduced in width to no more than 1.6m (see Advice Notes).

**Advice Notes specific to this proposal:**

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, at least 1.8m from the boundary of the block.
2. The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
3. Following a referral to the SRT, the following Advice Notes are provided:
  - a. The applicant is advised that no vehicle access is permitted on the Parks and Recreation reserve;
  - b. The applicant is advised that it is an offence under the *Swan River Trust Regulations 2007* to launch a vessel directly from a trailer into any waters in the Swan River except at a permitted launching place. Because vehicles and trailers cannot be used to access the boat store, a 1.6 metre wide gate to the public reserve will be sufficient for the hand launching of small water craft;
  - c. The Swan River Trust recommends garden planting with local native species to reduce water usage and fertiliser requirements; and
  - d. The applicant is advised that it is an offence under the *Swan River Trust Regulations 2007* to destroy, pull up, cut back, or damage vegetation that is on land in the Swan River Trust Management area – Penalty \$5,000.
4. 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.

## Recommendation to Council

Council approves an application for various retrospective and prospective additions to a single house at No. 136 (Lot 8) Victoria Avenue, Dalkeith, in accordance with the application and amended plans received on 10 December 2013, with the following conditions:

1. The development shall at all times comply with the approved plans.
2. This planning approval only pertains to the following structures:
  - a. The amended position of the building on the lot of the three upmost floor levels;
  - b. The air-conditioning housing on the north-western side;
  - c. The retaining walls and landscaping in the front (north-eastern) portion of the lot; and
  - d. Modifications to the roof above the rear balcony on the upper floor level.
3. This planning approval does not approve modifications to the internal size of the Boat Store on the Undercroft floor level, whereby the design in the 2007 planning approval still has affect.
4. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.
5. All existing and proposed visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces (including the upper-floor front balcony) shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes 2013 (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.
6. The parapet walls shall be finished to a professional standard, to the satisfaction of the City.
7. Following a referral to the SRT, the following conditions are included:
  - a. No fill, building materials, rubbish or any other deleterious matter shall be deposited on the foreshore Parks and Recreation reserve or allowed to enter the river as a result of the development;
  - b. Stormwater drainage shall be contained on site or connected to the local government stormwater drainage system; and
  - c. An open view fence with a height of 1.8 metres is to be retained along the boundary of the Parks and Recreation reserve and any gap or gateway that allows access through this fence to the boat store from

the foreshore reserve shall be reduced in width to no more than 1.6m (see Advice Notes).

Advice Notes specific to this proposal:

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, at least 1.8m from the boundary of the block.
2. The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
3. Following a referral to the SRT, the following Advice Notes are provided:
  - a. The applicant is advised that no vehicle access is permitted on the Parks and Recreation reserve;
  - b. The applicant is advised that it is an offence under the *Swan River Trust Regulations 2007* to launch a vessel directly from a trailer into any waters in the Swan River except at a permitted launching place. Because vehicles and trailers cannot be used to access the boat store, a 1.6 metre wide gate to the public reserve will be sufficient for the hand launching of small water craft;
  - c. The Swan River Trust recommends garden planting with local native species to reduce water usage and fertiliser requirements; and
  - d. The applicant is advised that it is an offence under the *Swan River Trust Regulations 2007* to destroy, pull up, cut back, or damage vegetation that is on land in the Swan River Trust Management area – Penalty \$5,000.
4. 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.

## 1.0 Background

<b>Property address</b>	No. 136 (Lot 8) Victoria Avenue, Dalkeith	
<b>Lot area</b>	1,896m <sup>2</sup>	
<b>Zoning / Reserve &amp; Density Code</b>	<b>MRS</b>	Urban
	<b>TPS2</b>	Residential at R12.5

The site has a frontage to Victoria Avenue to the northeast, located adjacent to residential properties to the northwest and southeast, and abuts the Swan River reserve to the southwest, as seen in the location plan below.



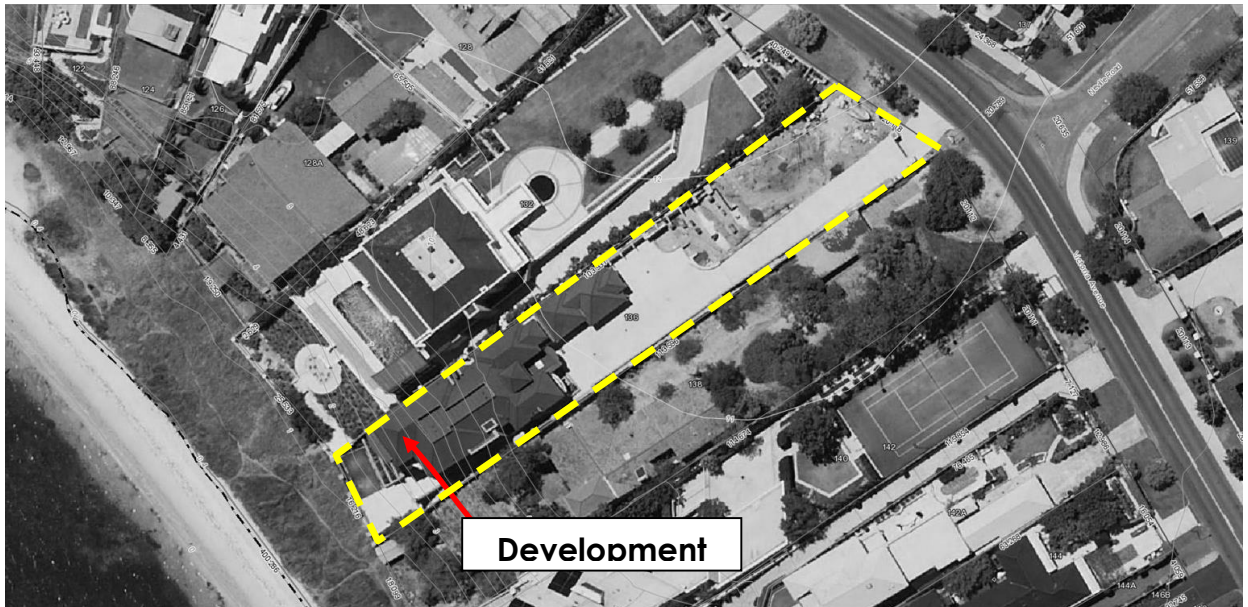


Figure 1 – Location Plan

Further to the report PD24.14, and the Council's decision to refuse a planning application for the site (dated 22 July 2014), this proposal is for various retrospective and prospective additions to a single house in Dalkeith.

## 2.0 Discussion

Images of the screens in elevation and plan view are found in **Attachment 1**. The 'Lower Floor' features a visual privacy screen, however that level is below the neighbour's alfresco area, and is irrelevant. The 'Ground Floor' and 'Upper Floor' features visual privacy screens, and if removed, will create a visual privacy issue. As a consequence, the screens are required, however they could be relocated.

## 3.0 Conclusion

This proposal is for various retrospective and prospective additions to a single house in Dalkeith, which was considered at the July meeting this year, where Council refused the application.


Subsequently, a SAT appeal was lodged and a mediation session with a site visit was held.

Alternative recommendations have been provided if the Council choose to approve the application.

## 5.0 Attachments

1. Images of the privacy screens and truncation area

<b>PD40.14</b>	<b>No. 16 (Lot 49) Loch Street, Nedlands – Proposed Two-Storey Single House – SAT Request to Reconsider</b>
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<b>Council</b>	23 September 2014
<b>Applicant</b>	Beaumonde Homes
<b>Landowner</b>	G Sharma
<b>Officer</b>	Matt Stuart – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Director Signature</b>	
<b>File Reference</b>	LO2/16 – DA13/407
<b>Previous Item</b>	24 June 2014 – PD19.14 (refused)

Mr M Frichot, 18 Loch Street, Nedlands  
(Spoke in opposition of the recommendation)

PD40.14

Mr I Rogers spoke on behalf of the applicant in support of the recommendation.

*Mr Trevaskis departed the Chambers at 8.59pm and returned at 9.02pm.*

**Regulation 11(da) – Not applicable – Amended Recommendation adopted**

Moved – Mayor Hipkins  
Seconded – Councillor James

**That the Amended Recommendation to Council is adopted.**  
(Printed below for ease of reference)

**CARRIED 8/2**  
**(Against: Crs. Hay & Porter)**

**Council Resolution / Amended Recommendation**

**Council approves an application for a two-storey single house at No. 16 (Lot 49) Loch Street, Nedlands, in accordance with the application and amended plans received on 22 September 2014, with the following conditions:**

- 1. The development shall at all times comply with the approved plans.**
- 2. All existing and proposed fencing, visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of**

- the *Residential Design Codes 2013 (R-Codes)*. The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.
3. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.
  4. Front walls and fences in the primary street setback area shall be:
    - a. A maximum height of 1.8m above natural ground level at the base of the wall;
    - b. Visually Permeable above 1.2m in accordance with the Residential Design Codes 2013 and Council Policy; and
    - c. Truncated or reduced to no higher than 750mm within 1.5m of where walls and fences adjoin vehicle access points, including neighbouring properties.
  5. Dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the *City of Nedlands Fencing Local Law 2007* are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line.
  6. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.
  7. All crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.
  8. The existing crossover(s) shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.
  9. Concrete footpaths shall be retained across crossovers.
  10. Any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Licence application to be lodged with, and approved by, the City's Engineering section, prior to construction.

**Advice Notes specific to this approval:**

1. Any fencing in the primary street setback area requires further development approval from the City.
2. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
3. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well

shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.

4. The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
5. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

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

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

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.

**12.3 Technical Services Reports**

Nil reports.

## 12.4 Community & Organisational Development Report No CM06.14 (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.

<b>CM06.14</b>	<b>Dalkeith Nedlands Bowling Club – Community Sport and Recreation Facilities Fund (CSRFF) Application</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, Policy & Projects Officer; Marion Granich, Manager Community Development
<b>Director</b>	Michael Cole, Director Corporate & Strategy
<b>File Reference</b>	CD-000267
<b>Previous Item</b>	CM03.14

### Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor James  
Seconded – Councillor Wetherall

### That the Recommendation to Council is adopted.

(Printed below for ease of reference)

**CARRIED EN BLOC 10/-**

### Council Resolution / Recommendation to Committee / Committee Recommendation

#### Council:

1. Advises the Department of Sport and Recreation that it endorses the Dalkeith Nedlands Bowling Club's application to the Community Sport and Recreation Facilities Fund;
2. Agrees to allocate a grant of \$265,095 (excluding GST) to Dalkeith Nedlands Bowling club for consideration in the 2015/16 budget, subject to the following conditions:
  - a. Approval of grant funding by Department of Sport and Recreation;
  - b. The Club secures all necessary planning and building approvals.

**12.5 Corporate & Strategy Report No's CPS29.14 to CPS31.14 (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.

<b>CPS29.14</b>	<b>List of Accounts Paid – July 2014</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah, Manager Finance
<b>Director</b>	Michael Cole, Director Corporate & Strategy
<b>File Reference</b>	Fin/072-17
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/-**

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

**Council receives the List of Accounts Paid for the month of July 2014 (Refer to Attachment).**

<b>CPS30.14</b>	<b>Policy Review</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, Policy & Projects Officer
<b>Director</b>	Michael Cole, Director Corporate & Strategy
<b>File Reference</b>	Policy & Projects
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED EN BLOC 10/-**

**Committee Recommendation / Recommendation to Committee**

**Council approves the following policies:**

1. **Waterwise Garden Competition; and**
2. **Demolition and Disposal of Materials**



<b>CPS31.14</b>	<b>Corporate Business Plan – Quarter 4 2013/14</b>
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<b>Committee</b>	9 September 2014
<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, Policy & Projects Officer
<b>Director</b>	Michael Cole, Director Corporate & Strategy
<b>File Reference</b>	Corporate Strategy & Systems
<b>Previous Item</b>	Nil

**Regulation 11(da) – Councillors noted that possible changes to charges for halls will be subject to further policy discussions at a Councillor Briefing session.**

Moved – Councillor Horley  
 Seconded – Councillor Porter

**That the amended Recommendation to Council is adopted.**  
 (Printed below for ease of reference)

**CARRIED 7/3**  
**(Against: Crs. Hay, James & Argyle)**

**Council Resolution / Amended Recommendation**

**Council:**

- 1. Receives the Quarter 4 2013/14 report on progress towards "Nedlands 2023 - Making It Happen, the Corporate Business Plan"; and**
- 2. Notes that the review of charges for halls be subject to further policy discussion by Council.**

Committee Recommendation / Recommendation to Committee

Council receives the Quarter 4 2013/14 report on progress towards “*Nedlands 2023 – Making it Happen*”, the Corporate Business Plan.

**13. Reports by the Chief Executive Officer**

**13.1 Common Seal Register Report – August 2014**

The attached Common Seal Register Report for the month of August 2014 is to be received.

Moved – Councillor Binks  
Seconded – Councillor James

**That the Common Seal Register report for the month of August 2014 be received**

**CARRIED 10/-**

**13.2 List of Delegated Authorities – August 2014**

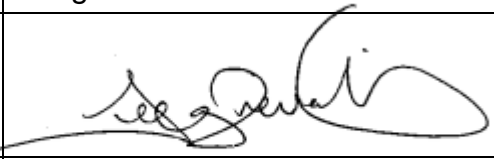
The attached List of Delegated Authorities for the month of August 2014 is to be received.

Moved – Councillor James  
Seconded – Councillor Binks

**That the List of Delegated Authorities for the month of August 2014 be received**

**CARRIED 10/-**

**13.3 Monthly Financial Report - August 2014**

<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>CEO</b>	Greg Trevaskis
<b>CEO Signature</b>	
<b>File Reference</b>	FIN-FS-00005
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James  
 Seconded – Councillor McManus

**That the Recommendation to Council is adopted.**  
 (Printed below for ease of reference)

**CARRIED 9/1**  
**(Against: Cr. Smyth)**

**Council Resolution / Recommendation to Council**

**Council receives the Monthly Financial Report for August 2014.**

**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 August 2014.**

**Strategic Plan**

KFA: Governance and Civic Leadership

This report will ensure the City meets its statutory requirements.

## **Background**

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

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

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

## **Discussion**

This report gives an overview of the revenue and expenses of the City for the first two months of the financial year. As the 2013/14 accounts have not been audited as yet, the balance sheet has not been rolled over to the new financial year, and the Net Assets statement has not been prepared.

The operating revenue at the end of August 2014 was \$ 24.92 million, which is marginally better than the adopted Budget for the month. This also reflects that the annual Rates on property and sanitation charges have been levied in July as planned.

The total operating expense at the end of August 2014 was \$ 4.48 million. This is 82% of the adopted Year to Date Budget.

The attached operating statement compares “Actual” with “Budget” by Business Units.

Variations from the adopted Budget of revenue and expenses by Directorates are highlighted in the following paragraphs.

## **Governance**

Expenditure: Favourable variance of \$ 137,100  
Revenue: Favourable variance of \$ 3,200

The favourable expenditure variance is mainly due to an unfilled staff vacancies in Communications and Human Resources, and timing differences between the Budget and the incurring of the expenses.

The small favourable revenue variance is not material.

### **Corporate and Strategy**

Expenditure: Favourable variance of \$ 28,500  
Revenue: Unfavourable variance of \$ 30,800

The favourable expenditure variance is mainly due to timing differences in the commencement of projects and the use of professional services, as well as with loan interest payments.

The small unfavourable revenue variance is due to the decision in August to treat AIM property as exempt property, and the consequent adjustment of the levied rates.

### **Community Development**

Expenditure: Favourable variance of \$ 119,900  
Revenue: Favourable variance of \$ 147,800

The apparent favourable expenditure variance is partly due to the \$10,000 provision for upgrade of Point Resolution Child Care not having been expensed in the period, timing difference in the purchase of library stock and savings in Nedlands Community Care.

The favourable revenue variance is due to the receipt in July of the quarterly instalment of the HACC Grant by Nedlands Community Care and timing difference between the Budget and the receipt of Tresillian course fees.

### **Planning and Development**

Expenditure: Favourable variance of \$ 373,700  
Revenue: Favourable variance of \$ 101,400

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

The favourable revenue variance is due to the increase in fees related to applications for building permits, as well as increased swimming pool inspection fees and parking fines.

### **Technical Services**

Expenditure: Favourable variance of \$ 315,500  
Revenue: Unfavourable variance of \$ 1,300

The favourable expenditure variance is largely due to delay in receiving of invoices for parks and engineering maintenance works, utilities and sanitation charges.

The unfavourable revenue variance is not material.

### **Capital Works Programme**

At the end of August the expenses on capital works were \$302,800, with commitments of \$683,900, out of a total budget of \$10 million. Capital works expenses in the first few months of the financial year are traditionally low, as the first couple of months after the adoption of the Budget are generally for detailed planning and mobilisation.

### **Consultation**

Required by legislation:

Yes  No

Required by City of Nedlands policy:

Yes  No

### **Legislation / Policy**

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

### **Budget/Financial Implications**

As outlined in the Monthly Financial Report.

### **Risk Management**

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

### **Conclusion**

The preliminary financial statements to the end of August 2014 indicate that the operating expenses are under the year-t-date Budget, while revenue is marginally better than the adopted Budget. However, not all invoices for work carried out in August have been processed, and expenses incurred for procured products and services are generally more than the values shown in the statements.

## **Attachments**

1. Statement of Financial Activity by Directorates as at 31 August 2014
2. Financial Summary (Operating) by Business Units as at 31 August 2014
3. Capital Works & Acquisitions as at 31 August 2014



**13.4 Investment Report - August 2014**

<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>CEO</b>	Greg Trevaskis
<b>File Reference</b>	FIN-FS-00005
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor James  
 Seconded – Councillor Binks

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

(Printed below for ease of reference)

**CARRIED 10/-**

**Recommendation to Council**

**Council receives the Investment Report for the period ended 31 August 2014.**

**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 August 2014.**

**Strategic Plan**

KFA5: Governance

5.1 – Manage the City's resources in a sustainable and responsible manner.

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

## Background

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

## Discussion

The Investment Summary shows that as at August the City held the following funds in investments:

Municipal Funds	\$ 16,669,062.55
Reserve Funds	\$ 3,990,518.18
Adelma Interest	\$ <u>604.71</u>
Total	\$ <u>20,660,185.45</u>

The total interest earned from investments for the year-to-date was \$65,328. Following Council's decision in May 2012, all investments are placed with the 'big four' banks.

The Investment Portfolio comprises holdings in the following institutions:

Financial Institution	Funds Invested	Interest Rate	Proportion of Portfolio
NAB	\$ 5,602,771.17	3.65% - 3.00%	27.12%
Westpac	\$ 5,552,659.21	3.60% - 3.47%	26.88%
ANZ	\$ 3,840,900.32	3.70% - 3.25%	18.59%
CBA	\$ 5,663,854.74	3.50% - 3.17%	27.41%
<b>Total</b>	<b>\$ 20,660,185.45</b>		<b>100.00%</b>

## Consultation

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

## Legislation / Policy

Not applicable.

## Budget/Financial Implications

Investment income is in line with the year-to-date budget.

## Risk Management

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

## **Conclusion**

The Investment Report is presented to Council.

## **Attachments**

1. Investment Report for the period ended 31 August 2014.

**13.5 Sustainable Nedlands Committee**

<b>Council</b>	23 September 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, Policy & Projects Officer
<b>CEO</b>	Greg Trevaskis
<b>File Reference</b>	CEO-004805
<b>Previous Item</b>	Nil

**Regulation 11(da) – Not applicable – Recommendation adopted**

Moved – Councillor Binks  
 Seconded – Councillor Horley

**That the Recommendation to Council is adopted.**  
 (Printed below for ease of reference)

Put Motion

Moved – Councillor James  
 Seconded – Councillor Hay

**That the Motion be put.**

**CARRIED 6/4**  
**(Against: Crs. McManus, Horley, Smyth & Porter)**

Substantive Motion

Moved – Councillor Binks  
 Seconded – Councillor Horley

**CARRIED BY ABSOLUTE MAJORITY 7/3**  
**(Against: Crs. Horley, Smyth & Porter)**

**Council Resolution / Recommendation to Committee**

**Council appoint Susie Wang to the Sustainable Nedlands Committee for a period ending at the next ordinary Local Government election in October 2015.**

## Executive Summary

The Terms of Reference of the Sustainable Nedlands Committee allow a total of 11 Committee members, including 2 Councillors, 1 Youth Member and 8 Community members. There is currently vacancy for 1 Youth Member and 1 Community Member. This report seeks to fill the 1 Community Member vacancy.

## Recommendation to Committee

**Council appoint the Susie Wang to the Sustainable Nedlands Committee for a period ending at the next ordinary Local Government election in October 2015.**

**ABSOLUTE MAJORITY REQUIRED**

## Strategic Plan

KFA: Natural and Built Environment

The Sustainable Nedlands Committee seeks to provide research and advice to Council on sustainability issues as they relate to the City's Strategic Community Plan, projects, programs, services and operations.

## Background

The Sustainable Nedlands Committee is a committee of Council that has been in existence since 1997. The Committee brings together Councillors and local residents who are knowledgeable in various areas relevant to sustainability.

### Key Relevant Previous Council Decisions:

25 February 2014 PD1.14 Sustainable Nedlands Committee, adoption of the Terms of Reference

## Consultation

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

## Legislation / Policy

*Local Government Act 1995* Section 5.10 (1)(a) – A committee is to have its members appointed (by absolute majority) by the local government.

## Budget/Financial Implications

Within current approved budget:

Yes

No

Requires further budget consideration:

Yes

No

## Risk Management

There is a risk that should Council not accept the expressions of interest submitted by community members who meet the criteria for membership of the Sustainable Nedlands Committee, there will be an insufficient number of members to meet the Terms of Reference membership requirement for the Sustainable Nedlands Committee.

## Discussion

The Committee's new Terms of Reference were approved by Council on 10 December 2013. The Terms of Reference stipulate membership to the Committee to be made up of two Councillors, 1 community youth member (secondary school student) and 8 other community members (total membership of 11). The Terms of Reference also stipulate that the Committee members are to be residents of the City of Nedlands.

Currently, the Committee has Cr Shaw as Presiding Member, Cr Binks, Mayor Hipkins (ex-officio) and 7 community members.

Administration has been advertising the Sustainable Nedlands Committee in the POST, on the City's website and the Volunteering WA website. Three applications have been received:

1. Susie Wang. Susie is a resident of the City of Nedlands and is a PhD candidate studying social psychology at the University of Western Australia. Her research is about sustainable behaviours;
2. Esther Buckeridge. Esther is a resident of the City of Nedlands and is currently studying a Bachelor of Commerce at the University of Western Australia. She is interested in sustainability initiatives; and
3. Elizabeth Howard. Elizabeth is a resident of the Town of Claremont, and is currently studying a Bachelor of Arts/Commerce degree at the University of Western Australia. She is interested in the links between sustainability and business.

The three applicants are all excellent candidates for the community member position. However, Elizabeth resides in the Town of Claremont. The Committee's terms of reference stipulate that Committee members must live, own property or own a business within the City of Nedlands. While Elizabeth studies and travels through the City, she does not live within the City of Nedlands.

Susie and Esther both meet the criteria of the Committee's terms of reference. Administration is recommending the appointment of Susie to the committee due to her relevant studies in Sustainability.

## **Conclusion**

A vacancy exists on the Sustainable Nedlands Committee for a community member. This report seeks to appoint Susie Wang to fill the vacancy.

## **Attachments**

1. Sustainable Nedlands Committee Terms of Reference

**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.

None received.

**15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 28 October 2014**

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 28 October 2014 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

None received.

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

Nil.

**17. Confidential Items**

Nil.

**Declaration of Closure**

There being no further business, the Presiding Member will declare the meeting closed at 9.20pm.